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

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Rules and Regulations

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 946

Irish Potatoes Grown in Washington; Approval of Amendment No. 1 to Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the continuing regulation, § 946.336 to require evidence of inspection to accompany bulk shipments and to discontinue certain special handling procedures in Districts 1 and 5. The regulation requires fresh market shipments of potatoes grown in Washington to be inspected and meet minimum grade, size, maturity and pack requirements. The regulation promotes orderly marketing of such potatoes and keeps less desirable quality and sizes from being shipped to consumers.

EFFECTIVE DATE: July 28, 1982.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447–2615. Copies of the Marketing Policy and the Department's impact analysis are available from him.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

Information collection requirements contained in this regulation (7 CFR Part 946) have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB #0581–0070.

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

Marketing Agreement No. 113 and Order No. 946, both as amended, regulate the handling of Irish potatoes grown in the State of Washington. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The State of Washington Potato Committee, established under the order, is responsible for its local administration.

Because requirements under this program have changed infrequently, in May 1981 the committee recommended, and the secretary approved, a regulation which would continue in effect from marketing season to marketing season indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the committee or other information available to the Secretary.

At its public meeting in Moses Lake, Washington, on June 17, 1982, the committee recommended that the regulation continue in effect again this season.

The committee also recommended that two changes be made in the requirements. Because uninspected Washington State potatoes were reported in Oregon fresh markets over the past season, the committee recommended that evidence of inspection must accompany all bulk load shipments. This would facilitate compliance with inspection requirements by making it easier to determine whether shipments of bulk potatoes have been inspected, as the regulation requires. The committee also recommended that certain special handling procedures in Districts 1 and 5 be discontinued. Previously handlers in these districts have been allowed to ship potatoes for grading and storing without first having them inspected. This was permitted because Federal-State inspectors could not be obtained as readily in these areas. The committee concluded, however, that under these handling procedures potatoes could also be shipped to the fresh market without inspection. Therefore potatoes for grading and storing from Districts 1 and 5 must now be inspected.

Although the regulation as amended is effective for an indefinite period, the committee will continue to meet prior to or during each season to consider recommendations for modification, suspension, or termination of the regulation. Prior to making any such recommendations, the committee will submit to the Secretary a marketing policy for the season including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings or may file comments with the Fruit and Vegetable Division before June 1 each year. The Department will evaluate committee recommendations and information submitted by the committee, and other available information, and determine whether modification, suspension or termination of the regulations on shipments of Washington potatoes would tend to effectuate the declared policy of the act.

Findings. After consideration of all relevant matters, it is found that the following amendment will tend to effectuate the declared policy of the act.

It is further found it is impracticable and contrary to the public interest to give preliminary notice or to engage in public rulemaking procedure, and that good cause exists for not postponing the effective date of this regulation until 30 days after its publication in the **Federal Register** (5 U.S.C. 553) in that (1) shipments of potatoes grown in the production area are expected to begin about 15, (2) to maximize benefits to producers this regulation should apply to as many shipments as possible during the marketing season, and (3) compliance with this amendment, which is similar to the handling regulation currently in effect, requires no special preparation by handlers subject to it which cannot be completed by the July 15, 1982, regulation effective date.

List of Subjects in 7 CFR Part 946

Marketing agreements and orders, Potatoes, Washington.

PART 946—IRISH POTATOES GROWN IN WASHINGTON

Section 946.336 *Handling regulation* paragraphs (d), (d)(6), (e)(1) and (e)(1)(ii), (e)(2), (e)(3)(iv), (e)(5), (e)(5)(ii)

and (g) (46 FR 39116) are hereby revised as follows:

§ 946.336 Handling regulation.

* * * * *

(d) *Special purpose shipments.* The minimum grade, size, cleanness, maturity, and pack requirements set forth in paragraphs (a), (b), and (c) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

* * * * *

(6) Grading or storing at any specific location in Morrow and Umatilla Counties in the State of Oregon:

(7) * * *

(e) *Safeguards.* (1) Handlers desiring to make shipments of potatoes for prepeeling shall:

(i) * * *

(ii) Prepare on forms furnished by the committee a special purpose shipment report on each such shipment, a copy of which must also accompany each shipment. The handler shall forward copies of each such special purpose shipment report to the committee office and to the receiver with instructions to the receiver to sign and return a copy to the committee office. Failure of the handler or receiver to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for cancellation of such handler's certificate applicable to such special purpose shipments and/or the receiver's eligibility to receive further shipments pursuant to such certificate. Upon cancellation of such certificate, the handler may appeal to the committee for reconsideration; such appeal shall be in writing.

(iii) * * *

(2) Handlers desiring to make shipments for grading or storing at any specified location in Morrow and Umatilla Counties in the State of Oregon shall:

* * * * *

(3) Each handler making shipments of potatoes for canning, freezing, or "other processing" pursuant to paragraph (d) of this section shall:

* * * * *

(iv) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment unless other arrangements are made;

* * * * *

(5) Each handler desiring to make shipments of potatoes for export shall:

(i) * * *

(ii) After the certificate is approved and the shipment is made, furnish the committee with a copy of the on-board bill of lading applicable to such shipment unless other arrangements are made.

(iii) * * *

* * * * *

(g) *Inspection.* Except when relieved by paragraphs (d) or (f) of this section, no person may handle any potatoes unless a Federal-State Inspection Notesheet or certificate covering them has been issued by an authorized representative of the Federal-State Inspection Service and the document is valid at the time of shipment. Further, any bulk load shipments of potatoes not relieved in paragraphs (d) or (f) of this section must also be accompanied by a Shipping Clearance Report issued by the Federal-State Inspection Service and valid at the time of shipment.

* * * * *

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

Dated July 28, 1982 to become effective July 28, 1982.

D. S. Kuryloski,

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

[FR Doc. 82-20742 Filed 7-30-82; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Airworthiness Docket No. 82-ASW-44; Amdt. 39-4430]

Airworthiness Directives; Costruzioni Aeronautiche Giovanni Agusta Model A109A Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This document amends an existing airworthiness directive (AD) applicable to Costruzioni Aeronautiche Giovanni Agusta Model A109A helicopters by limiting applicability to helicopters fitted with tail rotor gearbox attach sleeve, P/N 109-0435-29-3, and by adding another part number for replacement of defective sleeves. Since adoption of the existing AD, the FAA has determined that repetitive inspections are unnecessary when a redesigned tail rotor gearbox sleeve is installed which is equivalent to the replacement sleeve specified in the AD. This amendment is warranted to provide accepted relief from the original AD requirements.

DATES Effective August 16, 1982. Compliance required as prescribed in body of the AD.

ADDRESSES: The applicable service bulletins may be obtained from Costruzioni Aeronautiche Giovanni Agusta, Cascina Costa (Gallarate), Italy. A copy of the technical bulletin (TB) is contained in the Rules Docket of the Regional Counsel, Docket No. 82-ASW-44, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas 76106.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, Europe, Africa, and Middle East Office, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, telephone: 513.38.30., or Sam Brodie, Aircraft Certification Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone: (817) 624-4911, extension 502.

SUPPLEMENTARY INFORMATION: This document amends Amendment 39-3559 (44 FR 52676), AD 79-19-07, which currently requires repetitive inspections of the tail rotor gearbox attachment provisions for defects and for proper installation, replacement of defective parts, if necessary, and installation adjustments on Costruzioni Aeronautiche Giovanni Agusta Model A109A helicopters. The FAA has determined that the repetitive inspection required by the AD is unnecessary when a redesigned tail rotor gearbox attach sleeve is installed. Also, the attach sleeve currently furnished by the manufacturer for replacement is limited to a redesigned sleeve, P/N 109-0435-31-1, which is equivalent to sleeve, P/N 109-0435-29-5, specified by the AD. Therefore, the FAA is amending Amendment 39-3559 by revising the applicability statement and including another replacement sleeve part number.

Since this amendment provides clarification, relieves effectivity, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and good cause exists for making the amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, and Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39-3559 (44 FR 52676), AD 79-19-07 as follows:

(1) By revising the applicability statement to read:

Applies to Model A109A helicopters equipped with 90 degree gearbox attach sleeve, P/N 109–0435–29–3, certificated in all categories.

(2) By revising the service bulletin reference of the initial accomplishment paragraph to read:

To prevent possible tail rotor gearbox mounting failure, within the next 50 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 100 hours' time in service since the previous inspection, accomplish the following in accordance with Agusta Bollettino Tecnico No. 109–10, Revision A, dated December 17, 1980 (hereinafter referred to as the service bulletin), or an FAA-approved equivalent.

(3) By revising paragraph (c) to read:

(c) If a cracked sleeve or shim is found during the inspection required by paragraph (b) of this AD, replace the defective part with a serviceable part of the same part number or, in the case of sleeves, by P/N 109–0435–29–5 or P/N 109–0435–31–1.

(4) By revising subparagraph (d)(2) to read:

(2) If they are more than 0.2 millimeters (0.008 inch) in depth, replace the sleeve with sleeve of the same part number, or P/N 109–0435–29–5 or P/N 109–0435–31–1.

(5) By revising paragraph (g) to read:

(g) For purposes of this AD, an FAA-approved equivalent must be approved by the Chief, Aircraft Certification Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by the Chief, Aircraft Certification Staff, Federal Aviation Administration, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium.

Amendment 39–3559 became effective October 10, 1979.

This amendment becomes effective August 16, 1982.

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

Note.—The FAA has determined that this document involves a regulation which is not major under Executive Order 12291, or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final regulatory evaluation for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption **FOR FURTHER INFORMATION CONTACT.**

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

Issued in Fort Worth, Tex., on July 21, 1982.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 82–20792 Filed 7–30–82; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Airworthiness Docket No. 82–ASW–49; Amdt. 39–4429]

Airworthiness Directives; Enstrom Models F–28A, F–28C, F–28F, 280, 280C, and 280F Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action adopts a new airworthiness directive (AD) which requires periodic inspection of Lamiflex bearings and shims in the main rotor blade retention assembly on Enstrom Model F–28A, F–28C, F–28F, 280, 280C, and 280F helicopters. The AD is needed to detect wear damage and prevent possible failure of the main rotor blade grips. Failure of the main rotor blade grips could result in loss of the helicopter.

DATES: Effective August 4, 1982. Compliance required as prescribed in the body of the AD.

ADDRESSES: The applicable service bulletin, Enstrom Helicopter Corporation Service Directive No. 0057, dated January 11, 1982, may be obtained from Enstrom Helicopter Corporation, Twin County Airport, P.O. Box 277, Menominee, Michigan 49858.

This document may be examined at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas 76106, or at the Rules Docket in Room 916, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Joseph H. McGarvey, ACE–120C, Aircraft Certification Office, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone number (312) 694–7136.

SUPPLEMENTARY INFORMATION: There have been reports of misalignment of the nylon shims (P/N 28–14293) located immediately outboard of the Lamiflex thrust bearing (P/N 28–14310) in the main rotor retention assembly (P/N 28–14234). These misaligned shims have worn grooves in the inner surfaces of the blade grip assembly (P/N 28–14279). This worn groove introduces a stress concentration in the grip, a primary structural component, which could cause its fatigue failure and the loss of the helicopter. Since this condition is likely to exist or develop on other helicopters of the same type design, an airworthiness directive is being issued which requires an inspection of the main rotor blade grip assembly, and repair, as necessary, on all Enstrom Model F–28A, F–28C, F–28F, 280, 280C, and 280F helicopters. Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days. Approximately 650 aircraft could be affected by the requirements of this AD for an estimated impact of $280 per aircraft, or $182,000 per year for the fleet.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, and Safety.

Adoption of the Amendment

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

Estrom Helicopter Corporation: Applies to all Model F–28A, F–28C, F–28F, 280, 280C, and 280F helicopters certificated in all categories.

Compliance required as indicated unless already accomplished. To detect wear damage and to prevent possible failure of the main rotor blade grips, accomplish the following:

Within the next 100 hours' time in service from the effective date of this AD and thereafter at intervals not to exceed 200 hours' time in service from the last inspection:

(a) Remove the main rotor blades per instructions in Section 6 of the maintenance manual.

Caution: To prevent damage to the Lamiflex bearing, it is important to comply with blade grip placard cautioning against over-rotation of the grip when the pitch link is disconnected.

(b) Remove Lamiflex thrust bearing cover assembly (P/N 28–14239).

(c) Remove any dirt, grease, or other abrasive material from the space around the Lamiflex thrust bearing.

(d) Inspect shim(s) (P/N 28–14293) for alignment/concentricity and clearance.

(1) The shim(s) must be concentric with the Lamiflex thrust bearing.

(2) Ascertain that the shim(s) do not protrude beyond the outer diameter of the Lamiflex bearing.

(e) Inspect blade grip (P/N 28–14279) inner faces for possible wear grooves.

(f) If there is shim misalignment, inadequate clearance, or wear grooves in grips, remove: cotter pin (P/N AN 380–4–8), retention nut (P/N 28–14335), shim(s) (P/N

28–14293), and Lamiflex thrust bearing (P/N 28–14310).

(g) Inspect blade grips having wear grooves to establish repairability. Grips having a wear-groove depth greater than .125 inch must be replaced. Grips having a wear-groove depth of .125 inch or less are repairable.

(h) Repair blade grip(s) by blending out groove(s) smoothly over a circular area having a diameter equal to the wear-groove length. Do not remove excessive material such that the resultant concave blended surface extends beyond the Lamiflex thrust bearing cover (P/N 28–14239) allowing it to leak.

Note.—To perform this blending operation, it may be necessary to remove the grip from the main rotor retention assembly. Remove the grip(s) per instructions in Section 6 of the maintenance manual.

(i) Inspect shim(s) for serviceability. Discard any shim that is deformed out-of-round, has a nonuniform thickness, or was removed from an assembly where grip wear grooves were discovered.

(j) Replace discarded shim(s) with new shim(s) of the same nominal thickness.

(k) Reassemble main rotor retention assembly and main rotor assembly in accordance with the instructions in Section 6 of the maintenance manual.

(l) Any equivalent method of compliance with this AD must be approved by the Chief, Chicago Aircraft Certification Office, Federal Aviation Administration, 2300 Devon Avenue, Des Plaines, Illinois 60018.

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

This amendment becomes effective August 4, 1982.

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

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

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

Issued in Fort Worth, Tex., on July 20, 1982.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc.82–20793 Filed 7–30–82; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 81–NW–63–AD; Amdt. 39–4420]

Airworthiness Directives: Lockheed-California Company Model L–1011 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) applicable to Lockheed-California Company L–1011 Series airplanes which requires the installation of a wire harness shield and a one-time inspection of the APU generator feeder cables to check for either insufficient or excessive slack and corrective action, if necessary. This action is prompted by reports of incidents of arcing related to abrasion and chafing of the cable harness. This AD is needed to ensure the integrity of the auxiliary power unit (APU) electrical generating system and to prevent a possible fire hazard.

DATES: Effective date, August 27, 1982. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: Lockheed-California Company P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Dept. 63–11, U–33, B–1. This information also may be examined at FAA Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168; or 4344 Donald Douglas Drive, Long Beach, California 90808.

FOR FURTHER INFORMATION CONTACT: Lonnie F. Tarver, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, Federal Aviation Administration, Northwest Mountain Region, Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548–2831.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to adopt a new Airworthiness Directive pertaining to L–1011–385 Series airplanes was published in the **Federal Register** on October 1, 1981 (46 FR 48224). This proposal requires installation of a wire harness shield and a one-time inspection of the APU generator feeder cables to check for either insufficient or excessive slack, to be followed by the necessary corrective action determined by the inspections. This proposal was prompted by four (4) reported instances of damage to the insulation of electrical cables in the aft body section of Lockheed-California Company L–1011 aircraft. In some instances this resulted in an electrical cable failure, minor structural damage, and shut down of the APU generator as a result of arcing.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all comments received in response to the Notice of Proposed Rulemaking (NPRM).

Five comments were received from operators in response to the notice of proposed rulemaking. Three operators expressed no objections to the proposed airworthiness directive. Two other comments are discussed below.

One operator commented that its maintenance schedule could be accelerated to meet the proposed 6-month compliance schedule specified in the NPRM, except for installation of the wire harness shield. Since the manufacturer has quoted a 6-month delivery time after receipt of order for this kit, additional time will be required to make this modification. The FAA acknowledges this situation and accordingly has extended the compliance time for installation of the shield (Lockheed-California Company L–1011 Service Bulletin 093–25–254) from the proposed 6 months to 12 months. Since no kit is required for the other portions of this modification and in consideration of the degree of urgency for these modifications to be accomplished, the rule, as adopted, requires that the inspection and modification, if found necessary as specified in Lockheed-California Company L–1011 Service Bulletins 093–24–097 and 093–53–182, be completed within 6 months, as originally proposed in the NPRM.

Finally, one operator has completed the installation of the wire shield modification but expressed objection to the issuance of an AD pertaining to the chafing of the APU generator feeder cables. This objection is based upon the premise that: (a) The relevant incidents were not of recent origin, (b) the generator cables are designed to be automatically disconnected, in the event of any faults, by a differential current protection system, and (c) the APU generator is seldom required to supply

electrical power in flight, particularly as the primary source of electrical power.

Although the FAA recognizes a certain validity to items (a) and (b), this does not negate the hazard to safety which exists due to generator feeder cable faults. Although the generators are appropriately equipped with feeder cable differential current protection systems, the incidents cited nevertheless resulted in potential fire hazards. Without appropriate corrective action, further incidents are likely to occur. Loss of the APU generator as a standby power source is considered to be a potential hazard to aircraft operation. There is a Minimum Equipment List (MEL) requirement for the APU generator to be operating during both takeoff and landing at altitudes below 10,000 feet MSL when the aircraft is dispatched more than 400 nautical miles from a suitable airport with one of the three engine driven generators inoperative. Additionally, during a recent incident in which an airplane had been dispatched with an inoperative generator, it became necessary to resort to the APU generator as the only source of generator power when both of the remaining generators failed. Dispatch of aircraft with one generator inoperative is not an unusual occurrence.

After careful review of the available data, including the comments noted above, the Federal Aviation Administration has determined that air safety and the public interest require the adoption of the rule, with the changes previously noted.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

Lockheed-California Company: Applies to Lockheed-California Company Model L-1011 Series airplanes, certificated in all categories. Compliance required within six months from the effective date of this AD, unless already accomplished for items B and C, and within twelve months for item A.

To prevent APU electrical power supply cable arcing resulting from chafing or abrasion, accomplish the following:

A. Install wire harness shield per Part 2 of Lockheed-California Company L-1011 Service Bulletin 093-25-254 dated October 25, 1976, or later revisions approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Mountain Region.

B. Perform a one-time inspection of the APU feeder cable harness J130 for clearance from stringer No. 42, and install a cable harness support if found necessary in accordance with Part 2 of Lockheed-California Company L-1011 Service Bulletin 093-53-182 dated June 18, 1980, or later revisions approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Mountain Region.

C. Perform a one-time inspection of each APU feeder cable harness No. J130 and harness No. X043, and install wire harness support(s) if found necessary in accordance with Part 2 of Lockheed-California Company L-1011 Service Bulletin 093-24-097 dated November 20, 1980, or revision 1 dated July 31, 1981, or later revisions approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Mountain Region.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

E. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Mountain Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Dept. 63-11, U-33, B-1. These documents also may be examined at FAA Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168; or Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808.

This Amendment becomes effective August 27, 1982.

(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) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—Based on the evaluation prepared for this regulation, the Federal Aviation Administration has determined that it will have a minimal financial impact. For this reason it is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). It is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities, since it involves few, if any small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

Issued in Seattle, Washington on July 13, 1982.

Wayne J. Barlow,

Northwest Mountain Region.

[FR Doc. 82-20794 Filed 7-30-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 82-AWP-14]

Alteration of Control Zone, Merced, Calif.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the description of the Merced, California, Control Zone so as to provide a separate part-time control zone for Merced Municipal Airport. This action is necessary due to the closure of the airport tower at Merced Municipal Airport and subsequent loss of aviation weather reporting.

EFFECTIVE DATE: September 2, 1982.

FOR FURTHER INFORMATION CONTACT:

Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261; Telephone (213) 536-6182.

SUPPLEMENTARY INFORMATION:

History

The purpose of this amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to establish separate control zones and provide air traffic control service when part-time weather reporting is available for Merced Municipal Airport. At the present time the description of the Merced, California, Control Zone includes airspace for both Castle Air Force Base (AFB) and Merced Municipal Airport. This amendment will establish a control zone for each facility. This amendment represents a change in the technical description of the control zone and imposes no greater constraint on the public than presently exists.

Under the circumstances presented, this change is minor in nature and will not impose any additional burden and would further enhance safety. Therefore, I find notice and public procedure under 5 U.S.C. 533 is impractical and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 71

Control zones.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished in Advisory Circular AC–70–3 dated January 29, 1982, is amended, effective 0901 GMT, September 2, 1982, as follows:

§ 71.171 Merced, California, (Merced Municipal)

Within a 5 mile radius of Merced Municipal Airport (latitude 37° 17′ 10″ N., longitude 120° 30′55″ W.); excluding the portion within the Castle AFB Control Zone. This control zone is effective from 0800 to 1700 hours, local time, daily or during specific dates and times established in advance by a Notice to Airmen which thereafter will be continuously published in the Airport/Facility Directory.

§ 71.171 Merced, California, (Castle AFB)

Within a 5 mile radius of Castle Air Force Base, Merced, California, (latitude 37° 22′ 45″ N., longitude 120° 34′ 00″ W.); within 2 miles each side of the Castle TACAN 310° radial and within 2 miles each side of the localizer course, extending from the Castle 5 mile radius circle to 6 miles NW and 7 miles SE of the TACAN.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510, Executive Order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act (49 U.S.C. 1955(c)); and 14 CFR 11.69)

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

Issued in Los Angeles, California, on July 15, 1982.

R. L. Devereaux,

Acting Director, Western-Pacific Region.

[FR Doc. 82–20743 Filed 7–30–82; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 82–AAL–5]

Revocation of High Altitude Compulsory Reporting Point—JIMMY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment revokes High Altitude Reporting Point JIMMY, in the King Salmon, AK, area. JIMMY is located at lat. 57°19′59″ N., long. 161°120′25″ W. This action simplifies flight planning and reduces workload by revoking this compulsory reporting point.

DATES: Effective date—October 28, 1982. Comments must be received on or before September 1, 1982.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA Alaskan Region, Attention: Chief, Air Traffic Division, Docket No. 82–AAL–5, Federal Aviation Administration, 701 C Street, Box 14, Anchorage, AK 99513.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

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

SUPPLEMENTARY INFORMATION:

Request For Comments On The Rule

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

The Rule

The purpose of this amendment to § 71.213 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to revoke High Altitude Reporting Point JIMMY, located in the vicinity of King Salmon, AK. This action aids flight planning and reduces pilot and controller workload and permits easier transition from the recently implemented ICAO Composite Route G–44 to the National Airspace System. Section 71.213 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70–3 dated January 29, 1982.

Since this amendment reduces the pilot workload by eliminating a compulsory reporting point, and since there is adequate radar surveillance in that area, I find that notice or public procedure under 5 U.S.C. 553(b) is contrary to the public interest and that good cause exists for making this amendment effective 30 days after its publication in the **Federal Register.**

List of Subjects in 14 CFR Part 71

Reporting points.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me § 71.213 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., October 28, 1982, as follows:

JIMMY [Revoked]

By the removing title and text.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

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

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

John W. Baier,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82–20745 Filed 7–30–82; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 82-AAL-8]

Revocation of Alaskan Low Altitude Reporting Point—Solid

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment revokes Alaskan Low Altitude Reporting Point "SOLID" located in the vicinity of Kachemak, AK. SOLID compulsory reporting point is no longer required because that area is now within radar coverage.

DATES: Effective date—September 2, 1982. Comments must be received on or before September 1, 1982.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA Alaskan Region, Attention: Chief, Air Traffic Division, Docket No. 82-AAL-8, Federal Aviation Administration, 701 C Street, Box 14, Anchorage, AK 99513.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

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

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves revocation of Low Altitude Compulsory Reporting Point SOLID in the Kachemak, AK, area and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 71.211 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to revoke Low Altitude Compulsory Reporting Point SOLID. This action aids flight planning and reduces pilot and controller workload. Section 71.211 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3 dated January 29, 1982.

Since this amendment is minor in nature, and merely changes a compulsory reporting point to noncompulsory thereby reducing workload, I find that notice or public procedure under 5 U.S.C. 553(b) is contrary to the public interest and that good cause exists for making this amendment effective 30 days after its publication in the **Federal Register.**

List of Subjects in 14 CFR Part 71

Reporting points.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.211 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.M.T., September 2, 1982, as follows:

Solid [Revoked]

By removing the title and text.

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

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

Issued in Washington, D.C., on July 26, 1982.

B. Keith Potts,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82-20746 Filed 7-30-82; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 2

Amendments to the Commission's Rule Governing Requests To Reopen and Modify Final Orders

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission amends § 2.51(c) of its Rules of Practice to extend the public comment period on a request to reopen to 30 days after issuance of a press release on the request. However, the rule retains the provision for a shorter comment period where the Commission determines that earlier disposition of a § 2.51 request is necessary.

The Commission also amends § 2.51(c) to delegate to Bureau Directors the authority to publish notice of a § 2.51 request in the **Federal Register** at their discretion.

EFFECTIVE DATE: August 2, 1982.

FOR FURTHER INFORMATION CONTACT: Jerome A. Tintle, Office of General Counsel, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3487.

List of Subjects in 16 CFR Part 2

Administrative practice and procedure, Investigations, Reporting requirements.

PART 2—NONADJUDICATIVE PROCEDURES

Accordingly, 16 CFR 2.51(c) is revised to read as follows:

§ 2.51 Requests to reopen.

* * * * *

(c) *Opportunity for public comment.*—A request under this section shall be placed on the public record except for material exempt from public disclosure under rule 4.10(a). Unless the Commission determines that earlier disposition is necessary, the request shall remain on the public record for thirty (30) days after a press release on the request is issued. Bureau Directors are authorized to publish a notice in the **Federal Register** announcing the receipt of a request to reopen at their discretion. The public is invited to comment on the request while it is on the public record.

* * * * *

(Sec 6(g), 38 Stat. 721 (15 U.S.C. 46(g)); 80 Stat. 383, as amended, 81 Stat. 54 (5 U.S.C. 552))

By direction of the Commission, dated July 23, 1982.

Carol M. Thomas,

Secretary.

[FR Doc. 82-20795 Filed 7-30-82; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 203 and 204

[Docket No. 82-965]

Mutual Mortgage Insurance and Rehabilitation Loans; Temporary Mortgage Assistance Payments and Assignments to HUD

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This final rule defines the conditions under which single-family mortgagors may qualify for temporary mortgage assistance payments and assignments to HUD, and those standards for program administration required of mortgagees and HUD Field Offices. The rule implements the temporary mortgage assistance payments program authorized by amendments contained in the Housing and Community Development Act of 1980. This program is intended to be a lower cost alternative to the existing mortgage assignment program.

EFFECTIVE DATE: Upon expiration of the first period of 30 calendar days of continuous session of Congress after publication. Further notice of the actual effective date will be published in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Richard B. Buchheit, Director, Single Family Servicing Division, Office of Single Family Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, (202) 755-8680 (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: A proposed rule governing the Temporary Mortgage Assistance Payments (TMAP) Program authorized by Section 230 of the National Housing Act (12 U.S.C. 1715u) as amended by Section 341 of the Housing and Community Development Act of 1980, was published in the **Federal Register** for public comment on April 5, 1982 (Volume 47, Number 65, 14495-14500). Interested parties were given until May 20, 1982 to submit written comments. Thirty-one public comments were received on the proposed rule prior to the May 20, 1982 date. The majority of comments were received from individuals. Other comments were received from community groups, HUD Field Offices, mortgagees, a mortgage banking industry trade organization, housing counseling agencies, and legal assistance organizations. One comment was received from a member of Congress.

Discussion of Comments

The comments submitted by individuals indicated their approval or disapproval of granting temporary mortgage assistance. These comments were of a general nature and were generated, in part, due to a bill introduced in the U.S. House of Representatives that would amend the statute authorizing the TMAP program. The majority of these individuals expressed approval of the concept for providing temporary mortgage assistance, without commenting on any substantive aspects of the proposed rule. The dissenting individual commentors felt that the Federal Government should not be assisting individuals in financial difficulties. One dissenting commentor stated that assistance encourages delinquencies and discourages pride of home ownership.

Two commentors opposed the concept of a TMAP program as an alternative to the assignment program. One of these commentors objected on the grounds that the assignment program was working successfully and that TMAP would create additional expenses for taxpayers. The other commentor maintained that the TMAP program would violate the Amended Stipulation under *Ferrell* v. *Pierce,* No. 73 C 334 (N.D. of Ill., Nov. 8, 1979), since it would curtail the basic rights of mortgagors under the assignment program. Although HUD agrees that the assignment program is working well, Congress has enacted legislation and has authorized funds for the TMAP program. There is no reason to believe that TMAP will be more costly than assignment, and considerable reason to believe that it will be less costly. Further, we have considered the challenges to the legality of the program on the basis of its inconsistency with the Amended Stipulation, and believe them to be unfounded.

One commentor suggested that the language in Sections 606(b)(3) and 640(a)(5) and (6) is more restrictive than the previous assignment regulations regarding notification of the availability of foreclosure relief to mortgagors by mortgagees, and eligibility criteria guidelines. As stated in the Supplementary Information section of the proposed rule, changes were made in these areas to reflect a clear Congressional intent that the purpose of TMAP and assignment is to assist "homeowners who are experiencing temporary financial distress to maintain ownership and occupancy of their homes" (see page 52 of House Report No. 96-979). In implementing the Congressional intent, it was felt that the regulations must preclude participation in these assistance programs from investors who have not utilized their financial resources available to maintain the mortgage payments on the mortgage under review, including rental income from other properties owned. Sections 640(a)(5) and (6) are not more restrictive than the previous assignment eligibility criteria. We have simply streamlined the regulations to more clearly reflect the Secretary's existing authority to waive those eligibility criteria relating to principal residence and owning other property subject to a HUD mortgage. The previously included examples were not situations mandating a waiver but were included to illustrate circumstances under which the Secretary might find a waiver appropriate. The appearance of the examples in the body of the rule might imply that waiver is required in such circumstances, affording a mortgagor a right to a waiver. *See generally, Batterton* v. *Marshall,* 648 F. 2d 694, 701-2 (D.C. Cir. 1980). To avoid the appearance of creating such a right, we have eliminated the examples. The situations described in prior examples will still be considered in determining what is in the best interests of the Department.

Two commentors objected to the eligibility criterion in § 203.640(a)(4), stating that the requirement that the mortgagor have prospects for both bringing the mortgage current and resuming full mortgage payments is inconsistent with the previous assignment regulations. HUD disagrees. The previous assignment program language clearly referenced a reasonable prospect of resuming full mortgage payments and paying the mortgage in full, which by definition includes repayment of any delinquency. The eligibility criterion for the TMAP program, which reflects statutory language, is identical in meaning to that used previously.

Several comments indicated that assistance under TMAP could be terminated earlier than under

assignment. No such distinction can be drawn. Although Section 642(a)(2) mandates that TMAP be terminated on the date on which two payments of the mortgagor's portion of the full monthly payment are due and unpaid by the mortgagor, it also provides that TMAP may be continued if the default was due to circumstances beyond the mortgagor's control. An analogous situation exists in the assignment program whereby forbearance relief will be terminated for a default by a mortgagor under a forbearance agreement unless the default was caused by circumstances beyond his/her control. Under TMAP or assignment, relief can be terminated prior to the 36th month after acceptance.

In response to one comment, the final rule in § 203.645 has been expanded to clarify when assistance will be provided if the mortgagor is unable to execute the documents required to assure repayment of the TMAP to HUD.

One comment raised the possibility that Sections 641(a) and 646, relating to the amount of assistance to be provided, contain provisions which will impact mortgagors adversely. The commentor referred to handbook instructional material provided to HUD's Field Office staff which restricts a mortgagor's total housing expense during the period of reduced payments after acceptance of assignment to 35% of the mortgagor's net effective income. Although no such programmatic guidelines were included in the previous assignment regulations, the commentor stated that such material should be included in the final rule. HUD's position is that such instructional information is inappropriate for inclusion in HUD regulations. If a particular standard were included in the rule, it might be viewed as creating a right in mortgagors to payments set at a specific amount rather than leaving room for further exercise of discretion which HUD believes is necessary to permit underwriting decisions based on examination of a mortgagor's total financial position. *See generally, Batterton* v. *Marshall,* 648 F. 2d *supra,* at 706.

Several comments raised objections to the imposition of an interest charge on the amount of TMAP provided, including the amount of interest charged as well as when the interest would begin to accrue. One commentor stated that this provision made TMAP inconsistent with, and more burdensome than the assignment program. The statute authorizing the TMAP program grants the Secretary authority to establish interest charges on TMAP and HUD has sought to structure the imposition of interest charges consistent with sound fiscal management of the insurance funds from which TMAP are chargeable. Additionally, under both the TMAP and assignment programs, a mortgagor is obligated to repay with interest all amounts forborne. Although TMAP are repaid at the maximum interest rate allowed under Section 203.20 at the time the Secretary determines the mortgagor is eligible for TMAP, the arrearages owed under a mortgage that has been assigned must be repaid at the original note rate.

Several comments raised questions concerning the requirement that a lien be placed against a property to secure the repayment of TMAP, and the position of that lien. The statute implementing the TMAP program requires that all payments shall be secured by a lien on the property and by such other obligation as the Secretary may require. The Department is developing guidelines for Field Office staff that would allow for the subordination of the TMAP lien in certain circumstances. These guidelines will be placed in the appropriate HUD handbook.

One comment suggested that a mortgagor would be adversely affected under TMAP because the mortgagee retains the servicing whereas, if an assignment is accepted, HUD services the mortgage. There is no basis to believe that a mortgagor is harmed by having the original mortgagee service the mortgage after approving TMAP.

Several commentors expressed concern with the provisions for repayment of the assistance provided, suggesting that the proposed regulations were unclear or unrealistic as to when and how repayment would be accomplished. In response, we have modified the language in § 203.644 (a) and (b) to provide more explanatory detail, and to clarify the conditions under which repayment would be made.

A comment was received which stated TMAP would be more costly to a mortgagor due to HUD's statutory authority to charge a mortgagor with the expenses paid by HUD toward a mortgagee's expenses in connection with the payment or repayments of TMAP. Other comments received related to the lack of detailed information on how the program would affect the mortgagees' responsibilities, and whether or not there would be additional duties and expenses for which mortgagees would not be compensated. Although the Secretary has the statutory authority to pass on a mortgagee's extra expenses involved with TMAP to a mortgagor, we do not envision any additional duties being placed on a mortgagee because of TMAP which are not already incurred during the normal servicing of an insured mortgage. Therefore, we have chosen not to incorporate this as a provision in the rule. Mortgagees will continue to perform routine servicing functions, such as escrow analyses, Section 235 recertifications, and payment of taxes, during the period of TMAP assistance. Any additional responsibilities, such as arranging for execution and recordation of the mortgage, performing periodic reviews of the mortgagor's financial circumstances, and collecting the mortgagor's payments during the periods of assistance and repayment of assistance, will be assumed by HUD. Additionally, we do not anticipate any additional costs accruing to a mortgagor, except perhaps for the minimal cost of having the TMAP mortgage and note notarized when the closing is handled by mail. Eligibility requirements would not be affected by this.

One comment was received that indicated mortgagees are free to refuse TMAP and if a mortgagee refuses, HUD is not obligated to accept assignment, even if all the eligibility criteria are met. The rule does not give the mortgagee an option to refuse TMAP. Clearly, § 203.655(b) requires that mortgagees accept TMAP from the Secretary and credit the payments to the mortgagor's account. Mortgagees risk administrative sanctions for refusing TMAP just as mortgagees risk administrative sanctions for refusing to assign a mortgage to HUD when directed to do so. Where TMAP are deemed inappropriate and all of the eligibility criteria are met for assignment, and assignment will be accepted except as provided for in § 203.645.

Several commentors opposed the imposition of a strict definition of date of default in § 203.640(a)(3), which requires that the circumstances causing the default must relate to the most recent default which immediately follows two or more successive months in which the mortgagor's payments have been received within 30 days of the due date. The comments suggested that this procedure is inconsistent with the Court's Opinion in *Etheridge* vs. *Beasley,* No. C–81–01–A (N. D. of Georgia, Atlanta Division, September 12, 1981). Although the Department does not believe that the proposed rule was inconsistent with the *Etheridge* opinion, the final rule has been modified. The modification provides that the date of default for analysis of TMAP and assignment shall be 60 days following

the first day of the most recent month in which the mortgagor made a payment(s) within the month due which brought the account current. Consider the following example: The January 1 payment was made on January 10 which made the account current, and the February 1 payment was made on March 20. The first day of the most recent month for which a payment was made within the month due which brought the account current is January 1. Sixty days after that would be March 1. Subsequent payments made by the mortgagor after the date of default which are insufficient to bring the account current will not change the date of default.

Several comments raised questions about the discretionary authority of the Secretary to approve TMAP or accept assignment when all of the eligibility criteria are met. The final rule retains discretionary language for the TMAP program, but Section 645 has been changed to indicate that assignment relief will be provided if necessary to avoid foreclosure where all eligibility criteria have been met but TMAP has been found inappropriate.

Several housing counseling agencies objected to the absence of any reference to housing counselor involvement in the IMAP and assignment programs. HUD fully understands the importance of housing counseling in these assistance programs and is providing guidance to Field Office staff for the utilization of counselors in the appropriate HUD handbook.

A Finding of No Significant Impact with respect to the environment was 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, for the proposed rule and is applicable to the final rule. 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, Office of General Counsel, Room 10278, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 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 on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The rule was listed as item C)18 H–2981 under the Office of Housing 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.

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

The mortgage insurance programs listed in the catalog of Federal Domestic Assistance under the following numbers are eligible for consideration under these rules: 14.105, 14.108, 14.117, 14.118, 14.119, 14.120, 14.121, 14.122, 14.133, 14.140, 14.152, 14.159 and 14.165.

[OMB Control Number: Information collection requirements contained in this regulation (§§ 203.643(a), 203.644(c), 203.648(a), 203.649(c), and 203.652(b)) have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and have been assigned OMB control numbers 2502–0159 and 2502–0169]

List of Subjects

24 CFR Part 203

Home improvement, Loan programs: Housing and community development, Mortgage insurance, Solar energy.

24 CFR Part 204

Mortgage insurance.

PART 203—MUTUAL MORTGAGE INSURANCE AND REHABILITATION LOANS

Accordingly, 24 CFR Part 203 is amended as follows:

1. The Table of Contents to 24 CFR Part 203 is revised as follows:

Temporary Mortgage Assistance Payments and Assignment of Mortgages to HUD

Sec.
203.640 Temporary Mortgage Assistance Payments.
203.641 Amount of Temporary Mortgage Assistance Payments.
203.642 Period of Temporary Mortgage Assistance Payments.
203.643 Periodic Review of Mortgagor's Financial Circumstances.
203.644 Repayment of Temporary Mortgage Assistance Payments.
203.645 Assignment of Mortgages.
203.646 Amount of Forbearance.
203.648 Periodic Review of Mortgagor's Financial Circumstances.
203.649 Repayment of Forbearance Assistance.
203.650 Preliminary Notice to Mortgagors.
203.651 Determination by Mortgagee.
203.652 Preliminary Review and Determination by Secretary.
203.653 Conference.
203.654 Final Decision.
203.655 Foreclosure.
203.656 Time Limits.
203.657 (Reserved)
203.658 (Reserved)
203.659 (Reserved)
203.660 (Reserved)

Occupied Conveyance

* * * * *

203.682 Authority of Area Managers and Service Office Supervisors

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Authority: Secs. 211, 230, National Housing Act (12 U.S.C. 1715b, 1715u).

2. Section 203.350a is revised as follows:

§ 203.350a Assignment of defaulted mortgage.

When the assignment of a defaulted mortgage to the Commissioner is accomplished pursuant to § 203.350 or § 203.645 the mortgagee shall file the assignment of the mortgage to the Commissioner for record within 30 days of the Commissioner's written approval of such assignment, or within such further time as may be authorized in writing by the Commissioner.

3. Section 203.500 is revised as follows:

§ 203.500 Mortgage servicing generally.

This subpart identifies servicing practices which the Secretary considers acceptable mortgage servicing practices of lending institutions servicing mortgages insured by the Secretary. Failure to comply with this subpart shall not be a basis for denial of insurance benefits but a pattern of refusal or failure to comply will be cause for withdrawal of a mortgagee's approval. It is the intent of the Department that no mortgagee commence foreclosure or acquisition of the property until the requirements of § 203.600–656 or instructions issued pursuant to said sections have been complied with. The Department takes no position on whether a mortgagee's refusal or failure to comply with § 203.640–656 is a legal defense to foreclosure; that is a matter to be determined by the courts.

4. Section 203.606 is amended to revise paragraph (a) and to change paragraph (b) by revising (b)(1) and (b)(3) and by adding a new (b)(4) as follows:

§ 203.606 Pre-foreclosure review.

(a) Before initiating foreclosure, the mortgagee shall ensure that all servicing requirements of this subpart have been

met. The mortgagee shall not commence foreclosure for a monetary default unless at least there full monthly installments due under the mortgage are unpaid after application of any partial payments which may have been accepted but not yet applied to the mortgage account.

(b) If the mortgagee determines that any of the following conditions have been met, the mortgagee may initiate foreclosure without sending the notices required by §§ 203.650 and 203.651 and without the delay in foreclosure required in paragraph (a) of this section:

(1) The mortgaged property has been abandoned, or has been vacant for more than 60 days.

(2) * * *

(3) The mortgagor owns two or more properties occupied by tenants who are paying rent and the rental income is not being applied to the mortgage under review.

(4) The property is owned by a corporation or partnership.

5. A new center caption and §§ 203.640 through 203.649 are added as follows:

Temporary Mortgage Assistance Payments and Assignment of Mortgages to HUD

§ 203.640 Temporary mortgage assistance payments.

(a) The Secretary may make temporary mortgage assistance payments (TMAP) to the mortgagee on behalf of a mortgagor who owns the property, when the following conditions are met:

(1) The mortgagee has informed the mortgagor (pursuant to § 203.650 of these regulations) that it intends to foreclose the mortgage;

(2) At least three full monthly installments due on the mortgage are unpaid after the application of any partial payments which may have been accepted but not yet applied to the mortgage account;

(3) The mortgagor's default has been caused by circumstances beyond the mortgagor's control which rendered the mortgagor temporarily unable to correct the delinquency within a reasonable time and to make full mortgage payments. For the purpose of evaluating this criterion, the date of default shall be 60 days following the first day of the most recent month in which the mortgagor made a payment(s) within the month due which brought the account current. Payments made by the mortgagor after the date of default which are insufficient to bring the account current will not change the date of default.

(4) There is a reasonable prospect that the mortgagor will be able to:

(i) Resume full mortgage payments within 36 months after the beginning of the period for which assistance is provided or upon termination of assistance,

(ii) Begin repayment of the assistance at a time designated by the Secretary,

(iii) Pay the mortgage in full by its maturity date or such extended maturity date (not more than 10 years after original maturity) as shall be determined by the Secretary and consented to by the mortgagee. The amount and duration of the mortgage delinquency will be considered in determining whether this criterion is met.

(5) The property is the mortgagor's principal place of residence. This criterion may be waived by the Secretary if such waiver is determined to be in the best interests of the Department.

(6) The mortgagor does not own other property subject to a mortgage insured or held by the Secretary. This criterion may be waived by the Secretary if such waiver is determined to be in the best interests of the Department.

(7) The Secretary determines that such payments are necessary to avoid foreclosure and are not inappropriate in the case of the mortgagor.

(b) A mortgage shall not be eligible for TMAP in any case where:

(1) The mortgaged property has been abandoned, or has been vacant for more than 60 days; or

(2) The mortgagor, after being clearly advised of the options available for relief, has clearly stated in writing that he/she has no intention of fulfilling his/her obligation under the mortgage; or

(3) The mortgage is prevented by law from initiating foreclosure of the mortgage; or

(4) The mortgagor owns two or more properties occupied by tenants who are paying rent, and the rental income is not being applied to the mortgage under review; or

(5) TMAP have been previously provided on behalf of the mortgagor unless the mortgagor has made full mortgage payments and any repayments requested by the Secretary for at least twelve months from the time such previous assistance was terminated; or

(6) The property is owned by a corporation or partnership; or

(7) The mortgagor is unwilling or unable to execute such documents as the Secretary may require (including security instruments creating a lien on the property) to assure repayment of the TMAP to the Secretary.

§ 203.641 Amount of temporary mortgage assistance payments.

(a) Monthly TMAP on behalf of a mortgagor may be in an amount as the Secretary determines based upon an examination of the mortgagor's financial condition and circumstances, and the mortgagor's ability to contribute to the mortgage payments. However, monthly TMAP may not exceed the mortgagor's total payment to principal, interest, taxes, hazard insurance, mortgage insurance premiums, assessments and ground rents.

(b) The initial disbursement of TMAP may include the first monthly payment computed in accordance with paragraph (a) of this section together with such additional sum as is necessary to make the payments on the mortgage current.

§ 203.642 Period of temporary mortgage assistance payments.

(a) TMAP shall terminate on the earlier of the following dates:

(1) Eighteen months after the effective date of the first monthly TMAP, except that such period may be extended for not to exceed 18 months where the Secretary has determined that such extension is necessary to avoid foreclosure and there is a reasonable prospect that the mortgagor will be able to make the payments and repayments specified in § 203.640(a)(4). The effective date of the first monthly TMAP shall be the due date of the monthly payment on the insured mortgage for which the first monthly TMAP payment is credited.

(2) The date on which two payments of the mortgagor's portion of the full monthly payment are due and unpaid by the mortgagor, except that TMAP may be continued if the Secretary determines that the default was due to circumstances beyond the mortgagor's control, and that such extension does not exceed the period provided in paragraph (a)(1) of this section.

(3) The date on which the mortgagor conveys title to the property.

(4) The date on which the Secretary determines that because of the mortgagor's financial circumstances:

(i) Payments are no longer necessary to avoid foreclosure, or

(ii) There is no longer a reasonable prospect that the mortgagor will be able to make the payments and repayments specified in § 203.640(a)(4).

(b) TMAP shall be made only to the extent approved by the Congress in appropriation Acts.

§ 203.643 Periodic review of mortgagor's financial circumstances.

(a) While TMAP are being provided, the mortgagor shall provide information

to the Secretary as to occupancy, employment, family composition and income, at such times as the Secretary may require, on a form prescribed by the Secretary.

[OMB Control Number: Information collection requirements contained in this § 203.643(a) have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and have been assigned OMB control number 2502–0159]

(b) TMAP shall be terminated in the event the mortgagor fails to furnish the information required in paragraph (a) within 30 days after the date of the Secretary's request, except that TMAP may be continued if the Secretary determines that the failure to furnish the information was due to circumstances beyond the morgagor's control.

(c) The mortgagor may request a review if the gross income reported in the most recent review subsequently decreases by $50 or more per month, unless the full mortgage payment is already being paid by the TMAP.

(d) The amount of TMAP may be adjusted from time to time to reflect the mortgagor's financial circumstances.

§ 203.644 Repayment of temporary mortgage assistance payments.

(a) Upon termination of TMAP, all TMAP made by the Secretary, together with interest accrued thereon from the dates of TMAP made by the Secretary at the maximum interest rate allowed under § 203.20 at the time the Secretary determines that the mortgagor is eligible for TMAP, shall be immediately due and payable unless, pursuant to paragraph (b) below, the Secretary enters into one or more forbearance agreements.

(b) After termination of TMAP, the Secretary may enter into one or more forbearance agreements to postpone repayment of all or part of the TMAP, providing for monthly payments by the mortgagor:

(1) In an amount as the Secretary determines upon an examination of the mortgagor's financial condition and circumstances, and the mortgagor's ability to contribute to the mortgage payments.

(2) In such other amount or amounts as may be prescribed by regulation at the time of execution of any forbearance agreement.

(c) The mortgagor shall provide the information required in § 203.643(a) to the Secretary upon termination of the TMAP, and at such other times as the Secretary may require, until all TMAP have been repaid.

[OMB Control Number: Information collection requirements contained in this § 203.644(c) have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and have been assigned OMB control number 2502–0159]

(d) The mortgagor shall execute such documents as the Secretary may require (including security instruments creating a lien on the property) to assure repayment to the Secretary.

§ 203.645 Assignment of mortgages.

(a) The Secretary will accept an assignment of a mortgage which meets the conditions of § 203.640(a)(1) through (6) if determined by the Secretary to be necessary to avoid foreclosure and if the Secretary determines that TMAP would be inappropriate in the case of the mortgagor. In applying § 203.640(a)(4) the term "assistance" is deemed to refer to forbearance assistance pursuant to § 203.646. Among other grounds, TMAP shall be determined to be inappropriate if the mortgagee refuses to accept TMAP or if extension of the mortgage maturity (by not more than 10 years after the original maturity) would be necessary in order for the mortgagor to afford repayment and the mortgagee is unwilling to do so. If a mortgage is found ineligible for TMAP due to the mortgagor being unable to execute the documents required by the Secretary to assure repayment of the TMAP (§ 203.640(b)(7), an assignment will be accepted where the inability is caused by circumstances beyond the mortgagor's control.

(b) A mortgage shall not be eligible for assignment in any case where:

(1) The mortgaged property has been abandoned, or has been vacant for more than 60 days, or

(2) The mortgagor, after being clearly advised of the options available for relief, has clearly stated in writing that he/she has no intention of fulfilling his/her obligation under the mortgage, or

(3) The mortgagee is prevented by law from initiating foreclosure of the mortgage, or

(4) The mortgagor owns two or more properties occupied by tenants who are paying rent, and the rental income is not being applied to the mortgage under review, or

(5) TMAP have been paid on behalf of the mortgagor within twelve months of the date of the assignment request to the Secretary, except that the Secretary may accept assignment of a mortgage with respect to which TMAP were made immediately prior to the assignment for the sole purpose of extending the term of repayment under the mortgage so that the mortgagor will be able to make the full payments on the mortgage, or

(6) The property is owned by a partnership or corporation, or

(7) TMAP were not provided because the mortgagor was unwilling to execute the documents required by the Secretary to assure repayment of the TMAP.

§ 203.646 Amount of forbearance.

The Secretary will provide assistance to a mortgagor whose mortgage has been assigned under § 203.645, through forbearance, in an amount based upon an examination of the mortgagor's financial condition and circumstances, and the mortgagor's ability to contribute to the mortgage payments. However, the forbearance amount may not exceed the mortgagor's total payment to principal, interest, taxes, hazard insurance, mortgage insurance premiums, assessments and ground rents.

§ 203.647 Period of forbearance assistance.

Forbearance assistance will be terminated on the earlier of the following dates:

(a) Eighteen months after the assignment of the mortgage, except that such period may be extended for not to exceed 18 months where the Secretary has determined that such extension is necessary to avoid foreclosure and there is a reasonable prospect that the mortgagor will be able to make the payments and repayments specified in § 203.640(a)(4).

(b) The date on which two payments of the mortgagor's portion of the full monthly payment are due and unpaid by the mortgagor except that forbearance assistance may be continued if the Secretary determines that the default was due to circumstances beyond the mortgagor's control and that such extension does not exceed the period provided in paragraph (a) of this section.

(c) The date on which the mortgagor conveys title to the property.

(d) The date on which the Secretary determines that because of the mortgagor's financial circumstances:

(1) Forbearance is no longer necessary to avoid foreclosure, or

(2) There is no longer a reasonable prospect that the mortgagor will be able to make the payments and repayments specified in § 203.640(a)(4).

§ 203.648 Periodic review of mortgagor's financial circumstance.

(1) The mortgagor shall provide information to the Secretary as to occupancy, employment, family composition and income, while forbearance assistance is being provided at such time as the Secretary may require on a form prescribed by the Secretary.

[OMB Control Number: Information collection requirements contained in this § 203.648(a) have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and have been assigned OMB control number 2502–0159]

(b) Forbearance shall be terminated in the event the mortgagor fails to furnish the information required in paragraph (a) of this section within 30 days after the date of the Secretary's request except that forbearance may be continued if the Secretary determines that the failure to furnish the information was due to circumstances beyond the mortgagor's control.

(c) The mortgagor may request a review if the gross income reported in the most recent review subsequently decreases by $50 or more per month unless the full mortgage payment is already being forborne.

§ 203.649 Repayment of forbearance assistance.

(a) Upon termination of the period of forbearance assistance the mortgagor shall repay to the Secretary all amounts forborne with interest thereon accrued and payable in accordance with the terms of the mortgage instrument.

(b) The mortgagor shall pay to the Secretary each month until the payments on the mortgage are current an amount based upon an examination of the mortgagor's financial condition and circumstances, and the mortgagor's ability to contribute to the mortgage payments. However, the repayment amount may not be less than the mortgagor's total payment to principal, interest, taxes, hazard insurance, mortgage insurance premiums, assessments, and ground rents.

(c) The mortgagor shall provide the information required in § 203.648(a) to the Secretary upon termination of forbearance assistance and at such other times as the Secretary may require, on a form prescribed by the Secretary until the payments on the mortgage are current.

[OMB Control Number: Information collection requirements contained in this § 203.649(c) have been approved by the Office of Management and Budget under the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and have been assigned OMB control number 2502–0159]

6. 24 CFR Part 203 is amended by removing the center caption, "Assignment of Mortgages to HUD," appearing before § 203.650 in the existing regulation.

7. Sections 203.650 through 203.654 are revised as follows:

§ 203.650 Preliminary notice to mortgagors.

In all cases except as provided § 203.606(b), prior to initiating any action required by law to foreclose the mortgage but not before three full monthly payments are due and unpaid, the mortgagee shall notify the mortgagor in a document approved by the Secretary that the mortgagor is in default, the mortgagee intends to foreclose unless the mortgagor cures the default, and the mortgagee is considering whether or not to request the Secretary to provide foreclosure relief pursuant to these regulations.

§ 203.651 Determination by mortgagee.

(a) In any case in which the mortgagee determines that all of the conditions of § 203.640 or § 203.645, as the case may be, are met, it shall request the Secretary to provide foreclosure relief pursuant to these regulations and the mortgagee shall delay the initiation of foreclosure.

(b) Except as provided in § 203.606(b), in any case in which the mortgagee determines that any of the conditions of § 203.640 or § 203.645, as the case may be, is not met, it shall advise the mortgagor that the mortgagor may, by letter or telephone, ask the Secretary to provide foreclosure relief pursuant to these regulations. If such request to the Secretary is by telephone, it must be made within 20 days after the date of the mortgagee's notice. If such request to the Secretary is in writing, it must be received within 20 days after the date of the mortgagee's notice.

(c) The mortgagee shall notify the mortgagor of its determination under paragraph (a) or (b) of this section in writing in a document approved by the Secretary.

§ 203.652 Preliminary review and determination by Secretary.

(a) Promptly upon receiving a request from the mortgagor for foreclosure relief, the Secretary shall notify the mortgagee and the mortgagee shall delay the initiation of foreclosure.

(b) The mortgagee and mortgagor shall promptly furnish to the Secretary all of the information requested to assist in a preliminary determination of whether or not to accept assignment of the mortgage, or approve TMAP on the mortgage. Information requested of the mortgagor or the mortgagee must be received by the Secretary within 20 days after the date of the Secretary's notice.

[OMB Control Number: Information collection requirements contained in this § 203.652(b) have been approved by the Office of Management and Budget under the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and have been assigned OMB control number 2502–0169]

(c) After receipt of the required information, the Secretary shall:

(1) Notify the mortgagor and the mortgagee that the mortgage is not eligible for TMAP or for assignment, and the reasons for such determination, or,

(2) Notify the mortgagor and the mortgagee that the mortgage is eligible for TMAP and the amount and term of the payments that will be provided, or

(3) Notify the mortgagor and the mortgagee that assignment of the mortgage will be accepted, or

(4) Request the mortgagee to provide additional forbearance to the mortgagor.

(d) The mortgagor may present additional written information or argument relating to the eligiblity for TMAP or assignment or relating to the amount of TMAP within 20 days after the date of the Secretary's notice provided for under paragraphs (c)(1) or (2) of this section. Alternatively, the mortgagor shall be entitled to present such information or argument in person at a conference. Such conference may be requested by telephone if the request is made within 20 days after the date of the Secretary's notice provided for under paragraphs (c)(1) or (2) of this section, or in writing if received within 20 days after the date of the Secretary's notice. The conference shall be held in accordance with § 203.653 and must be held within 30 days of the date of Secretary's notice under paragraphs (c)(1) or (2) of this section.

§ 203.653 Conference.

The conference requested pursuant to § 203.652(d) shall be conducted by the Secretary's respresentative and shall not be an adversary proceeding or subject to formal rules of evidence. The mortgagor may be represented by an attorney or other representative and may call witnesses and present oral and documentary information. However, the Secretary's representative may not compel the attendance of witnesses or pay expenses of witnesses called by the mortgagor or on the mortgagor's behalf. Cumulative, repetitious or immaterial arguments or materials shall not be presented. The mortgagor shall be permitted to examine the material on which the Secretary's preliminary determination is based at or before the conference. The conference shall be held at the HUD office, or a mutually convenient place.

§ 203.654 Final decision.

The Secretary shall promptly advise the mortgagor and the mortgagee of the final decision in writing. If the Secretary

determines not to approve TMAP or to accept an assignment of the mortgage, the mortgagor shall be advised of the findings and the specific criteria not met by the mortgagor.

8. A new § 203.655 is added as follows:

§ 203.655 Foreclosure.

(a) Except as provided in § 203.606(b), the mortgagee shall not initiate foreclosure before the mortgagor has had an opportunity to request the Secretary to provide foreclosure relief pursuant to these regulations and to support his/her request as provided in § 203.640 through 203.654.

(b) The mortgagee shall accept any TMAP from the Secretary and shall credit the payments to the mortgagor's account.

(c) The mortgagee shall assign the mortgage to the Secretary when directed by the Secretary to do so.

(d) The mortgagee may initiate foreclosure when:

(1) The conditions of § 203.606(b) are met,

(2) The mortgagee does not receive notice from the Secretary within 25 days from the date of its notice to the mortgagor pursuant to § 203.651 that the mortgagor has requested assistance, or

(3) The Secretary advises the mortgagee that it may proceed with foreclosure.

9. Section 203.656 is revised as follows:

§ 203.656 Time limits.

(a) All the time limits provided in §§ 203.640 through 203.655 shall be deemed to be calendar days unless otherwise expressly stated. When the last day for taking the required action falls on a Saturday, Sunday, or legal holiday, the last day for taking such action shall be the next following regular work day.

(b) If a mortgagor fails to take required action within the time limits specified in §§ 203.640 through 203.655 he/she thereby loses his/her right to further consideration for TMAP or assignment of the mortgage.

§§ 203.658–203.660 [Reserved]

10. Sections 203.658 through 203.660 are removed and reserved.

11. Section 203.682 is revised as follows:

§ 203.682 Authority of area managers and service office supervisors.

Area Managers and Service Office Supervisors shall act for the Secretary in all matters relating to TMAP and assignment determinations, and occupied conveyance determinations. The decision of the Area Manager/Service Office Supervisor shall be final and not subject to further administrative review.

PART 204—COINSURANCE

12. Section 204.400 is revised as follows:

§ 204.400 Cross-reference.

All of the provisions of Subpart C, Part 203 of this Chapter concerning the responsibilities of servicers of mortgages insured under Section 203(b) of the National Housing Act apply to mortgages covering one-to-four-family dwellings to be insured under Section 203(b) pursuant to the coinsurance authority of section 244 of the National Housing Act except that § 203.502(a) and §§ 203.640 through 203.656 of this Chapter shall not apply during he period of coinsurance.

Dated: July 26, 1982.

R. Carter Sanders, Jr.,

Associate General Deputy Assistant Secretary for Field Operations.

[FR Doc. 82-20734 Filed 7-30-82; 8:45 am]

BILLING CODE 4210-27-M

Office of the Assistant Secretary for Community Planning and Development

24 CFR Part 590

[Docket No. R-82-854]

Urban Homesteading Program

AGENCY: Office of Community Planning and Development, HUD.

ACTION: Interim rule.

SUMMARY: This Interim Rule permits the Secretary of HUD to reimburse the Secretary of Agriculture and the Administrator of Veterans Affairs in certain circumstances for properties conveyed to local urban homesteading agencies even when the reimbursement may exceed limits previously established. This change removes an inflexible limitation in the existing regulations and gives greater discretion to localities and to HUD area offices in the administration of the urban homesteading program.

DATES: Effective date: September 20, 1982. Comment due date: October 1, 1982.

ADDRESS: Interested persons are invited to submit comments regarding this Rule to the Office of General Counsel, Rule Docket Clerk, Room 10278, Department of Housing and Urban Development, 452 7th Street, SW., Washington, D.C. 20410. Communications should refer to the above docket number and title.

A copy of each communication submitted will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Craig S. Nickerson, Rehabilitation Management Division, Office of Urban Rehabilitation, Room 7162, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410. Telephone: (202) 755–5970. This is not a toll free number.

SUPPLEMENTARY INFORMATION: On August 7, 1980, the Department of Housing and Urban Development published in the **Federal Register** (45 FR 52762) an interim rule that, pursuant to Section 106 of the Housing and Community Development Amendments of 1979 (Pub. L. 96–153) and the related Section 102(a) of the Housing and Community Development Amendments of 1978, provided for reimbursement by HUD to the Secretary of Agriculture (Agriculture) and the Administrator of Veterans Affairs (VA) for properties conveyed to local urban homesteading agencies under the Urban Homesteading Program. When the interim rule was published, it was intended that the regulations governing the reimbursement by HUD to Agriculture and VA be consistent with existing regulations governing reimbursement to the Federal Housing Administration for the transfer of HUD-held properties. However, inadvertently, HUD failed to incorporate in Section 590.18(a) a provision, consistent with the provisions governing the transfer of HUD-held properties, permitting HUD to increase on a case-by-case or locality-by-locality basis the otherwise applicable limit ($15,000 per initial dwelling unit and $5,000 for each additional unit, up to a total of 4) on reimbursement for VA or Agriculture-owned properties. Therefore, the participating localities and potential homesteaders are at a disadvantage with respect to selection of properties owned by VA or Agriculture as a result of this oversight. This interim rule will benefit Federal and local government agencies with no negative effect on the general public. Section 590.18(a) is being amended to permit the Secretary of HUD to reimburse Agriculture or VA for properties whose value is in excess of the limits previously established by that Section. This rule provides for the reimbursement for properties whose value is in excess of the previous limits if the additional cost to the government is warranted by the expected benefit to

the community and the expected reductions in difficulties and delays in disposition of the property can be assumed to be equal to the difficulties and delays that the Secretary of HUD would typically expect to encounter with respect to a similar HUD-owned property in the same location.

In addition, one other change has been made by HUD. This change is editorial in nature; the word "and" in § 590.18(b) of the interim rule has been changed to "or" so that the calculation of the amount of Section 810 reimbursement will make sense as stated in the regulations.

The Secretary has determined that notice and public procedure thereon are impracticable and contrary to the public interest and that good cause exists for making this rule effective immediately after publication because this change is necessary to meet the needs of participating localities and for consistency with rules and regulations governing the transfer of HUD-held properties and reimbursement for those properties to HUD's Federal Housing Administration.

The majority of VA properties and many FmHA properties have a value in excess of $15,000. As a result, the absence of a waiver provision as stated in the amendment has severely impaired the ability of local governments to include VA and FmHA properties as part of their HUD-approved Urban Homesteading program. Local neighborhood revitalization efforts are being delayed and jeopardized, prospective homesteaders are becoming increasingly disillusioned and placed in hardship situations and local homesteading administrators are wasting limited staff resources while awaiting this procedural change. Many local government officials have expressed dissatisfaction with the problems that exist as a result of this inadvertent omission in the present Interim rule. The delay which would result from providing notice and public procedure prior to publishing this change would seriously undermine Federal and local Urban Homesteading efforts and work to the direct disadvantage of prospective homesteaders. This change removes an inflexible limitation in the existing regulations and gives greater discretion to localities and to HUD Area Offices in the administration of the Urban Homesteading Program without adversely affecting the public.

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

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 is available for public inspection and copying during regular business hours in the Office of the Rules Docket Clerk, Room 5218, 451 7th Street, SW., Washington, D.C. 20410.

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

This rule was listed as item B) 10. (CPD–25–79) under the Office of Community Planning and Development in Department's Semi-Annual Agenda of Regulations published on August 17, 1981 (46 FR 41725) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

(The Catalog of Federal Domestic Assistance program number is 14.222, Urban Homesteading)

List of Subjects in 24 CFR Part 590

Government property, Homesteading, Housing, Intergovernmental relations, Loan programs: housing and community development.

PART 590—URBAN HOMESTEADING

Accordingly, paragraphs (a) (5) and (6) and (b) of 24 CFR 590.18 are hereby revised to read as follows:

§ 590.18 Reimbursement to the Department of Agriculture and to the Veterans Administration.

(a) * * *

(5) Has a value determined by the VA or FmHA that is: (i) Not in excess of $15,000 (exclusive of closing costs) for a one-unit single-family residence or an additional $5,000 for each unit of two- to four-family residence, or (ii) in excess of these amounts if the Secretary determines the additional cost to the Government is warranted by: (A) The benefit to the community expected from the expedited occupancy, and (B) the expected reduction in difficulties and delays (such as vandalism) in disposition and sale of the property, assumed to be equal to the difficulties and delays that the Secretary of HUD would typically expect to encounter with respct to a similar HUD-owned property in the same location;

(6) Is conveyed to a local urban homesteading agency for use in an approved local urban homesteading program.

(b) The reimbursement shall not exceed an amount certified by Agriculture or VA to be a fair value based on the lesser of the market value or the amount of the claim plus the expenses connected with Federal ownership.

(Sec. 810 of the Housing and Community Development Act of 1974, Pub. L. 93–383, as amended, 88 Stat. 633 (12 U.S.C. 1706e))

Dated: July 26, 1982.

Stephen J. Bollinger,

Assistant Secretary for Community Planning and Development.

[FR Doc. 82–20736 Filed 7–30–82; 8:45 am]

BILLING CODE 4210–29–M

Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 865

[Docket No. R–82–784]

PHA-Owned or Leased Projects—Maintenance and Operation; Subpart F—Consolidated Supply Program

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This final rule sets forth regulations under which HUD will provide technical assistance to Public Housing Agencies (PHAs) by entering into open-end contracts under which PHAs may procure certain supplies, materials, equipment and services necessary in the development, operation and maintenance of low-income housing through a Consolidated Supply Program. It further establishes regulations governing the provisions and administration of contracts with suppliers entered into by HUD in the operation of that program. These regulations are needed for the training of HUD and PHA staffs to control waste and mismanagement in the procurement practices of PHAs.

EFFECTIVE DATE: September 20, 1982.

FOR FURTHER INFORMATION CONTACT: Clarence Meadows, Office of Public

Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410 (202) 755–5840. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: By this action, the Department is adding Subpart F to 24 CFR Part 865 to provide a regulation governing the Consolidated Supply Program (CSP) under which HUD enters into open-end contracts with suppliers of common use items under which PHAs are entitled to make purchases through issuance of a purchase order. The regulation follows policies, procedures and practices that have been used in the operation of the program over a number of years. It covers two separate arrangements—Consolidated Supply Contracts (CSCs) and Purchase Agreements (PAs).

Subsequent to the issuance of these regulations as a proposed rule, 24 CFR Part 865, Subpart E, an interim rule dealing with energy (Docket No. R–80–812) was issued and inadvertently also designated as Subpart E to 24 CFR Part 865. Therefore, this final rule has been redesignated as Subpart F, §§ 865.601 through 865.605, and each paragraph has been renumbered accordingly.

A. Summary of Major Issues

The Department published a proposed rule to establish this regulation in the **Federal Register**, at 45 FR 18952, on March 24, 1980. Comments were received from twenty-two interested persons and organizations; due consideration was given to each comment. Several comments pointed out minor concerns such as the numbering of paragraphs. These comments are not individually addressed, although corrections have been incorporated into the rule. The bulk of the replies were favorable; most comments supported the proposed rule, with the exception of the requirement for HUD Field Office review of purchase orders placed under CSCs. The following is a summary of the comments and an explanation of how the final rule addresses them.

B. Discussion of Comments and Revisions

1. HUD Review of PHA Purchase Orders. Seven comments opposed the requirement in Section 865.504(e) of the proposed rule that HUD Field Offices review major PHA purchase orders under Consolidated Supply Contracts (tentatively proposed by HUD to be Purchase Orders in excess of $50,000.00). Specific comments were: (a) The $50,000 limit is too low for many categories of products and is unnecessary; (b) there are other sufficient safeguards in the proposed rule without requiring additional HUD approval; (c) such a procedure would excessively complicate a system originally designed to simplify the procurement process; (d) it is an unrealistic expectation for the HUD field staff to be familiar with a wide variety of local suppliers for the many items to be purchased and to make knowledgeable decisions about specific alternate sources; and (e) if a purchase is not approved and the PHA must utilize another source, at least 60 days would be lost in writing specifications, advertising and soliciting bids, etc. This process would also involve considerable additional administrative costs for both the PHA and HUD.

The Department believes that these objections have merit and that the disadvantages to Field Office review outweigh the benefits to be obtained. In addition, HUD believes that adequate safeguards for PHA purchases through CSCs are provided through the procedures followed by HUD entering into Consolidated Supply Contracts. Inasmuch as CSCs are prepared and awarded by HUD Headquarters staff and in light of the comments noted, the proposed Field Office review requirement is deleted.

2. PHA Commissioners Review of Purchase Orders. Two commenters sought changes in the proposal in the Supplementary Information that the review of purchase orders in excess of a prescribed amount be made by the PHA Board of Commissioners rather than by the HUD Field Office. One suggested that the PHA Board review remain optional. Another stated that PHA practices varied so widely that any attempt to standardize such a practice would be very difficult and counterproductive.

Based on a consideration of these comments, along with those from the prior item, the proposal to require PHA Boards of Commissioners to review CSC purchases is not adopted.

3. Contractor capability to provide supplies and services nationally. Under § 865.505(a)(4) of the proposed rule, a contractor who enters into a purchase agreement is required to certify that the specific supply items or line of items will be available nationally to all PHAs. Several commentors objected to this requirement on the grounds that it could preclude a small supplier/contractor with regional capability from being awarded a purchase agreement.

The intent of the Consolidated Supply Program is to encourage participation by small business suppliers and contractors. The requirement for nationwide distribution capability is therefore eliminated and, instead, contractors will be required to certify availability of items on a regional basis. This change is also made in respect to Consolidated Supply Contracts. (See § 865.603(b).)

4. Change definition of CSC Contracting Officer. Two comments stated that the definition of CSC Contracting Officer in § 865.503(b) of the proposed rule should be changed to read, "The Chief, Supply Management Branch, Program Services Division, Office of Public Housing, HUD."

This suggestion is being adopted. However, § 865.602(b) will also provide that the Assistant Secretary may change the designation by publication of a Notice in the **Federal Register.**

5. Sales to other than PHAs. Concerning the sale of supply items to other than PHAs, commenters recommended that the second sentence in § 865.504(b)(1) of the proposed rule which stated, "The CSC shall not obligate the contractor to sell supply items to any parties other than PHAs," be modified to clarify that the CSC prices are limited to PHAs.

It is not the intent of the Department to influence in any way the sale of CSC items to non-PHAs. The suggested clarification has been adopted in § 865.603(b)(1) to read: "The CSC shall not obligate the contractor to sell Supply Items to any parties other than PHAs or to sell supply items at CSC prices to parties other than PHAs."

6. Price Reductions. Three commenters asserted that short-term Price Reductions ("sale prices") are not permanent and should be excluded in determining corresponding reductions in the CSC price under § 865.504(b)(4) of the proposed rule.

The provision has been revised. Section 865.603(b)(3) of the Final Rule requires a price reduction if, at any time after the date of an offer which is subsequently accepted by HUD, the Contractor reduces its prices to any class of customer. The price reduction provision, as written, is important in the effort to assure that CSC prices are the best available. Limiting this provision to "permanent price reductions" could lead to confusion and controversy since a contractor could fail to report any price reduction on the basis that it was "intended" only as a "temporary" reduction.

7. Selection of Contractor. Three commenters mentioned that the provisions of § 865.504(e) of the proposed rules requiring PHAs to purchase from the CSC contractor with the lowest price, where awards to more than one have been made by HUD, removes the opportunity for the PHA to standardize on items in use, or to select

items that have features which are more suitable to the needs of the PHA. Section 865.504(e) of the proposed rule does not require PHAs to select the CSC item with the lowest price. It requires a justification for any selection other than the lowest priced one to encourage purchasing at the lowest available price. If a PHA makes its selection from any contractor other than the one offering the lowest price based on a specific requirement (e.g., quality, availability, optional features, or local service options), it should have no difficulty justifying its selection. However, the requirement for obtaining HUD approval has been changed in § 865.603(e)(1) to require only that the PHA keep the justification in its procurement files.

8. Listing of complaints. Three comments related to the requirement in § 865.506(a) of the proposed rule that, at the end of the contract period, the contractor's report shall include a list of all complaints received from PHAs during the year and the disposition of each complaint. These comments asserted that this requirement should be deleted, on the grounds that it is not in the public interest to wait until the end of the year to review complaints, and that the contractor should not be his/her own "watchdog" regarding complaints by purchasers.

The existing practice of having PHAs inform HUD immediately of any unresolved complaints concerning a supplier has been effective in monitoring contractor performance throughout the contract year. Accordingly, the requirement that the contractor also report complaints is deleted.

9. Period of Contract. One commenter asserted that the statement in § 865.504(b)(2) of the proposed rule, "The CSC shall be effective for one year from the date of signing," is too restrictive.

The effective dates of contracts will be stated in all solicitations and contract catalogs. One year has proven to be the optimum time period for CSC contracts. However, to clarify the intent that CSC contracts be solicited yearly, the regulation is being changed in § 865.603(b)(2) to provide that "the normal time period for CSC shall be one year".

C. Determinations

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of Executive Order 12291 on Federal Regulation. 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 on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations 24 CFR Part 50, which implements Section 102(2)(C) of the National Environment Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket; Clerk, Office of the General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

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

This rule was listed as item B) 34 H–61–78 under the Office of Housing in the Department's Semiannual Agenda of Regulations, published August 17, 1981 (46 FR 41716) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance program title and number is Low Income Housing Assistance Program (Public Housing), 14.146.

PART 865—PHA-OWNED OR LEASED PROJECTS—MAINTENANCE AND OPERATION

List of Subjects in 24 CFR Part 865

Energy conservation loan programs: Housing and community development, Public housing utilities.

Accordingly, Chapter VIII of Title 24 of the Code of Federal Regulations is amended by adding a new Subpart F to Part 865 to read as follows:

* * * * *

Subpart F—Consolidated Supply Program

Sec.

865.601 Purpose.
865.602 Definitions.
865.603 Consolidated supply contracts
865.604 Purchase agreements.
865.605 Reports.

Authority: See 6(a) United States Housing Act of 1937 (42 U.S.C. 1437(d)); Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)).

Subpart F—Consolidated Supply Program

§ 865.601 Purpose.

(a) This subpart establishes regulations governing operation of the Consolidated Supply Program (CSP) as provided in the Department of Housing and Urban Development Procurement Regulations at 41 CFR 24–1.4512(d) in order to assist Public Housing Agencies (PHAs) to assure the low-income character of projects as required under Sections 6(a) and 9(a) of the United States Housing Act of 1937, as amended (the Act). Under the CSP, the Department of Housing and Urban Development (HUD) furnishes technical assistance to PHAs in purchasing certain supplies, material, equipment, and services necessary in the development, operation and maintenance of low-income housing by entering into and administering contracts for the voluntary use of those agencies.

(b) All procurement activities of a PHA under the CSP shall be undertaken in conformance with the requirments of this Subpart and any other applicable rules and regulations.

(c) In administering the program, the Department shall undertake affirmative efforts to encourage greater participation by minority and women's business enterprises as Contractors in accordance with the provisions of Executive Orders 11625 and 12138.

§ 865.602 Definitions.

(a) *Consolidated Supply Contract (CSC).* An agreement between HUD and a Contractor, based upon formal advertising, which allows PHAs to make purchases of Supply Items, subject to conditions set forth in this Subpart, at prices and under terms as specified in the CSC.

(b) *CSC Contracting Officer.* The CSC Contracting Officer shall be the Chief, Supply Management Branch, Program Services Division, Office of Public Housing or successor position. The Assistant Secretary may designate a different position by publication of a notice in the **Federal Register.**

(c) *Contractor.* Any person, firm, association or corporation entering into a Consolidated Supply Contract or Purchase Agreement with HUD.

(d) *Line of Items.* Two or more categories of Supply Items regularly dealt in, or manufactured, by a Contractor.

(e) *Open Market Purchase Limitation.* The dollar amount of PHA purchases of equipment, materials, supplies and services in excess of which a PHA is

generally required under its ACC with HUD to award contracts to the lowest, responsive, responsible bidder after advertising.

(f) *Purchase Agreement (PA).* A negotiated agreement between HUD and a contractor which allows a PHA to make purchases of Supply Items, subject to conditions as set forth in this Subpart, at discounted prices and under terms as specified in the agreement.

(g) *Supply Item.* An item commonly needed by PHAs to equip or maintain a low-income housing project.

(h) *Public Housing Agencies (PHAs).* Public Housing Agencies mean Public Housing Agencies as defined in Section 3(6) of the Act and include all Indian Housing Authorities.

§ 865.603 Consolidated supply contracts.

(a) *Award of Contracts.* (1) CSCs shall be awarded on the basis of competitive bids submitted by Contractors to HUD in response to formal invitations for bids published by HUD in appropriate media.

(2) CSCs shall be awarded to the responsible bidder(s) whose bid(s) are responsive to the invitation and are at or below the average price for the Supply Item. The CSC Contracting Officer may disregard one or more of the higher prices determined to distort the average price. The Contracting Officer shall document the file to set forth the basis for this determination. In the event that less than three bids are received, the average or below method of award will not be used. Instead, award will be made to the responsive, responsible bidder(s) whose price(s) is/are resonable. HUD may approve alternative, or additional, award criteria different from those set forth in this regulation upon a documented finding that such action is necessary to assure the availability of Supply Items having the extra durability required for safety and security and economical maintenance of low-income public housing. Any such alternative or additional criteria shall be included in the solicitation.

(b) *Contract Provisions.* CSCs shall be signed by the Contractor and by the CSC Contracting Officer and shall clearly specify the Supply Item(s) which are covered by contract, the terms under which the Supply Items are to be made available and the geographic area to be served by the Contractor. The Contractor shall certify that the specified Supply Items or Line of Items, under terms as set forth in the CSC, will be available to all PHAs within the Federal Region(s) for which the CSC is awarded, and that the Contractor's organization is prepared to undertake distribution of the items within the Region(s) and to provide services therein as required under the CSC on a Regional basis.

(1) The CSC shall not obligate HUD or any PHA to purchase any number or amount of the Supply Item(s) which are covered by the contract. The CSC shall not obligate the Contractor to sell Supply Items to any parties other than PHAs or to sell Supply Items at CSC prices to parties other than PHAs.

(2) The normal time period for CSCs shall be one year.

(3) If, at any time after the date of an offer which is subsequently accepted by HUD, the Contractor reduces its prices to any class of customer for any article or service covered by the CSC, an equivalent price reduction shall apply to the CSC.

(4) Any Contractor shall comply with the provisions of 41 CFR Part 60 concerning equal opportunity and affirmative action.

(5) The CSC shall include, as required, the Minority Business Enterprise Clause set forth in 41 CFR 1.1310–2(a) of the Federal Procurement Regulations and the Minority Business Enterprise Subcontracting Program Clause provided in 41 CFR 1.1310–2(b).

(c) *Disputes.* Any dispute concerning a question of fact arising under a CSC which is not disposed of by agreement shall be decided by the CSC Contracting Officer, whose decision shall be final and conclusive unless within 30 days from the date of receipt of such copy, the Contractor submits a written appeal addressed to the Director, Office of Public Housing. The decision of the Director, Office of Public Housing, Central Office, or his/her duly authorized representative for the determination of such appeals shall be final and conclusive.

(d) *Catalogs.* HUD shall prepare and distribute to all PHAs annually Consolidated Supply Contract Catalogs for each category of Supply Items available through CSCs.

(e) *PHA Purchases.* (1) PHAs may make purchases of Supply Items for use in the development, operation, or maintenance of low-income housing through CSCs without prior HUD approval. In the event that there are two or more CSCs covering items supplied under the same specification and the CSCs provide for a price differential, the PHA shall place in its procurement files a justification if it proposes to make its purchase from any Contractor other than the one offering the lowest price.

(2) Purchases under CSCs by PHAs shall be made through PHA issuance of its purchase order directly to the Contractor.

(3) If the PHA invites competitive bids for procurement of a CSC item or proposes to negotiate for procurement of such an item, the CSC contractors shall be included in such invitations or negotiations.

§ 865.604 Purchase agreements.

(a) *Award Criteria.* (1) The CSC Contracting Officer may negotiate and enter into PAs with Contractors covering specified Supply Items or a specified Line of Items such as plumbing supplies, building materials, electrical supplies, etc., in order to obtain discounts on these items or Line of Items. These PAs are to be negotiated to provide discounts for small purchases by PHAs where such discounts would not otherwise be available to PHAs.

(2) HUD will publish a notice in appropriate media announcing that it will commence negotiating for PAs for the current year and that offers from vendors will be received covering specified Supply Items or a Specified Line of Supply Items by a closing date.

(3) The Contractor shall certify that the Supply Item or Line of Items are being made available to PHAs through the PA at discounted prices that are lower than those at which the PHAs could purchase comparable quantities of those items from the contractor through other purchasing channels.

(b) *Contract Provisions.* Provisions of PAs shall include, but not be limited to, the provisions set forth in § 865.603(b), except for § 865.603(b)(2). PAs, unless otherwise specified, shall have a duration of one year and be renewable for one year; however, all such contracts shall be subject to termination by either HUD or the Contractor upon 30 days written notice and a provision to that effect shall be incorporated in the PA.

(c) *PHA Purchases.* (1) PHA purchases through PAs shall be for use in the development, operation, or maintenance of low-income housing and shall not exceed, in amount, the Open Market Purchase Limitation in effect at the time the purchase is made.

(2) Purchases under PAs by PHAs shall be made by PHA issuance of its purchase order directly to the Contractor.

(3) Disputes arising under PAs concerning a question of fact shall be subject to § 865.603(c).

§ 865.605 Reports.

(a) *Report on Purchases.* Within 60 days after the expiration of a CSC or, in the case of a PA, within 60 days after each anniversary date of the PA, the Contractor shall submit a report to the CSC Contracting Officer including the

contract number and the total dollar volume of PHA purchases under the contract during the preceding fiscal year.

(b) Compliance with Price Reduction Requirement (See § 865.603(b)(3)).

Dated: July 26, 1982.

Philip Abrams,

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

[FR Doc. 82-20733 Filed 7-30-82; 8:45 am]

BILLING CODE 4210-27-M

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24 CFR Part 883

[Docket No. R-82-1003]

Section 8 Housing Assistance Payments Program—State Housing Agencies

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Interim rule.

SUMMARY: HUD regulations governing Section 8 procedures for State Housing Agencies are being revised to prohibit State Agencies from transferring Fiscal Year 1982 and subsequent year State Agency funding authority after initial assignment of such authority to a specific project. The purpose of this rule is to establish greater Federal control over the spending of State Agency Section 8 funds.

DATES: Effective Date: September 20, 1982.

Comment Due Date: October 1, 1982.

ADDRESS: Interested persons are invited to submit comments regarding this rule to the Office of General Counsel, Rules Docket Clerk, Room 10278, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410. Comments should refer to the above docket number and title. A copy of each comment submitted will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Steven E. Silvert, Office of State Agency and Bond Financed Programs, Room 6138, Department of Housing and Urban Development, Washington, D.C. 20410; (202) 426-7113 (not a toll-free number).

SUPPLEMENTARY INFORMATION: 24 CFR 883.207(c) previously allowed State Agencies to retain control of Section 8 funding authority which can no longer be used for the project to which it was originally assigned. The funding authority could be returned to the Agency's set-aside for assignment to another project through the 45th day prior to the end of the same fiscal year or could be directly transferred to another project.

The Department is amending 24 CFR 883.207(c) to provide that Section 8 authority assigned in fiscal years subsequent to FY 1981 shall not be subject to transfer at the option of the State Agency. This interim rule prohibits State Agencies from transferring Fiscal Year 1982 or subsequent year funding authority once it is assigned to a particular project. If funding authority cannot be used for the project to which it was originally assigned, it will be returned to HUD rather than remain within the control of the State Agency.

The Secretary has determined that it is in the public interest to implement this change in policy as soon as possible so that Fiscal Year 1982 funds may be allocated to the field in sufficient time to receive and process applications during this fiscal year. Accordingly, the Secretary has found that affording an opportunity for public comment on this amendment prior to its effective date will not be contrary to the public interest and that good cause exists for adopting this amendment to an interim rule, to become effective as provided above. All relevant comments and suggestions will be considered in the development of a final rule on this subject.

Findings

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 is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 10278, 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 Executive Order 12291 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 on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule was not listed 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.

The Catalogue of Federal Domestic Assistance Program number and title are 14.156, Lower-Income Housing Assistance Program (Section 8).

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

List of Subjects in 24 CFR Part 883

Grant programs: Housing and community development, Rent subsidies, New construction and substantial rehabilitation.

PART 883—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—STATE HOUSING AGENCIES

Subpart B—Allocation and Assignment of Contract Authority

Accordingly, § 883.207 is amended by revising the introductory language in paragraph (c) to read as follows:

§ 883.207 Termination and transfer of set-asides.

* * * * *

(c) *Transfer of Set-Asides.* Contract and Budget Authority for Fiscal Year 1982 and subsequent years, once assigned, may not be transferred. Where a specific portion of an Agency's set-aside which has been assigned previous to Fiscal Year 1982 is subsequently assigned to a particular project (as defined in paragraph (a) of this section) and it is subsequently determined that the portion so assigned cannot be used for that project, the Agency may retain use of that contract authority under the following rules.

* * * * *

(Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)))

Dated: June 29, 1982.

Philip Abrams,

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

[FR Doc. 82-20816 Filed 7-30-82; 8:45 am]

BILLING CODE 4210-27-M

24 CFR Part 3282

[Docket No. R82-937]

Manufactured Home Procedural and Enforcement Regulations; Monitoring Inspection Fee

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: On September 17, 1981, at 46 FR 46126, 24 CFR 3282.454 was amended to temporarily reduce the monitoring inspection fee established in that section from $19.00 to $15.00 per unit inspected. This reduction applied to homes manufactured between April 1, 1981, and December 31, 1981. The primary reason for this reduction was to lower the large reserve of fee proceeds that had accumulated since the fee was first collected. Since a substantial surplus still exists, this final rule will extend the period during which the fee reduction is in effect from December 31, 1981 until June 30, 1982.

EFFECTIVE DATE: September 20, 1982, retroactive to January, 1982.

FOR FURTHER INFORMATION CONTACT: John S. Mason, Director, Enforcement Branch, Office of Manufactured Housing and Construction Standards, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755-6893. This is not a toll free number.

SUPPLEMENTARY INFORMATION: Section 614(a) of the National Manufactured Housing Construction and Safety Standards Act of 1974 (the Act), 42 U.S.C. 5413(a), authorizes the Secretary of HUD to conduct such inspections and investigations as are necessary to enforce and carry out the Secretary's duties under the Act. To assist the Secretary in carrying out these activities, Section 614(b) of the Act, 42 U.S.C. 5413(b), authorizes contracts with state and local governments as well as private organizations.

In order to pay for these activities, Congress has authorized a special fee. Section 620 of the Act, 42 U.S.C. 5419, permits the Secretary to establish and impose such fees as may be necessary to offset the expenses incurred in conducting the inspections. Under the authority granted by this section, the Secretary established in 1976, at 24 CFR 3282.454, a monitoring inspection fee of $19.00 per unit inspected. The fee is to be paid by manufacturers to the Secretary.

The design and construction of manufactured homes is monitored by agencies known as Design Approval Primary Inspection Agencies (DAPIAs) and Production Inspection Primary Inspection Agencies (IPIAs). These agencies are collectively known as Primary Inspection Agencies (PIAs). The performance of the PIAs is monitored and evaluated by the Secretary through a monitoring inspection contractor. A portion of the $19.00 inspection fee is used to fund the activities of the monitoring inspection contractor.

Another portion of the monitoring inspection fee ($9.00 per unit) is paid to states which have qualified to enforce the Act within their boundaries. At the present time, 34 states have met the qualification requirements set out in Section 623 of the Act, 42 U.S.C. 5422, and 24 CFR 3282.302. The Secretary distributes funds to the qualified states based on the first location of each manufactured home after leaving the manufacturer. When homes are first located in states which have not qualified, the Secretary retains that portion of the inspection fee which would otherwise go to the state.

In practice, the Secretary has not distributed all monitoring inspection fees received. The fees received by the Secretary have not been fully utilized to fund state activities and the monitoring inspection contractor principally because 16 states are not participating in the program. When the $19.00 fee was set in 1976, the Secretary was estimating the amount needed to cover inspection expenses. At that time, HUD had no experience on which to base the estimate.

In September 1981, the undistributed reserve was approximately $3.2 million. As a result, the Secretary reduced the fee by a final rule published on September 17, 1981, at 46 FR 46126, which applied to all homes which entered the first stage of production on April 1, 1981, through December 31, 1981. At the end of 1981 the undistributed reserve was approximately $2.1 million.

In view of the present surplus, the Secretary has determined that the fee reduction can be continued until June 30, 1982, without affecting the Secretary's ability to carry out his responsibilities under the Act.

On January 1, 1982, the fee reduction implemented by the September 17, 1981, final rule ended and the fee returned to $19.00. As a result of this rule the fee will again be reduced to $15.00. This reduction is retroactive to January 1, 1982, and continues through June 30, 1982. As of July 1, 1982, the fee returns to $19.00 per unit unless subsequently modified by the Secretary. However, the Department will conduct an internal staff analysis which will evaluate the present enforcement system. This analysis will include an evaluation of different ways in which the Secretary can carry out his statutory responsibilities in nonparticipating states. It is possible that changes to the enforcement system will be proposed as a result of this analysis and that a new fee will be proposed. The new fee may be higher, lower or the same as the present fee. In its analysis, the staff will consider additional uses for fee proceeds including hiring private contractors to perform certain SAA functions in non-SAA states, installing automated inspection and monitoring systems, training for inspection-related activities and testing of manufactured home components.

The Secretary has determined that by continuing to reduce the fee until June 30, 1982, the present reserve will be significantly reduced. After June 30, 1982, a reserve will remain which will allow the Secretary to carry out his responsibilities under the Act.

This fee reduction will be effected through credits which will be issued to manufacturers based upon the number of units that entered the first stage of production on or after January 1, 1982, through June 30, 1982. The amount of credit to which a manufacturer is entitled will be calculated by the monitoring inspection contractor using the following formula: the total number of units which entered the first stage of production, during the period specified above, at each of the manufacturer's plants, will be multiplied by $4 (the amount of the fee reduction). Labels will then be issued to each plant and charged against such credit until the credit is exhausted. The charge against such credit will be $15 for each manufactured home which enters the first stage through June 30, 1982, and $19 for each manufactured home which enters the first stage of production thereafter. Credits cannot be transferred from one plant to another even if they both belong to the same manufacturer.

Inactive manufacturing plants will not receive the benefit of the credit until and unless they become active. IPIAs will not release labels on credit more than one month before anticipated production.

The portion of the fee which is allocated to the states will be increased from $9.00 to $12.00. The allocation of $9.00 to the states was established in 1976. Since then, except for the temporary increase implemented by the September 17, 1981, final rule, there has been no increase in the share received by the states. At the same time, however, expenses incurred by the states in fulfilling their obligations have

increased significantly. The increased share is designed to partially offset these expenses and to reduce the reserve.

The subject matter of this rulemaking action relates to the Secretary's contracts with the monitoring inspection contractor and with qualifying state agencies and is therefore exempt from the notice and public comment requirements of Section 553 of the Administrative Procedure Act. As a matter of policy, the Department submits many rulemaking actions dealing with such subject matter to public comment either before or after effectiveness of the action, notwithstanding the statutory exemption.

The Secretary has determined that notice and procedure thereon are impracticable and contrary to the public interest and that good cause exists for making this rule effective immediately after publication to prevent further buildup of the undistributed reserve and to permit the monitoring fee reduction to remain in effect until June 30, 1982.

The rule does not constitute a "major rule" as that term is defined in Section 1(b) of the Executive Order on Federal Regulation issued by the President on February 17, 1981. The rule does not: (1) Have an annual effect on the economy of one hundred million dollars 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 significant adverse effect on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD 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 is available for public inspection and copying during regular business hours at the Office of the Rules Docket Clerk, Room 10278, 451 Seventh Street, SW., Washington, D.C. 20410.

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

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

The Catalog of Federal Domestic Assistance Program number is 14.804 Manufactured Housing.

List of Subjects in 24 CFR Part 3282

Administrative practice and procedure, Consumer protection, Intergovernmental relations, Investigations, Mobile homes.

PART 3282—MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT REGULATIONS

Accordingly, 24 CFR Part 3282 is amended by revising § 3282.454 to read as follows:

§ 3282.454 Monitoring inspection fee.

(a) There is hereby established a monitoring inspection fee of $19.00 which is to be paid by manufacturers for each mobile home manufactured in nonapproved and conditionally approved states as described in § 3282.210. *Provided, however,* That a fee of $15.00 will apply to all manufactured homes which enter the first stage of production on or after April 1, 1981, through June 30, 1982.

(b) The monitoring inspection fee to be established by approved states under § 3282.307(a) shall be in the amount of $19.00 per manufactured home produced therein. *Provided, however,* That a fee of $15.00 will apply to all manufactured homes which enter the first stage of production on or after April 1, 1981, through June 30, 1982.

(Sec. 620 of the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5419)

Dated: July 26, 1982.

Philip Abrams,

General Deputy Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 82-20735 Filed 7-30-82; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Parts 211, 221, 231, 250, and 270

Limitation on Adjustments to Statements of Account on Minerals Leases on Federal, Indian, and Outer Continental Shelf Lands: Revocation

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of final dates for making adjustments to inactive lease accounts: Revocation.

SUMMARY: The Minerals Management Service (MMS) published a notice on July 9, 1982 (47 FR 29845), which established a 120-day limitation period during which each lessee/payor could initiate adjustments to their accounts in the Royalty Accounting System (RAS). MMS has received numerous requests from lessee/payors asking that MMS consider changes in the requirements of that notice and/or other supplementary information.

Based on their suggested changes and recommendations, MMS is in the process of drafting a revised notice. Therefore, MMS hereby revokes and cancels the notice appearing in the July 9, 1982, **Federal Register** (47 FR 29845) in its entirety.

EFFECTIVE DATE: August 2, 1982.

FOR FURTHER INFORMATION CONTACT: Raymond A. Hicks, Chief, Branch of Rules and Procedures for Royalty Management, Minerals Management Service—Mail Stop 660, 12203 Sunrise Valley Drive, Reston, Va 22091, (703) 860-7311, (FTS) 928-7311.

List of Subjects in 30 CFR Parts 211, 221, 231, 250, and 270

Minerals royalties, Royalty accounting.

Dated: July 29, 1982.

Robert E. Boldt,

Associate Director for Royalty Management, Minerals Management Service.

[FR Doc. 82-20581 Filed 7-30-82; 8:45 am]

BILLING CODE 4310-MR-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 09-82-21]

Coral Gables Challenge Cup, Special Local Regulation

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a regulated area in Lake Michigan on 14, August 14, 1982. This action is required to permit the conducting of an approved marine event. It is intended to restrict vessel navigation in the area for the safety of the spectators and participants in the event.

EFFECTIVE DATE: This amendment is effective August 14, 1982.

FOR FURTHER INFORMATION CONTACT: MSTC Bruce Graham, Office of Search and Rescue, Ninth Coast Guard District,

1240 E. 9th St., Cleveland, OH 44199, (216) 522–4420.

SUPPLEMENTARY INFORMATION: The details concerning this year's event were not known in time to publish a proposed rule before the event. Therefore, this regulation is published as a final rule and will become effective in less than 30 days.

Drafting Information

The principal persons involved in drafting this rule are MSTC Bruce Graham, Project Officer, Officer of Search and Rescue, and LCDR Michael Gentile, Project Attorney, Legal Office, Ninth Coast Guard District.

Discussion

The Coral Gables Challenge Cup will be conducted on Lake Michigan on August 14, 1982. This event will have an estimated 50 to 60 power boats which could pose hazards to navigation in the area. Vessels desiring to transit the regulated area may do so only with prior approval of the Patrol Commander (Officer-in-Charge, Coast Guard Station, Holland, MI).

Evaluation

These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. This conclusion follows from the fact that the regulated area can be opened periodically to allow for the passage of commercial vessels and that the regulated area will be in effect for a limited time. In addition, these regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80). An economic evaluation has not been conducted since, for the reasons discussed above, its impact is expected to be minimal. In accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), it is certified that these rules will not have a significant economic impact on a substantial number of small entities. This rule is necessary to insure the protection of life in the area during the event.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Final Regulations

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

In consideration of the foregoing, Part 100 ot Title 33 Code of Federal Regulations, is amended by adding § 100.35–0921 to read as follows:

§ 100.35–0921 Lake Michigan-Holland to Southhaven, MI.

(a) The following area will be closed to vessel navigation or anchorage from 12:00 p.m. (local time) until 6:00 p.m. on August 14, 1982.

(1) That portion of Lake Michigan from the shoreline at Lake Town Park 42 degrees 43 minutes North 086 degrees 12.9 minutes West to a point southwest at 42 degrees 41.7 minutes North 086 degrees 22.1 minutes West, thence southeast to North Beach, Southhaven at 42 degrees 23.6 minutes North 086 degrees 17.1 minutes West, thence north back to the origin.

(b) Vessels desiring to transit the restricted area may do so only with prior approval of the Patrol Commander and when so directed by that officer. Vessels will be operated at a no wake speed to reduce the wake to a minimum and in a manner which will not endanger participants in the event or any other craft. These rules shall not apply to participants in the event or vessels of the patrol, in the performance of their assigned duties.

(c) A succession of sharp, short signals by whistle or horn from vessels patrolling the areas under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Vessels signaled shall stop and shall comply with the orders of the Patrol Vessel; failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(d) This section is effective from 12:00 p.m. (local time) on August 14, 1982 until 6:00 p.m. on August 14, 1982.

(Sec. 1, 35 Stat. 69 as amended, Sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 454; 49 U.S.C. 1655(b)(1); 33 CFR 100.35; 49 CFR 1.46(b))

Dated: July 21, 1982.

Henry H. Bell,

Rear Admiral, U.S. Coast Guard, Commander, Ninth Coast Guard District.

[FR Doc. 82–20600 Filed 7–30–82; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Parts 100 and 165

[CGD 82–077]

Safety and Security Zones

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary rules issued.

SUMMARY: This document gives notice of temporary safety and security zones. Periodically the Coast Guard must issue safety and security zones for limited periods of time in limited areas. These zones are established, for example, around areas where there has been a marine casualty or when a vessel carrying a particularly hazardous cargo is transiting a restricted or congested area.

DATES: The following list includes zones that were established between February 6, 1982 and July 4, 1982 and have since been terminated.

ADDRESS: The complete text of any of these temporary zones may be examined at, and is available on request from Executive Secretary, Marine Safety Council (G–CMC), U.S. Coast Guard Headquarters, 2100 Second St. SW., Washington, D.C. 20593.

FOR FURTHER INFORMATION CONTACT: LTJG Dave Schoorens at (202) 426–1477.

SUPPLEMENTARY INFORMATION: The local COTP must be immediately responsive to the safety needs of the waters within his jurisdiction; therefore, he has been delegated the authority to issue these zones. Since these events usually take place without advance notice, timely publication of notice in the **Federal Register** is often precluded. However, the effected public is informed by means of local notice to mariners, press releases, and other means. Moreover, actual notification is frequently provided by Coast Guard patrol vessels enforcing the restrictions imposed in the zone to keep the public informed of the regulatory activity. Because most mariners are notified by the local notice to mariners and Coast Guard officials on scene, **Federal Register** notice is not required to place the security zone or safety zone in effect. However, the Coast Guard, by law, must publish in the **Federal Register** notice of substantive rules adopted. To discharge this legal obligation without imposing undue expense on the public, Coast Guard publishes a periodic list of temporary security and safety zones which have been established throughout the United States. Permanent safety zones are not included in this list. Permanent zones are published in their entirety in the **Federal Register** just as any other rulemaking. Temporary zones are also published in their entirety if sufficiant time is available to do so before they are placed in effect or terminated.

Non-major safety zones and security zones have been exempted from review under E.O. 12291 because of their emergency nature and temporary effectiveness.

Docket No.	Location	Type	Date
1. CGD 02-82-02	Arkansas River, Arkansas	Safety zone	June 28, 1982.
2. CGD 3-82-007	Newark Bay, New York	Safety zone	Apr. 7, 1982.
3. CGD 3-82-008	New Jersey, Atlantic Ocean, Sea Girt Fishing Reef	Safety zone	May 11, 1982.
4. CGD 03-82-11R	Lower Hudson River, New York	Security zone	June 14, 1982.
5. CGD 03-82-12R	Philadelphia Naval Base, Delaware River, Philadelphia, Pennsylvania	Security zone	June 17, 1982.
6. CGD 03-82-13R	Upper New York Bay, New York Harbor, New York	Safety zone	July 4, 1982.
7. CGD 5-82-04R	Chesapeake Bay, Hampton Roads, Willoughby Bay, Norfolk, Virginia	Safety zone	Apr. 23, 1982.
8. CGD 5-82-07R	Long Bay, Lockwood Folley Inlet, North Carolina	Safety zone	Apr. 12, 1982.
9. CGD 5-82-08R	Chesapeake Bay, Hampton Roads, Elizabeth River, Norfolk, Virginia	Safety zone	Apr. 5, 1982.
10. CGD 05-82-09R	Chesapeake River, Hampton Roads, Elizabeth River, Norfolk, Virginia	Safety zone	Apr. 2, 1982.
11. CGD 05-82-10R	Chesapeake River, Hampton Roads, Elizabeth River, Norfolk, Virginia	Safety zone	Apr. 20, 1982.
12. CGD 05-82-11R	Chesapeake River, Hampton Roads, James River, Newport News, Virginia	Safety zone	May 8, 1982.
13. CGD 05-82-14R	Chesapeake River, Hampton Roads, Elizabeth River, Norfolk, Virginia	Safety zone	June 24, 1982.
14. CGD 08-82-04	Vicinity of Harvey Tunnel, Harvey Canal, Harvey, Louisiana	Safety zone	Mar. 7, 1982.
15. CGD 08-82-05	Vicinity of Algiers Point, Lower Mississippi River, Louisiana	Safety zone	Mar. 6, 1982.
16. CGD 08-82-06	Vicinity of Conrad Point, Lower Mississippi River, Louisiana	Safety zone	Feb. 26, 1982.
17. CGD 08-82-07	Vicinity of Southwest Pass, Lower Mississippi River, Louisiana	Safety zone	Mar. 4, 1982.
18. CGD 08-82-08	Vicinity of Junction of Bayou Boeuf and Bayou Shafter, Gulf Intercoastal Waterway, Morgan City, Louisiana	Safety zone	Feb. 4, 1982.
19. CGD 08-82-11	Lake Pontchartrain, Louisiana	Safety zone	Apr. 3, 1982.
20. CGD 08-82-12	Lower Nine Mile Point, New Orleans, Louisiana	Safety zone	Feb. 6, 1982.
21. CGD 11-82-03	Long Bearh Harbor, California	Safety zone	Apr. 24, 1982.
22. CGD 11-82-04	San Diego Bay Channel, San Diego, California	Safety zone	June 9, 1982.

B. P. Novak,

Deputy, Executive Secretary, Marine Safety Council.

[FR Doc. 82-20796 Filed 7-30-82; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD7 82-02]

Drawbridge Operation Regulations; Clearwater Harbor, Gulf Intracoastal Waterway, Pinellas County, Fla.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Board of County Commissioners, Pinellas County, Florida, the Coast Guard is changing the regulations governing the Belleair Causeway Bridge across Clearwater Harbor, Gulf Intracoastal Waterway, mile 131.8, Pinellas County, Florida, by permitting the number of openings to be limited on Saturdays, Sundays, and legal holidays during peak traffic hours.

This change is being made to accommodate periods of peak vehicular traffic. This action will accommodate the needs of vehicular traffic and still provide for the reasonable needs of navigation.

EFFECTIVE DATE: This amendment becomes effective on September 1, 1982.

FOR FURTHER INFORMATION CONTACT: James R. Kretschmer, Bridge Administrator, Aids to Navigation Branch, Room 1006, Federal Building, 51 Southwest First Avenue, Miami, Florida 33130, telephone (305) 350-4108.

SUPPLEMENTARY INFORMATION: On March 1, 1982, the Coast Guard published a proposed rule (47 FR 8599) concerning this amendment. The Commander, Seventh Coast Guard District, also published this proposal as a Public Notice dated March 19, 1982. Interested persons were given until April 15, 1982 to submit comments.

Drafting Information

The principal persons involved in drafting this rule are: James R. Kretschmer, Bridge Administrator, Bridge Section, Aids to Navigation Branch, and Lieutenant Michael T. Harris, Seventh Coast Guard District Assistant Legal Officer.

Discussion of Comments

No comments were received in response to publication in the **Federal Register.** Two comments were received in response to the Coast Guard Public Notice. The City of Belleair Beach sent a resolution in support of timed bridge openings. The other comment stated that where there is no other complication beyond motorist inconvenience, the boat should preempt the right of way. An economic evaluation of the regulation has not been made because economic impacts are expected to be minimal, since commercial vessels constitute a small percentage of waterway traffic, and since the existing regulation exempts some commercial vessels from the restriction of this rule. The placement of this new rule within § 117.466 is being changed to insure that the general provisions of the section regarding exemptions to the rules and sign placement apply unambiguously to this new rule. Also, the four blast opening signal for exempt vessels is changed to five short blasts to conform to the present Inland Rules of the Road. These changes are nonsubstantive and do not affect the nature of the existing rule or this addition to the rule. Thus no comments are required.

This final regulation has been reviewed under provisions of Executive Order 12291 and have been determined not to be a major rule. It is considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 22 May 1980). As explained above, an economic evaluation has not been conducted. In accordance with 605(d) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that this rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

In consideration of the foregoing, Part 117 of Title 33 of Code of Federal Regulations is amended in § 117.466 by redesignating present paragraph (f) as new paragraph (g), by revising and redesignating present paragraph (e) as new paragraph (f) and by adding a new paragraph (e) to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.466 Gulf Intracoastal Waterway (GIWW), Pinellas County, Florida.

* * * * *

(e) *Clearwater Harbor, GIWW, mile 131.8, Belleair Causeway, Pinellas County, Florida:* From 12 noon to 6 p.m., on Saturdays, Sundays, and legal holidays, the draw need not open except on the hour, quarter-hour, half-hour, and three-quarter hour, to allow any accumulated vessels to pass. At all other times, the draw shall open on signal.

(f) The draws of these bridges shall open at any time for the passage of public vessels of the United States, tugs with tows, and vessels in distress. The opening signal from these vessels is five short blasts of a whistle, horn, other sound producing device, or by shouting.

(g) The owner of or agency controlling the bridges shall post notices containing the substance of these regulations both upstream and downstream, on the bridges or elsewhere, in such a manner that they can easily be read at all times from an approaching vessel.

(33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(g)(3))

Dated: July 12, 1982.

D. C. Thompson,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 82-20799 Filed 7-30-82; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR PART 123

[W-4-FRL 2175-7]

State Oil & Gas Board of Alabama; Underground Injection Control Program Approval

AGENCY: Environmental Protection Agency.

ACTION: Approval of State Program.

SUMMARY: The State of Alabama has submitted an application under Section 1425 of the Safe Drinking Water Act for the approval of an Underground Injection Control (UIC) program governing Class II oil and natural gas related injection wells. After careful review of the application, the Agency has determined that the State's injection well program for Class II wells meets the requirements of Section 1425 of the Act and therefore approves it.

EFFECTIVE DATE: This approval is effective August 2, 1982.

FOR FURTHER INFORMATION CONTACT: Curt Fehn, Ground Water Section, Water Supply Branch, Environmental Protection Agency, Region IV, 345 Courtland Street, Atlanta, Georgia 30365, (404) 881-3866. Copies of the Responsiveness Summary are available at the above address.

SUPPLEMENTAL INFORMATION: Part C of the Safe Drinking Water Act (SDWA) provides for an Underground Injection Control (UIC) program. Section 1421 of the SDWA requires the Administrator to promulgate minimum requirements for effective State programs to prevent underground injection which endangers drinking water sources. The Administrator is also to list in the **Federal Register** each State for which in his judgment a State UIC program may be necessary. Each State listed shall submit to the Administrator an application which contains a showing satisfactory to the Administrator that the State: (i) Has adopted after reasonable notice and public hearings, an UIC program which meets the requirements of regulations in effect under Section 1421 of the SDWA; and (ii) will keep such records and make such reports with respect to its activities under its UIC program as the Administrator may require by regulations. After reasonable opportunity for public comment, the Administrator shall by rule approve, disapprove or approve in part and disapprove in part, the State's UIC program.

The SDWA was amended on December 5, 1980, to include Section 1425, which establishes an alternative method by which a State may obtain primary enforcement responsibility for those portions of its UIC program related to the recovery and production of oil and natural gas (Class II wells). Specifically, instead of meeting the Consolidated Permits Regulations (40 CFR Parts 122, 123 and 124) and related Technical Criteria and Standards (40 CFR 146), a State may demonstrate that its program meets the more general statutory requirements of Section 1421(b)(1) (A) through (D) and represents an effective program to prevent endangerment of underground sources of drinking water.

The State of Alabama was listed as needing an UIC program on June 19, 1979 (44 FR 35288). The State of Alabama submitted an application under Section 1425 on March 4, 1982, for the approval of an UIC program governing Class II oil and natural gas related injection wells to be administered by the State Oil and Gas Board of Alabama (SOGBA). On March 26, 1982, EPA published notice of its receipt of the application, requested public comments, and scheduled a public hearing on the Alabama UIC program submitted by the SOGBA (47 FR 13011). A public hearing was held on April 27, 1982 in Tuscaloosa, Alabama. After careful review of the application and comments received from the public, I have determined that the Alabama UIC program submitted by the SOGBA meets the requirements established by Federal regulations pursuant to Section 1425 of the SDWA, and hereby approve it.

EPA is publishing this approval effective immediately so that Alabama can begin issuing UIC permits for Class II injection wells under the UIC program.

List of Subjects in 40 CFR Part 123

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

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

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I certify that approval by EPA under Section 1425 of the Safe Drinking Water Act of the application by the State Oil and Gas Board of Alabama will not have a significant economic impact on a substantial number of small entities, since this rule only approves State actions. It imposes no new requirements on small entities.

Dated: July 23, 1982.

Anne M. Gorsuch,

Administrator.

[FR Doc. 82-20820 Filed 7-30-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 82-114; RM-3961]

FM Broadcast Station in Yellville, Arkansas; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Channel 249A to Yellville, Arkansas, in response to a petition filed by Adams Broadcasting Company. The assigned channel could provide a first FM service to Yellville.

DATE: Effective September 21, 1982.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order (Proceeding Terminated)

Adopted: July 21, 1982.

Released: July 27, 1982.

1. The Commission has under consideration a Notice of Proposed Rule Making, 47 FR 10260, published March 10, 1982, proposing the assignment of Channel 249A to Yellville, Arkansas, as that community's first FM assignment. The Notice was issued in response to a petition filed by Adams Broadcasting Company ("petitioner"). Comments in support of the proposal were filed by petitioner. No oppositions to the proposal were received.

2. In its comments, the petitioner restated the need for an FM assignment to Yellville. It also expressed an interest in applying for the channel, if assigned.

3. The Commission has determined that the public interest would be served by assigning Channel 249A to Yellville, Arkansas, since it would provide the community with an opportunity for its first FM broadcast service.

4. Accordingly, pursuant to the authority contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281 and 0.204(b) of the Commission's rules, it is ordered, That effective September 21, 1982, § 73.202(b) of the Commission's rules is amended with regard to the following community:

City	Channel No.
Yellville, Arkansas	249A.

5. It is further ordered That this proceeding is terminated.

6. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-20804 Filed 7-30-82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82-169; RM-4022]

FM Broadcast Station in Bellefonte, Pennsylvania; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Channel 237A to Bellefonte, Pennsylvania, in response to a petition filed by Bald Eagle Media, Inc. The assignment could provide a first local FM broadcast service to Bellefonte.

DATE: Effective September 21, 1982.

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

FOR FURTHER INFORMATION CONTACT: D. David Weston, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order (Proceeding Terminated)

Adopted: July 19, 1982.

Released: July 22, 1982.

1. By Notice of Proposed Rule Making, 47 FR 16660, published April 19, 1982, the Commission proposed the assignment of Channel 237A to Bellefonte, Pennsylvania, as its first FM assignment, in response to a petition from Bald Eagle Media, Inc. ("Bald Eagle"). State College Communications Corp. ("State College") filed comments in opposition to Bald Eagle's proposal. Bald Eagle filed comments affirming its intention to apply for Channel 237A, if assigned, and reply comments opposing State College's opposition.

2. Bellefonte, seat of Centre County, is located in the center of the State, approximately 104 kilometer (65 miles) northwest of Harrisburg and is within 320 kilometers (200 miles) of the U.S.-Canadian border. The assignment of Channel 237A to Bellefonte has received the concurrence of the Canadian Government and can be assigned in compliance with the minimum distance separation requirements. Bellefonte is served by daytime-only AM Station WBLF.

3. State College has objected to the assignment of Channel 237A to Bellefonte alleging inadequate showings by Bald Eagle on issues relating to economic, demographic, population and preclusion matters. Additionally, State College notes that the Commission's action in issuing the Notice is fatally flawed and cannot form the predicate for further action because it was based on " * * * a crucial erroneous factual assumption * * * " concerning the composition of the Bellefonte community.[1]

4. As a preliminary matter, State College's objections alleging inadequate showings must be considered in light of the Commission's recent action revising its FM assignment policies in *Second Report and Order* in BC Docket No. 80-130, 47 FR 26624, published June 21, 1982. In accordance with the newly developed policies, it is no longer necessary to consider these issues, except where conflicting assignment proposals are involved. With respect to the error contained in the Commission's Notice, the location of Pennsylvania State University was not the predicate for the issuance of the subject *Notice*, rather the Commission found that the " * * * proposed assignment could provide a first local FM broadcast service to Bellefonte. * * * " Further, in view of the new FM assignment policies, consideration of community composition is no longer relevant, except where conflicting assignment proposals are involved.

5. We believe that the public interest would be served by the assignment of Channel 237A to Bellefonte, Pennsylvania. An interest has been shown for its use, the assignment is consistent with the new FM assignment policies and such an assignment could provide the Bellefonte community with its first local FM broadcast service.

6. Accordingly, pursuant to the authority contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281 and 0.204(b) of the Commission's rules, it is ordered, That effective September 21, 1982, the FM Table of Assignments, § 73.202(b) of the Commission's rules, is amended with respect to the community below, as follows:

City	Channel No.
Bellefonte, Pennsylvania	237A

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

8. For further information concerning this proceeding, contact D. David Weston, Broadcast Bureau, (202) 632-7792.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-20805 Filed 7-30-82; 8:45 am]

BILLING CODE 6712-01-M

[1] The Notice contained an error in paragraph 3 which indicated that Bellefonte was the location of Pennsylvania State University, when in fact the university is located at University Park in State College, Pennsylvania.

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 25

Relocation Assistance and Land Acquisition for Federal and Federally Assisted Programs; Schedule of Moving Expense Allowances; Individuals and Families

AGENCY: Department of Transportation, (DOT).

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to reflect changes in the moving expense schedules for displaced persons in the State of Louisiana.

EFFECTIVE DATE: July 20, 1982.

FOR FURTHER INFORMATION CONTACT: John Murnane, Relocation Assistance Division, Office of Right-of-Way (202–426–0156); or Reid Alsop, Office of the Chief Counsel (202–426–0800), Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours Monday–Friday from 7:45 a.m. to 4:15 p.m. ET.

SUPPLEMENTARY INFORMATION: Section 202(b) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91–646, 84 Stat. 1894, provides that a displaced individual or family may elect to be paid for moving expenses on the basis of a moving expense schedule. To ensure statewide uniformity among all agencies operating under the Act, General Services Administration Regulations, governing agency implementation of the Act, 41 CFR Part 101–6, provide in § 101–6.105–1 that moving expense schedules maintained by the respective State highway departments shall be used, and that the schedules will be approved on a current basis and disseminated by the Federal Highway Administration (FHWA).

The regulations of the Office of the Secretary, 49 CFR 25.153, implementing the Uniform Act, direct the FHWA to establish and maintain the moving expense schedule in Appendix A to Part 25 of Title 49 and to update it semiannually. The purpose of this amendment is to revise the current schedule, which was published on February 11, 1982 (47 FR 6278) to reflect changes in the moving expense schedules that have been made by the following State:

Table I—Personalty—Louisiana.

Table II—Mobile Homes—Louisiana.

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under DOT regulatory procedures. The FHWA has also determined that the changes reflected in this action will have only minimal impact on the affected States and public. Accordingly, a full regulatory evaluation is not required and, 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.

Notice and opportunity for comment are not required under DOT regulatory policies and procedures because it is not anticipated that such action would result in the receipt of useful information. Because the moving expense schedules are maintained by the respective State highway departments, the FHWA finds good cause to make these amendments effective on the date of issuance. Accordingly, these amendments are effective on July 20, 1982.

Neither a general notice of proposed rulemaking nor a 30-day delay in effective date is required under the Administrative Procedures Act because the matters affected relate to grants, benefits, or contracts pursuant to 5 U.S.C. 553(a)(2).

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construciton. The provisions of OMB Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

(42 U.S.C. 4601 *et seq;* 41 CFR 101–6.105–1; 49 CFR 25.153)

List of Subjects in 49 CFR Part 25

Highways and roads, Land acquisition, Relocation assistance.

Issued: July 20, 1982.

R. A. Barnhart,

Federal Highway Administrator.

49 CFR Part 25 is amended by revising Appendix A to read as follows:

Appendix A

TABLE I—PERSONALTY—OCCUPANT PROVIDES FURNITURE

State	Number of rooms of furniture										Occupant does not provide furniture	
	1	2	3	4	5	6	7	8	9	10	First room	Each additional room
Alabama [1]	90	140	190	240	290	300	.....	.....	.....	.....	(*)	(*)
Alaska	75	150	200	250	275	300	.....	.....	.....	.....	15	15
Arizona	50	100	150	200	250	300	.....	.....	.....	.....	25	15
Arkansas	100	160	200	240	280	300	.....	.....	.....	.....	50	30
California	75	100	150	200	250	300	.....	.....	.....	.....	25	15
Colorado	120	180	240	300	.....	.....	.....	.....	.....	.....	30	20
Connecticut	50	90	140	170	230	260	300	.....	.....	.....	15	15
Delaware	60	100	140	180	220	260	300	.....	.....	.....	25	15
District of Columbia	100	135	170	210	250	290	300	.....	.....	.....	35	15
Florida	75	120	165	210	255	300	.....	.....	.....	.....	25	25
Georgia	100	140	180	220	260	300	.....	.....	.....	.....	40	10
Guam	48	85	120	168	205	240	300	.....	.....	.....	10	10
Hawaii	65	100	135	175	215	255	295	300	.....	.....	45	30
Idaho	60	100	140	180	220	260	300	.....	.....	.....	20	10
Illinois	50	100	150	200	250	300	.....	.....	.....	.....	25	15
Indiana	50	100	150	200	250	300	.....	.....	.....	.....	25	15
Iowa	75	140	195	240	275	300	.....	.....	.....	.....	30	12
Kansas	60	120	180	240	300	.....	.....	.....	.....	.....	30	10
Kentucky	65	130	195	260	300	.....	.....	.....	.....	.....	35	25
Louisiana	100	140	180	220	260	300	.....	.....	.....	.....	40	15
Maine	50	90	125	150	175	200	225	250	275	300	15	10
Maryland	100	150	200	250	300	.....	.....	.....	.....	.....	20	10
Massachusetts	60	130	150	190	225	250	275	300	.....	.....	25	15
Michigan	65	130	180	240	300	.....	.....	.....	.....	.....	50	10
Minnesota	75	150	200	250	300	.....	.....	.....	.....	.....	30	15

TABLE I—PERSONALTY—OCCUPANT PROVIDES FURNITURE—Continued

State	Number of rooms of furniture										Occupant does not provide furniture	
	1	2	3	4	5	6	7	8	9	10	First room	Each additional room
Mississippi	100	150	200	250	300						50	25
Missouri	50	100	150	200	250	300					25	10
Montana	100	150	200	250	300						50	25
Nebraska	50	100	150	200	250	300					30	10
Nevada	50	100	150	200	250	300					25	15
New Hampshire	100	150	190	230	270	300					25	15
New Jersey	80	140	195	245	300						25	15
New Mexico [2]	158	235	300								(3)	(3)
New York	80	130	175	215	250	275	300				25	15
North Carolina	70	110	160	210	260	300					40	30
North Dakota	75	125	150	200	250	275	300				30	15
Ohio	50	100	150	200	250	300					30	10
Oklahoma	100	150	200	250	300						40	15
Oregon	75	150	225	300							25	25
Pennsylvania	90	140	200	250	300						30	30
Puerto Rico	75	120	165	210	255	300					25	25
Rhode Island	70	140	210	250	275	300					25	10
South Carolina	105	180	220	300							30	10
South Dakota	100	150	200	250	300						50	15
Tennessee	75	100	150	200	250	300					25	15
Texas	95	140	190	245	300						50	25
Utah	75	100	130	155	180	210	240	270	300		25	15
Vermont	100	150	190	230	270	300					25	15
Virginia	60	105	150	195	240	285	300				40	10
Virgin Islands	105	150	195	240	275	300					35	35
Washington	100	150	200	250	300						25	25
West Virginia [3]	60	100	140	180	220	260	300				25	10
Wisconsin	80	150	210	260	300						50	30
Wyoming	60	120	180	240	260	300					40	20

[1] Furnished units including sleeping rooms. Occupant does not own furniture: First room—$30; 2 rooms—$50; 3 rooms—$75; 4 rooms—$95; 5 rooms—$120; 6 rooms—$140; each additional room—$15.

[2] Furnished units including sleeping rooms. Occupant does not own furniture: First room—$68; 2 rooms—$129; 3 rooms—$160; 4 rooms—$193; 5 rooms—$224; 6 rooms—$256; 7 rooms—$288; 8 rooms—$300, to a maximum of $300.

[3] Where occupant does not provide furniture, allowance for 2 rooms is $40.

[4] See footnotes at end of table.

Attachment 1

TABLE II—MOBILE HOMES

State	Miles (kilometres)		Area—Square feet (square metres)		Width—Feet (metres)		Allowance dollars
	More than	But not more than	More than	But not more than	More than	But not more than	
Alabama			0 (0)	200 (18.6)			165
			200 (18.6)	400 (37.2)			225
			400 (37.2)	600 (55.8)			285
			600 (55.8)				300
Alaska	(5)	(5)					300
Arizona			0 (0)	300 (27.9)			150
			300 (27.9)	400 (37.2)			200
			400 (37.2)	500 (46.5)			250
			500 (46.5)				300
Arkansas					0 (0)	10 (3)	200
					12 (3.7)		300
California [4]					0 (0)	8 (2.4)	(10)
					8 (2.4)		
Colorado [2]							(11)
Connecticut [3]					0 (0)	8.5 (2.6)	100
					8.5 (2.6)	10.5 (3.2)	150
					10.5 (3.2)	12.5 (3.8)	200
					12.5 (3.8)		250
Delaware			0 (0)	400 (37.2)			100
			400 (37.2)	600 (55.8)			150
			600 (55.8)	800 (74.4)			200
			800 (74.4)	1,000 (93)			250
			1,000 (93)				300
Florida	(5)	(5)					300
Georgia			0 (0)	400 (37.2)			125
			400 (37.2)	500 (46.5)			185
			500 (46.5)	600 (55.8)			245
			600 (55.8)				300
Guam			0 (0)	300 (27.9)			130
			300 (27.9)	400 (37.2)			180
			400 (37.2)	500 (46.5)			210
			500 (46.5)	600 (55.8)			240
			600 (55.8)	700 (65.1)			270
			700 (65.1)				300
Hawaii			0 (0)	300 (27.9)			130
			300 (27.9)	400 (37.2)			180
			400 (37.2)	500 (46.5)			210
			500 (46.5)	600 (55.8)			240

TABLE II—MOBILE HOMES—Continued

State	Miles (kilometres)		Area—Square feet (square metres)		Width—Feet (metres)		Allowance dollars
	More than	But not more than	More than	But not more than	More than	But not more than	
			600 (55.8)	700 (65.1)			270
			700 (65.1)				300
Idaho			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300
Illinois	0 (0)	24 (38.6)			0 (0)	8.5 (2.6)	100
					8.5 (2.6)	10.5 (3.2)	150
					10.5 (3.2)	12.5 (3.8)	200
					12.5 (3.8)		250
	24 (38.6)	50 (80.5)			0 (0)	8.5 (2.6)	150
					8.5 (2.6)	10.5 (3.2)	200
					10.5 (3.2)	12.5 (3.8)	250
					12.5 (3.8)		300
Indiana					0 (0)	8.5 (2.6)	150
					8.5 (2.6)	10.5 (3.2)	185
					10.5 (3.2)	12.5 (3.8)	250
					12.5 (3.8)		300
Iowa	0 (0)	25 (40.2)			0 (0)	8 (2.4)	130
					8 (2.4)	10 (3)	150
					10 (3)	12 (3.7)	180
					12 (3.7)		230
	25 (10.2)	50 (80.5)			0 (0)	8 (2.4)	140
					8 (2.4)	10 (3)	170
					10 (3)	12 (3.7)	200
					12 (3.7)		300
Kansas			0 (0)	200 (18.6)			80
			200 (18.6)	400 (37.2)			160
			400 (37.2)	600 (55.8)			240
			600 (55.8)				300
Kentucky[4]					0 (0)	8 (2.4)	285
					8 (2.4)		300
Louisiana					0 (0)	10 (3)	200
					10 (3)	12 (3.7)	250
					12 (3.7)	14 (4.3)	300
Maine					0 (0)	8 (2.4)	150
					8 (2.4)	10 (3)	200
					10 (3)	12 (3.7)	250
					12 (3.7)		300
Maryland			0 (0)	200 (18.6)			110
			200 (18.6)	400 (37.2)			140
			400 (37.2)	600 (55.8)			165
			600 (55.8)	800 (74.4)			195
			800 (74.4)	1,000 (93)			220
			1,000 (93)	1,200 (111.6)			250
			1,200 (111.6)				300
Massachusetts			0 (0)	200 (18.6)			80
			200 (18.6)	400 (37.2)			140
			400 (37.2)	600 (55.8)			200
			600 (55.8)				300
Michigan					0 (0)	8 (2.4)	145
					8 (2.4)	10 (3)	230
					10 (3)	12 (3.7)	280
					12 (3.7)		300
Minnesota[4]					0 (0)	8 (2.4)	200
					8 (2.4)		300
Mississippi			0 (0)	300 (27.9)			200
			300 (27.9)	400 (37.2)			250
			400 (37.2)				300
Missouri			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300
Montana[4]					0 (0)	10 (3)	150
					10 (3)	12 (3.7)	200
					12 (3.7)	14 (4.3)	225
					14 (4.3)		275
Nebraska			0 (0)	400 (37.2)			100
			400 (37.2)	600 (55.8)			150
			600 (55.8)	800 (74.4)			200
			800 (74.4)	1,000 (93)			250
			1,000 (93)				300
Nevada			0 (0)	400 (37.2)			150
			400 (37.2)	500 (46.5)			200
			500 (46.5)	600 (55.8)			250
			600 (55.8)				300
New Hampshire	(5)	(5)					300
New Jersey			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300
New Mexico [4 5]	0 (0)	20 (32.2)			0 (0)	8.5 (2.6)	206
					8.5 (2.6)	10.5 (3.2)	279
					10.5 (3.2)	12.5 (3.8)	288

TABLE II—MOBILE HOMES—Continued

State	Miles (kilometres)		Area—Square feet (square metres)		Width—Feet (metres)		Allowance dollars
	More than	But not more than	More than	But not more than	More than	But not more than	
					12.5 (3.8)		300
	20 (32.2)	50 (80.5)			0 (0)	8.5 (2.6)	243
					8.5 (2.6)	10.5 (3.2)	288
					10.5 (3.2)		300
New York			0 (0)	300 (27.9)			150
			300 (27.9)	500 (46.5)			200
			500 (46.5)	700 (65.1)			250
			700 (65.1)				300
North Carolina [4] [6]					0 (0)	12 (3.7)	200
					12 (3.7)		300
North Dakota			0 (0)	200 (18.6)			125
			200 (18.6)	400 (37.2)			175
			400 (37.2)	600 (55.8)			225
			600 (55.8)	800 (74.4)			275
			800 (74.4)				300
Ohio [1]	0 (0)	10 (16)	0 (0)	320 (29.8)			130
			320 (29.8)	500 (46.5)			150
			500 (46.5)	840 (78.1)			170
			840 (78.1)	1,120 (104.2)			205
			1,120 (104.2)				250
	10 (16)	25 (40.2)	0 (0)	320 (29.8)			135
			320 (29.8)	500 (46.5)			155
			500 (46.5)	840 (78.1)			190
			840 (78.1)	1,120 (104.2)			220
			1,120 (104.2)				275
	25 (40.2)	50 (80.5)	0 (0)	320 (29.8)			145
			320 (29.8)	500 (46.5)			165
			500 (46.5)	840 (78.1)			200
			840 (78.1)	1,120 (104.2)			250
			1,120 (104.2)				300
Oklahoma					0 (0)	10 (3)	250
					10 (3)		300
Oregon			0 (0)	200 (18.6)			100
			200 (18.6)	600 (55.8)			200
			600 (55.8)				300
Pennsylvania	(*)	(*)					300
Rhode Island					0 (0)	8 (2.4)	225
					8 (2.4)	10 (3)	250
					10 (3)	12 (3.7)	275
					12 (3.7)		300
South Carolina [4]					0 (0)	10 (3)	175
					10 (3)	12 (3.7)	200
					12 (3.7)	14 (4.3)	250
					14 (4.3)		300
South Dakota	(*)	(*)					300
Tennessee [4]					0 (0)	10 (3)	100
					10 (3)		150
Texas					0 (0)	8.5 (2.6)	175
					8.5 (2.6)	10.5 (3.2)	235
					10.5 (3.2)		300
Utah [1]	0 (0)	10 (16)			0 (0)	8 (2.4)	140
					8 (2.4)	10 (3)	145
					10 (3)	12 (3.7)	165
					12 (3.7)		200
	10 (0)	25 (40.2)			0 (0)	8 (2.4)	145
					8 (2.4)	10 (3)	155
					10 (3)	12 (3.7)	175
					12 (3.7)		225
	25 (40.2)	50 (80.5)			0 (0)	8 (2.4)	150
					8 (2.4)	10 (3)	160
					10 (3)	12 (3.7)	190
					12 (3.7)		250
Vermont [7]	(*)	(*)					300
Virginia			0 (0)	200 (18.6)			150
			200 (18.6)	400 (37.2)			200
			400 (37.2)	600 (55.8)			250
			600 (55.8)	800 (74.4)			300
Washington	(*)	(*)					300
West Virginia			0 (0)	300 (27.9)			100
			300 (27.9)	450 (41.9)			150
			450 (41.9)	550 (51.2)			225
			550 (51.2)				300
Wisconsin					0 (0)	8 (2.4)	150
					8 (2.4)	10 (3)	200
					10 (3)	12 (3.7)	250
					12 (3.7)		300
Wyoming [4]					0 (0)	8.5 (2.6)	135
					8.5 (2.6)	10.5 (3.2)	136
					10.5 (3.2)	12.5 (3.8)	210
					12.5 (3.8)		300

[1] Width to 8' (2.4 m) length 40' (12.2m)—$200; length 40' (12.2m)—$300; Width over 8' (2.4 m) length 40' (12.2 m)—$300; length 40' + (12.2m).—$300.
[2] Under 8' (2.4m) × 40' (12.2m)—Unskirted $150; over 8' (2.4m) × 40' (12.2m)—$300.
[3] Plus $50 for expandable trailer.
[4] $300 for double trailer.
[5] Escort fee included.
[6] Personalty only: Width—Under 10 feet (3 m) $60; 10 feet (3 m) $70; 12 feet (3.7 m) and over $100; Doubles $175.
[7] $50 for extras.
[8] All trailers.
[9] All mobile homes.
[10] See footnote 1.
[11] See footnote 2.

[FR Doc. 82-20310 Filed 7-30-82; 8:45 am]
BILLING CODE 4910-22-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1039, 1090, and 1300

[Ex Parte No. 230 (Sub-No. 5)]

Improvement of TOFC/COFC Regulation

AGENCY: Interstate Commerce Commission.

ACTION: Extension of Effective Date to Clarification of Final Rule (Exemption).

SUMMARY: At 47 FR 26634, June 21, 1982, the Commission published a notice which clarified certain antitrust immunity matters in the Commission's decision published at 46 FR 14348, February 27, 1981. That earlier decision exempted rail and truck service in connection with trailer on flatcar (TOFC) and container on flatcar (COFC) service. In response to a request filed by the Association of American Railroads (AAR), the Commission is extending the effective date of its clarification in Ex Parte No. 230 (Sub-No. 5), *Improvement of TOFC/COFC Regulation,* 365 I.C.C. 728 (decided June 11, 1982) from August 20, 1982 to September 1, 1982. The extension is necessary to enable the AAR to review current TOFC per diem, service, and interchange rules in light of the June 11, 1982, decision and make necessary changes before the decision becomes effective.

EFFECTIVE DATE: The effective date of the Commission's June 11, 1982, decision is September 1, 1982.

FOR FURTHER INFORMATION CONTACT: Tom Smerdon, (202) 275-7277.

Decided: July 26, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison. Commissioner Gradison dissented with a separate expression.

Agatha L. Mergenovich,

Secretary.

Commissioner Gradison, Dissenting

I would postpone indefinitely the effectiveness of the decision in *Improvement of TOFC/COFC Regulation,* 365 I.C.C. 728 (1982). The Commission should give further consideration to that decision which could have an adverse effect on equipment use. The basic network of equipment availability for interchange requires immunity for railroad communications related to per diem and mileage charges. Continued immunity would appear to be in the public interest.

[FR Doc. 82-20764 Filed 7-30-82; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 674

[Docket No. 2727-140]

High Seas Salmon Fishery Off Alaska

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

ACTION: Notice of closure.

SUMMARY: The Secretary of Commerce (Secretary) issues a notice of closure of the fishery conservation zone off southeast Alaska to commercial fishing for chinook salmon beginning on July 29, 1982, and continuing through the remainder of the 1982 fishing season. The Secretary also closes the commercial troll fishery for coho, sockeye, pink, and chum salmon for 10 days beginning on July 29, and continuing through August 7, 1982. The closures are necessary to prevent the chinook salmon harvest from exceeding the 1982 harvest guideline, to conserve and manage coho salmon, and to coordinate with identical closures in Alaska territorial waters.

DATES: Closure of the commercial fishery for chinook salmon is effective from 12:01 a.m., Pacific Daylight Time (PDT), July 29, 1982, until 11:59 p.m. PDT, September 20, 1982; closure of the commercial troll fishery for coho, sockeye, pink, and chum salmon is effective from 12:01 a.m. PDT, July 29, 1982, until 11:59 p.m. PDT, August 7, 1982. This notice of closure was filed for publication with the Office of the Federal Register on July 28, 1982 at 4:09 p.m.

ADDRESS: Comments may be sent to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

FOR FURTHER INFORMATION CONTACT: Robert W. McVey, 907-586-7221.

SUPPLEMENTARY INFORMATION: Salmon fishing in the fishery conservation zone (FCZ) off Alaska is managed under the Fishery Management Plan for the High Seas Salmon Fishery Off the Coast of Alaska East of 175° East Longitude (FMP), developed by the North Pacific Fishery Management Council (Council) and implemented by NOAA through regulations appearing at 50 CFR Part 674 (46 FR 33041, June 26, 1981; 46 FR 57299, November 23, 1981). Section 674.23 describes procedures to adjust seasons and areas through field orders.

The Council and the Alaska State Board of Fisheries (Board) jointly recommended to the Secretary that the 1982 harvest guideline for the southeast Alaska chinook salmon commercial fisheries be 255,500 fish. That guideline level is within the optimum yield range of 243,000-272,000. The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), concurred with the Council and the Board and announced his intent to manage the 1982 southeast Alaska salmon fishery in the FCZ to achieve a total chinook salmon harvest of 255,500 fish. The rationale for the Council's and Board's recommendation and the Assistant Administrator's concurrence was published in the **Federal Register** on May 14, 1982 (47 FR 20830).

Analysis of the inseason catch of chinook salmon indicates that the harvest guideline of 255,500 chinook salmon will be achieved by July 28, 1982. Based on this analysis, the Regional Director has determined that it is necessary to close the chinook salmon fishery for the remainder of the 1982 fishing season, beginning at 12:01 a.m. PDT, July 29, 1982, to prevent the harvest guideline from being exceeded. In making this determination according to § 674.23(a)(1), the Regional Director finds that the condition of the chinook salmon resource is worse than

anticipated when the FMP was implemented and that this condition requires this closure (See 47 FR 20830). The State of Alaska has announced its intent to close the chinook salmon fishery in State waters at the same time.

FMP Amendment 1, adopted by the Council and approved and implemented by the Secretary (45 FR 59172, September 8, 1980; 45 FR 34020, May 21, 1980), provides for an inseason closure of the commercial salmon troll fishery in the FCZ off southeast Alaska to reduce the offshore catch of coho salmon, consequently increasing the escapement of coho salmon both to inshore fishing areas and to spawning streams. According to Amendment 1, the closure is to correspond with a State of Alaska closure of the fishery in State waters.

The cumulative troll catch of coho salmon to date is well above both the 10-year average and the 1981 catch. The coho run in outside waters appears strong, but catches by most inside gillnet fisheries are average or slightly below average. The sport catch in the Juneau area is well above both the 10-year average and the 1981 catch.

The Regional Director has determined that a 10-day coho salmon closure is necessary to increase escapement to inshore areas and to compensate for the large amount of fishing pressure that will be directed towards harvesting coho salmon following closure of the chinook salmon fishery. The period selected, July 29 through August 7, is earlier than the optimum time period for a coho closure with respect to coho migrating from offshore to inshore areas (originally the closure was planned for August 10 through 19). The Regional Director has determined, however, that a coho closure beginning July 29 is necessary to coincide with the end of the chinook salmon fishery and facilitate the orderly landing of chinook salmon before vessels resume coho salmon fishing. Possession of chinook salmon is prohibited under 50 CFR 674.22(c) for the remainder of the season, even after the coho salmon fishery reopens on August 8.

This closure will not be effective prior to filing this notice for public inspection with the Office of the Federal Register and publicizing the closure for 48 hours through Alaska Department of Fish and Game (ADF&G) procedures, under 50 CFR 674.23(b)(2).

Under 50 CFR 674.23(b)(3), public comments on this notice of closure may be submitted to the Regional Director at the address stated above for 30 days following the effective date. During the 30-day comment period, the date upon which this notice is based will be available for public inspection during business hours (8:00 a.m. to 4:30 p.m.) at the NMFS Alaska Regional Office, Federal Building, Room 453, 709 West Ninth Street, Juneau, Alaska 99802. If comments are received, the necessity of this closure will be reconsidered and a subsequent notice will be published in the **Federal Register**, either confirming this field order's continued effect, modifying it, or rescinding it.

Other Matters

The chinook and coho salmon resources in southeast Alaska will be subject to damage from overfishing unless this order takes effect promptly. The Assistant Administrator therefore finds for good cause that advance notice and public comment on this order is contrary to the public interest and that there should be no delay in its effective date.

This action is taken under the authority of regulations specified at 50 CR 674.23, and is taken in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 674

Administrative practice and procedure, Fish, Fisheries, Fishing, Reporting requirements.

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

Dated: July 28, 1982.

William G. Gordon,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 82-20815 Filed 7-28-82; 4:09 pm]
BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 47, No. 148
Monday, August 2, 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.

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 329

Defining Savings Deposits; Proposed Amendment

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Deposit Insurance Corporation's ("FDIC") regulations currently prohibit, with certain exceptions, insured nonmember commercial banks from accepting savings deposits of a corporation, partnership, association or certain other organizations which exceed $150,000. Insured nonmember mutual savings banks do not have a similar prohibition on the size of this type of savings deposit. The FDIC is proposing to delete, or in the alternative, increase the ceiling for insured nonmember commercial banks in order to allow them to more effectively compete in the financial market place.

DATES: Comments must be received by October 1, 1982.

ADDRESSES: Comments should be sent to the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429, or delivered to Room 6108 at the same address between the hours of 9:00 a.m. and 5:00 p.m. on business days. Comments received may be inspected in Room 6108 between 9:00 a.m. and 4:15 p.m. on business days.

FOR FURTHER INFORMATION CONTACT: Peter M. Kravitz, Senior Attorney, (202) 389–4171, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429.

SUPPLEMENTARY INFORMATION: Prior to 1975 commercial banks were prohibited from holding savings deposits of commercial entities. In June 1975, the FDIC proposed an amendment to Part 329 to allow business savings deposits. It was felt that the proposed amendment would benefit small businesses which did not have access to money markets and so were precluded from earning a short term return on their funds. When the final regulation was adopted, both the Board of Governors of the Federal Reserve System, in a corresponding provision of Regulation Q (12 CFR 217.1), and the FDIC adopted a $150,000 ceiling on this type of deposit. The adoption of the limit was explained in FDIC's rule as follows:

> After considering all comments submitted to the FDIC and after consulting with the Board of Governors of the Federal Reserve, the Board of Directors has decided to adopt the proposed amendment with a limitation of $150,000 on the amount of funds which a single profit-making business organization may maintain in a savings deposit at any one insured nonmember commercial bank.
>
> Although the Board of Directors received a number of comments objecting to the idea of an amount limitation, and despite the Board's reservations concerning the desirability of a limitation such as the above, the Board decided to adopt it in the interest of achieving uniform regulatory treatment of a subject that has obvious competitive significance for all insured commercial banks, both member and nonmember. In the Board's view, its action accords with the intent evidenced by Congress in enacting interest rate control legislation that requires prior consultation among the federal agencies which supervise financial institutions before prescribing or changing rules governing the payment and advertisement of interest on deposits. (40 FR 46302, October 7, 1975).

This limit on commercial savings deposits for commercial banks was not extended to mutual savings banks. Because mutual savings banks traditionally have done a predominantly savings deposit business, it would have been inequitable to impose restrictions on the savings deposit business that they were engaged in. In the years since the amendment to § 329.1 was adopted there have been many changes in the regulation of banks. Mutual savings banks' powers have been expanded and they are beginning to look more and more like commercial banks.

Furthermore, in today's highly competitive financial marketplace it is important to allow banking institutions the ability to attract additional deposits, especially low cost deposits. The FDIC believes that removing the ceiling would further this aim.

To the extent that the proposed amendment, if adopted, would have an impact, it would be pro competitive since it would give nonmember insured banks an additional area of potential deposits with which it could compete with the thrift industry and nonregulated financial entities. In view of the interest rate regulations which keep the yields on savings deposits far below current market yields, and thus the very small addition to savings deposits expected as a result of this regulation change, the Board of Directors of the FDIC hereby certifies that the proposed amendment, if promulgated, will not have a significant economic impact on a substantial number of small entities. Consequently, in accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), initial and final regulatory analyses will not be prepared.

The proposed regulation does not entail any reporting or recordkeeping requirements. Thus, the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) is not applicable.

This proposal is not intended to affect current regulations on NOW account eligibility in any way.

The FDIC has consulted with the staffs of the Board of Governors of the Federal Reserve System and the Federal Home Loan Bank Board concerning this proposal.

Issues for Specific Comment

In soliciting comments on this proposal the FDIC would specifically like comment on whether the $150,000 ceiling should remain in place, be increased or be removed entirely.

List of Subjects in 12 CFR Part 329

Banks, banking.

Proposed Amendment

PART 329—INTEREST ON DEPOSITS

12 CFR Part 329 is amended as follows:

1. The authority citation for Part 329 reads as follows:

Authority: Secs. 9 and 18, 64 Stat. 881, 891 (12 U.S.C. 1819); secs. 302(b) and 303, 94 Stat. 146 (12 U.S.C. 1828(g) and 1832(a)).

2. In Part 329, § 329.1 is amended by revising the text of § 329.1(e) to read as follows:

§ 329.1 Definitions

* * * * *

(e) *Savings deposits.* (1) The term "savings deposit" means a deposit with

respect to which the depositor is not required by the deposit contract but may at any time be required to give notice in writing of an intended withdrawal not less than 14 days before such withdrawal is made [5] and which is not payable on a specified date or at the expiration of a specific time after the date of deposit.

(2)(i) The term "savings deposit" as defined in paragraph (e)(1) of this section, shall include all interest bearing deposits subject to withdrawal by negotiable or transferable instruments for the purpose of making transfer to third parties where such withdrawals are authorized by law.

(ii) No insured nonmember bank or insured nonmember mutual savings bank shall maintain an interest-bearing deposit for a corporation, partnership, association, or other organization, or for a public unit as defined in section 3(m) of the Federal Deposit Insurance Act, if such deposit is subject to withdrawal by negotiable or transferable instrument for the purpose of making transfers to third parties. *Provided,* That any deposit which would otherwise be prohibited by this paragraph (e)(2)(ii) shall not be subject to such prohibition if it consists solely of funds in which the entire beneficial interest is held by one or more individuals or by an organization which is operated primarily for religious, philanthropic, charitable, educational, or other similar purposes and which is not operated for profit or if it is held by a public unit operated primarily for charitable, educational or other similar purposes.

By order of the Board of Directors, July 26, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 82-20785 Filed 7-30-82; 8:45 am]

BILLING CODE 6714-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 1 and 43

[Docket No. 21988; Ref. Notice No. 81-10, Notice 81-10A, and Proposed Advisory Circular For Aircraft Major Repairs]

Major Repairs

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of Notice of Proposed Rulemaking and Advisory Circular.

SUMMARY: This notice withdraws Notice 81-10 and a proposed advisory circular, Aircraft Major Repairs, published in the **Federal Register** on July 23, 1981. Notice 81-10A, which extended the comment period for Notice 81-10 to May 21, 1982, is also withdrawn. Notice 81-10 proposed certain actions to improve understanding of the term "major repair" and corollary terms related to maintenance and repair procedures for aircraft, airframes, aircraft engines, propellers, and appliances. The proposed advisory circular would have consolidated existing guidance material for major repairs and included the exemplary material from the Federal Aviation Regulations. Based on public comments and further review, the Federal Aviation Administration has concluded that the proposed material would not resolve the problems associated with current repair classifications.

FOR FURTHER INFORMATION CONTACT: Mr. C.W. Schaffer, General Aviation and Commercial Branch (AWS-340), Aircraft Maintenance Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; Telephone (202) 426-8203.

SUPPLEMENTARY INFORMATION:

Background

On July 2, 1981, the FAA issued Notice 81-10 (46 FR 38054; July 23, 1981), which proposed to remove the phrase ", a major repair" from § 43.3(a) of the Federal Aviation Regulations (FAR) and the phrase ", major repairs" from the title of Appendix A and the Index of Part 43, and to remove paragraph (b) of that appendix. This was proposed because the scheme of maintenance regulations established in Parts 43, 91, and 121 of the FAR depends, in part, upon a threshold determination by the person making the repair that a specific repair is "major" or "minor." The "major"/"minor" classification dictates the type of repair data required to properly accomplish the work and the correct procedures for approving the repaired aircraft for return to service.

Classifying major repairs as minor repairs could result in the aeronautical product being approved for return to service by an unauthorized person. In addition, it could lead to repairs of undetermined quality or completing repairs without the alteration and repair reports required by §§ 43.9(a), 121.703, and 121.707. Conversely, classifying minor repairs as major repairs results in wasted technical and administrative manhours.

To properly classify repairs, persons making them refer to the definitions in § 1.1 of Part 1 and paragraph (b) of Appendix A of Part 43. While the definitions in Part 1 provide the fundamental distinction between "major" and "minor" repairs, § 43.3(a) directs maintenance personnel to Appendix A for specific guidance. Appendix A is frequently interpreted as being all-inclusive rather than a list of examples, resulting in improper classification of repairs. Further, the appendix frequently fails to deal with repair situations encountered in modern aircraft.

To provide a document clearly defining these terms, in a format easily amended, the FAA proposed to remove paragraph (b) from Appendix A and incorporate it in an advisory circular discussing the definitions of the terms "major repair" and "minor repair." The appropriate use of "acceptable methods, techniques, and practices" and "technical data approved by the Administrator" would also be discussed because, in certain instances, the proper repair classification depends upon the procedures used and the data available.

Discussion of Comments

Fourteen persons responded to Notice 81-10. Of these, 10 disagree with the proposal; three commenters express total disagreement and seven say the proposal does not deal with the root of the problems. One person made no substantive comment but requested an extension of the comment period. Three persons agree with the proposal.

In substance, the opposing comments hold that modifying or extending the list of examples of major repairs does little to clarify the meaning of major repair. Unless the repair in question is among the examples, its classification is still subject to interpretation. Further, the commenters point out that the proposal does nothing to assist in differentiating between repairs and alterations. One commenter states that the proposal provides too much latitude to the FAA, since it would remove the examples from the regulations and rely only on the definitions of Part 1, which are subject to wide interpretation.

A number of commenters only address the proposed advisory circular. From these comments, it is apparent that the proposal and the proposed advisory circular do not remove existing misunderstandings and that the matter remains subject to extensive discussion and wide interpretation.

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[5] * * * * *

The Decision and Withdrawal

The comments received on Notice 81–10 and the associated advisory circular did not contain positive suggestions as to how repair classifications should be clarified. They clearly indicated, however, that industry did not believe the proposals would ameliorate the problem. Therefore Notice 81–10 (46 FR 30854; July 23, 1981) and the related proposed advisory circular (46 FR 30856; July 23, 1981) are withdrawn.

The FAA believes that actions to clarify repair classifications should be pursued and that industry input is essential to the success of such action. Therefore, the FAA will develop an advisory circular, or a series of advisory circulars, to clarify repair classifications when it has the benefit of input from private sector meetings conducted to reach a consensus on those actions most needed for clarification. Rulemaking will be initiated, as appropriate, after an advisory circular is developed.

List of Subjects

14 CFR Part 1

Airmen, Flights, Balloons, Parachutes, Aircraft pilots, Pilots, Transportation, Agreements, Kits, Air safety, Safety, Aviation safety, Air Transportation, Air Carriers, Aircraft, Airplanes Rotorcraft, Helicopters.

14 CFR Part 43

Air carriers, Air transportation, Aircraft, Aviation safety, Safety.

(Secs. 313(a), 601, and 604, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1424); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this notice of withdrawal involves a rulemaking action which: (1) Is not a major rule under Executive Order 12291; (2) is not a significant rule under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparing a regulatory evaluation because the anticipated impact is so minimal. Since this document does not propose or adopt any regulation, I certify that this action will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

M. C. Beard,

Director of Airworthiness.

[FR Doc. 82-20717 Filed 7-30-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 82-AWA-4]

Proposed Alteration of VOR Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the descriptions of several VOR Federal Airways in the vicinity of Louisville, KY, by deleting alternate airway segments and renumbering other airway segments. This action supports our agreement with the International Civil Aviation Organization (ICAO) to eliminate all alternate airway descriptions from the National Airspace System.

DATES: Comments must be received on or before September 1, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Great Lakes Region, Attention: Chief, Air Traffic Division, Docket No. 82–AWA–4, 2300 East Devon, Des Plaines, IL 60018.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 82–AWA–4." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the descriptions of several VOR Federal Airways in the vicinity of Louisville, KY, by deleting the alternate route segments. Also, those alternate routes required for air traffic will be assigned new numbers. This action supports our agreement with ICAO to eliminate all alternate route designations from our National Airspace System. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70–3 dated January 29, 1982.

First of Subject in 14 CFR Part 71

VOR Federal airways.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as amended (47 FR 12155 and 20569) is further amended as follows:

1. V–171 [Amended] By removing the words "From Louisville, KY, Lewis, IN, including an E alternate from Louisville to Lewis via INT Louisville 312° and Bloomington 153° radials, and Bloomington;" and substituting the words "From Lexington, KY, INT Lexington 251°T(251°M) and Louisville, KY, 114°T(113°M) radials, Louisville; Lewis, IN;"

2. V–514 [New] By adding "V–514 From Louisville, KY; INT Louisville, 312°T(311°M) and Bloomington, IN, 153°T(153°M) radials, Bloomington; to Lewis, IN.

3. V–51 [Amended] By removing the words "Livingston, TN; Louisville, KY, including a W alternate from Livingston to Louisville via INT Livingston 333° and New Hope, KY, 165° radials and New Hope;" and substituting the words, "Livingston, TN; Louisville, KY;"

4. V–513 [New] By adding "V–513 From Livingston, TN; INT Livingston 333°T(332°M) and New Hope, KY, 165°T(164°M) radials; New Hope, KY, to Louisville, KY."

5. V–97 [Amended] By removing the words "Knoxville; London, KY, including an E alternate via INT Knoxville 013° and London 141° radials; Lexington, KY; Cincinnati, OH, including a W alternate via INT Lexington 327° and Cincinnati 192° radials, and also an E alternate from London to Cincinnati via INT London 004° and Lexington 107° radials and Falmouth, KY;" and substituting the words, "Knoxville, London, KY; Lexington, KY; Cincinnati, OH,"

6. V–517 [New] By adding "V–517 From Knoxville, KY; INT Knoxville 013°T(014°M) and London, KY, 141°T(141°M) radials; London; INT London 004°T(004°M) and Falmouth, KY, 164°T(164°M) radials; Falmouth; to Cincinnati, OH."

7. V–52 [Amended] By removing the words "Nashville, TN, including a N alternate" and substituting the words "to Nashville, TN"

8. V–5 [Amended] By removing the words "Nashville, TN, including an east alternate via INT Chattanooga 332° and Nashville 116° radials; Bowling Green, KY; New Hope, KY, including an east alternate from Nashville to New Hope via INT Nashville 034° and New Hope 202° radials; Louisville, KY;" and substituting for them the words "Nashville, TN; Bowling Green, KY; New Hope, KY; Louisville, KY;"

9. V–515 [New] By adding "V–515 From Chattanooga, TN; INT Chattanooga 332°T(331°M) and Nashville, TN, 116°T(114°M) radials; Nashville; INT Nashville, 034°T(032°M) and New Hope, KY, 202°T(201°M) radials; New Hope; to Louisville, KY."

10. V–4 [Amended] By removing the words, "Centralia, IL; Pocket City, IN; including a S alternate; Louisville, KY, including a N alternate via INT Pocket City 068° and Louisville 280° radials; Lexington, KY, including a N alternate via INT Louisville 081° and Lexington 303° radials and also a S alternate via INT Louisville 114° and Lexington 251° radials; Newcombe, KY; Charleston, WV; Elkins, WV, including a S alternative via INT Charleston 083° and Elkins 228° radials;" and substituting for them the words, "Centralia, IL; Pocket City, IN; Louisville, KY; Lexington, KY; Newcombe, KY; Charleston, WV; Elkins, WV;"

11. V–512 [New] By adding "V–512 From Pocket City, IN; INT Pocket City 068°T(065°M) and Louisville, KY, 280°T(279°M) radials; Louisville, INT Louisville 081°T(080°M) and Lexington, KY, 303°T(303°M) radials; Lexington; Newcombe, KY; Charleston, WV; INT Charleston 083°T(086°M) and Elkins, WV, 228°T(232°M) radials; to Elkins."

12. V–511 [New] By adding "V–511 Dyersburg, TN; INT Dyersburg 006°T(003°M) and Cunningham, KY, 224°T(221°M) radials; Cunningham; INT Cunningham 058°T(055°M) and Pocket City, IN 208°T(205°M) radials, Pocket City; INT Pocket City 046°T(043°M) and Bloomington, IN, 205°T(204°M) radials, Bloomington; INT Bloomington 025°T(024°M) radials, and Indianapolis 185°T(184°M) radials to Indianapolis."

13. V–47 [Amended] By removing the words "Dyersburg, TN; Cunningham, KY;" and substituting for them the words "Dyersburg, TN; INT Dyersburg 036°T(033°M) and Cunningham, KY, 187°T(184°M) radials, Cunningham;"

14. V–192 [Amended] By removing the words, "Terre Haute, IN" and substituting for them the words "Terre Haute, IN, INT 079°T(077°M) and Indianapolis, IN, 230°T(229°M) radials to Indianapolis."

15. V–14 [Amended] By removing the words "Indianapolis, IN, including a S alternate via INT of Terre Haute 079° and Indianapolis 230° radials;" and substituting for them the words "Indianapolis, IN;"

16. V–140 [Amended] By removing the words "Nashville, TN, Livingston, TN, including a south alternate via INT Nashville 085° and Livingston 226° radials;" and substituting for them the words "Nashville, TN; to Livingston, TN;"

17. V–35 [Amended] By removing the words "Charleston, WV, including an E alternate via Bluefield, WV;" and substituting for them the words "Charleston, WV;"

18. V–519 [New] By adding "V–519 From Knoxville, TN; INT Knoxville, 050°T(051°M) and Glade Springs 246°T(248°M) radials; Glade Springs; to Bluefield, WV."

(Secs. 307(a) and 313(a) Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

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

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

John W. Baier,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82-20744 Filed 7-30-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-ACE-09]

Transition Area—Grant, Nebraska; Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This Notice proposes to designate a 700-foot transition area at Grant, Nebraska, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Grant Municipal Airport, Grant, Nebraska, utilizing a Non-Directional Radio Beacon (NDB) as a navigational aid.

DATE: Comments must be received on or before September 5, 1982.

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

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

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

FOR FURTHER INFORMATION CONTACT: Dale Carnine, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE–532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri, 64106, Telephone (816) 374–3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on

or before the closing date for comments will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

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

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

The Proposal

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

List of Subjects in 14 CFR Part 71

Aviation safety, Transition area.

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

Grant, Nebraska

That airspace extending upward from 700 feet above the surface within an 8.5 mile radius of the Grant Municipal Airport (Latitude 40°52'10"N, Longitude 101°43'57"W).

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and sec. 11.65 of the Federal Aviation Regulations (14 CFR 11.65)

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

Issued in Kansas City, Missouri, on July 20, 1982.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 82-20748 Filed 7-30-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Parts 71 and 73

[Airspace Docket No. 82-AWA-8]

Proposed Temporary Restricted Area—Alaska

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish temporary Restricted Area BRIM FROST 83 in the vicinity of Clear Creek, AK, to contain a major joint military readiness exercise. Federal Airways B-26 and V-444 would be excluded within the proposed restricted area during the hours of operation by the military. This action would prohibit unauthorized flight operations by nonparticipating aircraft within the proposed restricted area during the time the area is being utilized by the military.

DATES: Comments must be received on or before September 1, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Alaskan Region, Attention: Chief, Air Traffic Division, Docket No. 82-AWA-8, Federal Aviation Administration, 701 C Street, Box 14, Anchorage, AK 99513.

The offical docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 82-AWA-8." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this

NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposals

The FAA is considering amendments to §§ 71.109, 71.125, 71.151 and 73.22 of Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) to designate temporary Restricted Area BRIM FROST 83 located in the vicinity of Clear Creek, AK, to contain a major joint military exercise. There will be approximately 100 fixed-wing and 80 helicopter sorties each day. Also, approximately 17,000 troops will be involved in intensive combat training maneuvers. Communications equipment will be installed and maintained between the appropriate military and FAA facilities to coordinate movement of nonparticipating aircraft through the exercise area when military activity permits. In addition a reverse charge telephone number and UHF/VHF frequencies will be designated and published for pilots of nonparticipating aircraft to coordinate directly with the military if desired. Temporary Restricted Area BRIM FROST 83 is designated as joint use to allow nonparticipating aircraft to transit when the area is not being utilized by the military. The military would provide aerial access to private or public use land in the temporary restricted area. Federal Airway segments of B–26 and V–444 would be excluded within that area during the period military aircraft are performing maneuvers which are not compatible with these airways. The Department of the Air Force, Alaskan Air Command, will serve as lead agency for purposes of compliance with the National Environmental Policy Act (NEPA). Sections 71.109, 71.125, 71.151 and 73.22 of Parts 71 and 73 of the Federal Aviation Regulations were republished in Advisory Circular AC 70–3 dated January 29, 1982.

List of Subjects in 14 CFR Parts 71 and 73

Federal airways, Continental control area, Restricted area.

The Proposed Amendments

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend §§ 71.109, 71.125, 71.151 and 73.22 of Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) as follows:

§ 71.109

B–26 [Amended] By deleting all after "Barter Island, AK, NDB." and substituting the words "The airspace within temporary Restricted Area BRIM FROST 83 is excluded from 0001 local time January 28, 1983, through 2359 local time February 3, 1983."

§ 71.125

V–444 [Amended] By deleting all after "Burwash, Yukon Territory, Canada." and substituting the words "The airspace within temporary Restricted Area BRIM FROST 83 is excluded from 0001 local time January 28, 1983, through 2359 local time February 3, 1983."

§ 71.151

R–2214 BRIM FROST 83 [New] From 0001 local time January 28, 1983, through 2359 local time February 3, 1983.

§ 73.22

R–2214 BRIM FROST 83 [New] Boundaries. Beginning at lat. 64°41'00"N., long. 147°55'00"W.; to lat. 64°40'00"N., long. 147°20'00"W.; to lat. 64°20'00"N., long. 147°00'00"W.; to lat. 64°14'45"N., long. 146°43'15"W.; thence along the east bank of East Fork and Little Delta Rivers to lat. 63°50'50"N., long. 146°47'30"W.; to lat. 63°56'00"N., long. 147°02'00"W.; to lat. 63°58'00"N., long. 148°00'00"W.; to lat. 64°23'00"N., long. 148°05'00"W.; to point of beginning.

Designated altitudes. Surface to FL 200.

Time of designation. Continuous, from 0001 January 28, 1983, through February 3, 1983, local time.

Controlling agency. Federal Aviation Administration, Anchorage ARTC Center.

Using agency. Alaskan Air Command.

Using agency. Alaskan Air Command, Elmendorf AFB, AK.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

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

Issued in Washington, D.C., on July 26, 1982.

B. Keith Potts,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc 82–20747 Filed 7–30–82; 8:45 am]

BILLING CODE 4910–13–M

Coast Guard

33 CFR Part 117

[CGD7 82–09]

Drawbridge Operation Regulations: Lake Worth, Atlantic Intracoastal Waterway, Palm Beach County, Florida

AGENCY: Coast Guard, DOT.

ACTION: Proposal rule.

SUMMARY: At the request of the Town of Lantana, the Coast Guard will consider changing the regulations governing the Lantana Bridge, Atlantic Intracoastal Waterway, mile 1031, at Lantana, Palm Beach County, Florida by permitting the number of openings to be limited during certain periods. This proposal is being made because the periods of peak vehicular traffic have increased. This action should accommodate the needs of vehicular traffic and should still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before September 16, 1982.

ADDRESS: Comments should be submitted to and are available for examination from 7:30 a.m to 4 p.m., Monday through Friday, except holidays, at the office of the Commander (oan), Seventh Coast Guard District, 51 S.W. 1st Avenue, Miami, Florida 33130. Comments may also be hand delivered to this address.

FOR FURTHER INFORMATION CONTACT: James R. Kretschmer, Bridge Administrator, Aids to Navigation Branch, Room 1006, Federal Building, 51 S.W. 1st Avenue, Miami, Florida 33130, telephone (305) 350–4108.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rule making by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgement that their comments have been received should enclose a stamped, self-addessed post card or envelope.

The Commander, Seventh Coast Guard District, will evaluate all

communications received and determine a course of final action on this proposal. the proposal regulation may be changed in the light of comments received.

Drafting Information:

The principal persons involved in drafting this proposal are: James R. Kretschmer, Bridge Administrator, Bridge Administrator, Bridge Section, Aids to Navigation Branch and Lieutenant Michael T. Harris, Seventh Coast Guard District Assistant Legal Officer.

Discussion of the Proposed Regulations

Vehicular traffic has increased significantly on the Lantana Bridge since a similar proposal was reviewed in 1974. This restriction is being considered in an effort to relieve effects of unscheduled bridge openings on the increased vehicular traffic on Saturdays, Sundays, and legal holidays. This proposal would limit the openings to a maximum of four per hour from 10 a.m. to 6 p.m. and provide a more even flow of vehicular traffic. Since tugs with tows will be exempt, commercial vessels constitute a small percentage of the waterway traffic, and the proposal is limited to weekends and holidays, the economic impact will be minimal; therefore, an economic evaluation has not been prepared This proposed regulation has been reviewed under the provisions of Executive Order 12291 and has been determined to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 22 May 1980). As explained above, an economic evaluation has not been conducted. In accordance with 605(b) of the Regulatory flexibility Act (94 Stat. 1164), it is also certified that this rule, if promulgated, would not have a significant economic impact on a substantial number of small entities.

List of subjects in 33 CFR Part 117

Bridges, Coast Guard.

In consideration of the foregoing, it is proposed that Part 17 of Title 33 of the Code of Federal Regulations be amended by adding a new § 117.440c immediately after § 117.440b to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.440c Lake Worth, Atlantic Intracoastal Waterway (AIWW), mile 1031, Lantana Avenue Bridge, Palm Beach County, Florida.

(a) From 1 December to 30 April, on Saturdays, Sundays and legal holidays, from 10 a.m. to 6 p.m., the bridge need open only on the hour, quarter hour, half hour, and three-quarter hour to allow all accumulated vessels to pass. At all other times the draw shall open on signal.

(b) The draw of the bridge shall open at any time for the passage of public vessels of the United States, tugs with tows, and vessels in distress. The opening signal from these vessels is five short blasts of a whistle, horn, other sound producing device, or by shouting.

(c) The owner of or agency controlling the bridge shall post a notice containing the substance of these reguulations both upstream and downstream, on the bridge or elsewhere, in such a manner that they can easily be read at all times from an approaching vessel.

(33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05–1(g)(3)).

Dated: July 13, 1982.

D. C. Thompson,

Rear Admiral, U.S. Coast Guard Commander, Seventh Coast Guard District.

[FR Doc. 82-20798 Filed 7-30-82; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-4-FRL 2179-8]

Approval and Promulgation of Implementation Plans; North Carolina; Revised SO_2 Limits

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On June 28, 1982 (47 FR 27873), EPA proposed rulemaking on revised North Carolina sulfur dioxide limits for fuel-burning sources. Public comments were due by July 28, 1982. A source affected by the proposed rule, the Celanese Corporation, has requested an extension of the public comment period. EPA is therefore extending the comment period for 30 days, until August 27, 1982.

DATE: Comments on the June 28, 1982, proposal must be received on or before August 27, 1982.

ADDRESSES: Send comments to Raymond S. Gregory of EPA Region IV's Air Management Branch at 345 Courtland Street, NE., Atlanta, Georgia 30365.

FOR FURTHER INFORMATION CONTACT: Raymond S. Gregory at 404/881-3286 (FTS 257-3286).

List of Subjects in 40 CFR Part 52

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

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

Dated: July 23, 1982.

John A. Little,

Acting Regional Administrator.

[FR Doc. 82-20819 Filed 7-30-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 81

[Docket No. 107PA-8; A-3-FRL 2173-6]

Commonwealth of Pennsylvania; Section 107—Attainment Status Designation

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve changes Pennsylvania has requested in the total suspended particulate (TSP) designations of several areas. These designations are used for purposes of planning to attain and maintain TSP standards, and are required by Section 107 of the Clean Air Act (CAA). EPA is proposing to approve Pennsylvania's requested changes because the agency believes them to be justified by recent air quality and/or modeling data.

DATE: Comments on the proposed redesignations must be submitted on or before September 1, 1982.

ADDRESSES: Copies of Pennsylvania's request for the redesignations and associated support materials are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Air Programs and Energy Branch, Curtis Building, 6th and Walnut Streets, Philadelphia, PA 19106

Pennsylvania Department of Environmental Resources, Bureau of Air Quality Control, 200 North 3rd Street, Harrisburg, PA 17120.

Comments should be submitted to Mr. Glenn Hanson at the EPA address given above.

FOR FURTHER INFORMATION CONTACT: Mr. Raymond D. Chalmers at the address for EPA Region III above, or at telephone (215) 597-8309.

SUPPLEMENTARY INFORMATION: Section 107 of the CAA requires States to designate the air quality status of areas within them for purposes of planning to

attain and maintain air quality standards. Pennsylvania requested on February 26, 1982 that EPA approve changes in the TSP designations of several areas; its request was supported by extensive air quality and modeling data. Pennsylvania requested most of the redesignations as a result of a decision to change from designating nine of its air basins in their entirety to designating individual townships, boroughs, etc., within them. Pennsylvania also requested redesignations in cases where recent air quality or modeling data indicated they were appropriate. EPA has reviewed all the TSP redesignations requested by the State and believes they are approvable.

Pennsylvania's requested redesignations will bring the State's TSP designations up to date for all areas except Allegheny County and Philadelphia. Pennsylvania did not review the TSP designations of these areas because local agencies handle air planning within them.

Pennsylvania's requested redesignations apply to areas in six Air Quality Control Regions (AQCRs). The State's requested redesignations are described below on an AQCR by AQCR basis.

I. Metropolitan Philadelphia Interstate AQCR

Pennsylvania has decided to change the designation of several areas in the Southeast Pennsylvania Air Basin. The State proposes to change the designation of Phoenixville Borough from "Does not meet Secondary Standards" to "Better than National Standards." The State also proposes to change the designations of the following areas from "Cannot be Classified" to "Better than National Standards"; West Conshohocken Borough, Lower Merion Borough, Narberth Borough, Upper Merion Township, Bridgeport Borough, Norristown Borough, Plymouth Township, Whitemarsh Township, Upper Moreland Township, Lower Pottsgrove Township, Upper Providence Township, Caln Township, Downingtown Borough, East Followfield Township, Modena Borough, Valley Township, North Coventry Township, East Coventry Township, and Schuylkill Township.

II. Northeast Pennsylvania Interstate AQCR

Pennsylvania now has the Scranton Wilkes-Barre, Allentown-Bethlehem-Easton, and Reading Air Basins, which are located in this AQCR, designated on an entire air basin basis. Pennsylvania proposes to redesignate these air basins by designating individual minor civil divisions (MCDs) within them as described below:

A. *Scranton Wilkes-Barre Air Basin*—This air basin is now designated as "Does not meet Secondary Standards." Pennsylvania proposes that the City of Wilkes-Barre and the borough of Throop remain thus designated. Pennsylvania proposes to change the designations of all remaining MCDs to "Better than National Standards."

B. *Allentown-Bethlehem-Easton Air Basin*—This air basin is not designated as "Does not meet Primary Standards." Pennsylvania proposes that this designation be retained for the boroughs of Northampton and Coplay and the townships of Allen and Whitehall, and that all remaining MCDs be redesignated to "Better than National Standards."

C. *Reading Air Basin*—This air basin is now designated as "Does not meet Secondary Standards." Pennsylvania proposes that Laureldale and Temple Boroughs and Muhlenberg Township remain thus designated and that all other MCDs be redesignated to "Better than National Standards."

Pennsylvania also proposes to change the designation of one non-air basin area in this AQCR. Pennsylvania proposes to change the designation of the City of Palmerton from "Better than National Standards" to "Cannot be Classified."

III. South Central Pennsylvania Intrastate AQCR

Pennsylvania proposes to redesignate the following areas:

A. *Harrisburg Air Basin*—This air basin is presently designated as "Does not meet Secondary Standards." The State proposes to redesignate this air basin in its entirety to "Better than National Standards."

B. *Lancaster Air Basin*—Pennsylvania has this air basin presently designated as "Does not meet Primary Standards." Pennsylvania proposes to keep the City of Lancaster and Manheim Township thus designated and to redesignate the remaining MCDs as "Better than National Standards."

C. *York Air Basin*—York Air Basin is now designated "Does not meet Primary Standards." The State proposes to keep York City, West York Borough, and West Manchester Township designated "Does not meet Primary Standards" and to designate the remaining MCDs "Better than National Standards."

IV. Central Pennsylvania Intrastate AQCR

In this AQCR Pennsylvania proposes to revise its designation of the Johnstown Air Basin. This air basin is now designated "Does not meet Primary Standards." Pennsylvania proposes that Johnstown City, East Conemaugh Borough, Franklin Borough and Dale Borough remain designated "Does not meet Primary Standards." Pennyslvania also proposes that the townships of East Taylor, Middle Taylor and West Taylor be redesignated "Cannot be Classified" and that the remaining MCDs be classified "Better than National Standards."

V. Southwest Pennylvania Intrastate AQCR

Pennsylvania proposes to change the designations of a number of areas in the Monongahela Air Basin. This air basin is now designated in its entirety as "Does not meet Primary Standards." Pennsylvania proposes to keep Donora Borough, Monessen City, and the townships of Carrol and Rostraver thus designated. The State proposes to redesignate the borough of Brownsville from "Does not meet Primary Standards" to "Does not meet Secondary Standards." The State proposes to redesignate all remaining MCDs in the air basin from "Does not meet Primary Standards" to "Better than National Standards." Pennsylvania also proposes to change the designation of one non-air basin area. Pennsylvania proposes to change the designation of the City of New Kensington in Westmoreland County from "Better than National Standards" to "Cannot be Classified."

VI. Northwest Pennsylvania Interstate AQCR

Pennsylvania proposes to change the designations of several areas in the Erie Air Basin. This air basin is now designated "Does not meet Primary Standards." Pennsylvania is proposing to redesignate the City of Erie, Lawrence Park Township and the borough of Wesleyville to "Does not meet Secondary Standards" and to redesignate the remaining MCDs to "Better than National Standards."

The public is invited to comment on the whether or not the redesignations proposed by Pennsylvania should be approved. All comments received on or before September 1, 1982 will be considered. All comments should be sent to EPA at the address given above.

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

Under 5 U.S.C. 605(b), the Administrator has certified that redesignations do not have a significant economic impact on a substantial

number of small entities (See 46 FR 8709).

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

(Secs. 107(d), 301(a) of the Clean Air Act as amended (42 U.S.C. 7407(d), 7501(2), 7601(a))

Dated June 21, 1982.

Peter N. Bibko,

Regional Administrator.

[FR Doc. 82-20818 Filed 7-30-82; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 80

[CGD 79-180]

Disclosure of Safety Standards and Country of Registry

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to revise the regulations that apply to the disclosure of safety standards and country of registry for domestic and foreign passenger vessels. The present regulations are misleading and do not correctly express the intent of Congress. These amendments will clarify the regulations by more accurately defining the requirements imposed on the passenger vessel industry when advertising or selling passage aboard vessels of 100 gross tons or over having berth or stateroom accommodations for 50 or more passengers.

DATES: Comments must be received on or before November 1, 1982.

ADDRESSES: Comments may be mailed to Commandant (G-CMC/44), U.S. Coast Guard Headquarters, Washington, D.C. 20593. Between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, comments may be delivered to and will be available for inspection at the Marine Safety Council (G-CMC/44), Room 4402, 2100 Second Street, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Commander John P. Deleonardis (G-MIV-2/24), Room 2612, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593, (202-426-2190).

SUPPLEMENTARY INFORMATION: The public is invited to participate in this rulemaking by submitting written views, data or arguments.

Comments should include the name and address of the person making them, identify this Notice (CGD 79-180) and the specific section to which each comment applies, and give reasons for the comments. If an acknowledgement is desired, a stamped, self addressed postcard or envelope should be enclosed. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal.

No public hearing is planned, but one may be held if written requests for a hearing are received from interested persons having a genuine issue to raise and it is determined that the opportunity to make oral presentations will be beneficial.

Drafting Information:

The principal persons involved in the drafting of these rules are: DCR John P. Deleonardis, Project Manager, Office of Merchant Marine Safety, and LT Mark Hanlon, Project Attorney, Office of the Chief Counsel.

Discussion

Subsection 362(b) of Title 46, United States Code, requires owners, operators, agents, or any person selling passage on subject vessels to disclose the vessels' compliance with certain safety standards. This disclosure requirement applies to passenger vessels, unless otherwise exempted, of 100 gross tons or more, having berth or stateroom accommodations for fifty or more persons. Congress did not deem it necessary to apply the disclosure requirements to smaller vessels, such as passenger ferries, day cruisers, etc.

The statute requires direct notification of each prospective passenger embarking on subject vessels from United States ports. In order to prevent circumvention of these passenger notification requirements by vessels embarking passengers at ports outside, rather than within the United States, Congress extended the disclosure requirements to advertisements in the United States for passage on such vessels for ocean voyages anywhere in the world, and also required disclosure of country of registry.

In discussing promotional literature or advertising the statute speaks to offer of passage or soliciting passengers, rather than the size of vessels covered or persons subject to the requirements. There is an implication that the advertising disclosure requirement applies to the same size vessel as the passenger notification requirement. This has led some to believe that the embarkation of passengers at United States ports is also a prerequisite to applicability of the advertising disclosure requirements. The legislative history of the statute indicates that the advertising disclosure requirement applies to the same size vessel as the passenger notification requirement, and that disclosure must occur in all advertising even though the vessel concerned does not embark passengers at U.S. ports.

The present regulations in Part 80 of Title 46, Code of Federal Regulations, are misleading in that the statutory ambiguity is not resolved. The embarkation of passengers at United States ports, as a prerequisite to application of the passenger notification requirement (46 CFR 80.25), is not explicitly stated in § 80.10(a). The advertising disclosure requirement (46 CFR 80.30) is not explicitly made applicable to only subject vessels in § 80.10(b). The statutory language "ocean voyage anywhere in the world" is not defined.

In order to resolve these ambiguities and to reflect actual Coast Guard practice in applying these regulations, these proposed amendments would revise the applicability of the regulations to read in terms of persons who are subject thereto. The vessel size description would be clearly set out. Applicability would be no longer defined in terms of subject vessels and voyages or advertising activities. A definition of "ocean voyage anywhere in the world" will also be included to clarify Congressional intent that a seagoing voyage on exposed waters, as opposed to a voyage on inland or protected waters, is comtemplated. The definition of the regulated activities therefore are now found in the substantive subparts implementing the statutory passenger notification and advertising disclosure requirements (46 CFR 80.25, as revised by these proposed amendments, and proposed § 80.30, respectively). The proposed amendments will thereby more accurately define the scope of the regulations and more effectively implement the intent of Congress.

A final ambiguity requiring clarification concerns the minimum type size of printed country of registry statements. Section 80.25(b) and § 80.30(c)(1) require a minimum type size for prescribed safety information statements, which include country of registry information. Section 80.20(b), which requires country of registry statements concerning vessels otherwise exempt from safety information statement requirements, fails to specify the minimum type size requirement. That section would be amended to include this requirement, in order to implement the Congressional intent that country of registry statements be made in a manner which reasonable discloses that information.

Evaluation

The Coast Guard has determined, in accordance with E.O. 12291 and DOT Order 2100.5, "Policies and Procedures for Simplification, Analysis, and Review of Regulations," dated 5 May, 1980 that these proposed amendments are not major and not significant. These amendments consist of mere editorial changes and a new minimum type size requirement. The minimum type size requirement is the least costly method of implementing the Congressional intent that the country of registry information be reasonably disclosed. Specifying a minimum type size, in order to ensure that the information is clearly disclosed, adds no additional reporting cost. Consequently, no evaluation has been prepared.

Regulatory Flexibility Analysis

The proposed regulations have been evaluated under Pub. L. 96–354 (94 Stat. 1168) and are certified as having no significant economic impact on a substantial number of small entities. A six point American type size requirement to disclose country of registry has no significant economic impact since there will be no increase in the reporting cost. The reamining amendments are purely editorial with no economic impact.

List of Subjects in 46 CFR Part 80

Advertising, Marine safety, Passenger vessels, Penalties, Travel, Foreign trade.

In consideration of the foregoing, the Coast Guard proposes to amend Chapter I of Title 46 of the Code of Federal Regulations as follows:

PART 80—DISCLOSURE OF SAFETY STANDARDS AND COUNTRY OF REGISTRY

1. By revising § 80.10 to read as follows:

§ 80.10 Applicability.

Except as exempted in § 80.20, this part applies to—(a) Owners, operators, agents, or any person selling passage on a foreign or domestic vessel of one hundred gross tons or over having berth or stateroom accommodations for fifty or more passengers and embarking passengers at a United States port for a coastwise or an international voyage; and (b) owners, operators, agents, and other persons involved in the publishing and distribution of promotional material in or over any medium of communication within the United States offering passage or soliciting passengers for an ocean voyage anywhere in the world, by a vessel of one hundred gross tons or over having berth or stateroom accommodations for fifty of more passengers, regardless of whether passengers are embarked at United States ports for said voyage.

2. By revising § 80.15 to read as follows:

§ 80.15 Ocean voyage.

An ocean voyage for the purposes of this part means:

A voyage on any body of water seaward of the low water mark such as an ocean or arm thereof, other major bodies of water such as, seas, gulfs, and straits, except voyages exclusively within harbors and small coastal indentations.

3. By revising § 80.20(b) to read as follows:

§ 80.20 [Amended]

* * * * *

(b) If the exception in paragraph (a) of this section applies, the country of registry must appear in printed advertising or promotional literature as described in § 80.30(a), in a type no smaller than six points, American point system.

4. By revising § 80.25(a) to read as follows:

§ 80.25 Notification of safety standards.

(a) Each owner, operator, agent, or other person, selling passage for a coastwise or an international voyage embarking passengers at a United States port shall give to a prospective passenger, in writing, at the time of or before passage is booked, separately from any promotional literature or advertising used, a document containing the following information for each vessel concerned—

* * * * *

(R.S. 4400, as amended, Pub. L. 89–777, 80 Stat. 1356; Pub. L. 91–154, 83 Stat. 427 (46 U.S.C. 362); 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

Dated: July 23, 1982.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard Chief, Office of Merchant Marine Safety.

[FR Doc. 82-20797 Filed 7-30-82; 8:45 am]

BILLING CODE 4910-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 82-467; RM-4127]

FM Broadcast Station in Mountain Home, Arkansas; Proposed Changes in Table of Assignments

AGENCY: Federal Comminications Commision.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of Channel 298 to Mountain Home, Arkansas, in response to a petition filed by Baker Broadcasting Company. The proposed assignment could provide a first Class C and second FM assignment to Mountain Home.

DATES: Comments must be filed on or before September 6, 1982, and reply comment on or before September 21, 1982.

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

FOR FURTHER INFORMATION CONTACT: D. David Weston, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION: .

List of subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: July 21, 1982.

Released: July 28, 1982.

1. Baker Broadcasting Company ("petitioner") has filed a petition for rule making proposing the assignment of FM Channel 298 to Mountain Home, Arkansas, as the community's first Class C assignment. Mountain Home at the present time is served only by commonly-owned Stations KTLO and KTLO–FM (Channel 252A). There are also pending three applications for channel 288A which is assigned to Mountain Home.

2. Mountain Home, the seat of Baxter County, is located approximately 176 kilometers (110 miles) north of Little Rock, Arkansas. The Commission had previously denied the assignment of FM Channel 298 to Mountain Home, Arkansas, in its *Second Report and Order* in BC Docket No. 79–155, 46 Fed. Reg. 39142 (1981). Petitioner's current proposal, however, is consistent with the Commission's new FM assignment policies as set forth in its *Second Report and Order* in BC Docket No. 80–130, 47 FR 26624, published June 21, 1982. In accordance with these newly developed assignment policies, it is no longer necessary to consider population and demographic data, intermixture of Class C and A channels or preclusion matters in this type of rule making proceeding. Petitioner has expressed an interest in applying for the channel, if assigned.

3. Petitioner's proposed assignment meets the mileage separation requirements of the Commission's rules, except in the following respects. A site restriction of approximately 15.7 miles southeast of Mountain Home is required due to Station KNIB in Poteau, Oklahoma, and a pending application for unused Channel 296A at Birch Tree, Missouri. The site proposed by

petitioner would be short-spaced three miles to the pending application for Channel 296A at Birch Tree.

4. In view of the foregoing information and the fact that the assignment is consistent with the new FM Assignment policies and could provide a second commercial FM broadcast service, the Commission proposes to amend the FM Table of Assignments, §73.202(b) of the Rules, as follows:

City	Channel No.	
	Present	Proposed
Mountain Home, Ark	252A, 288A	252A, 288A, 296

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before September 6, 1982, and reply comments on or before September 21, 1982, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, Section 73.202(b) of the Commission's rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact D. David Weston, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281(b)(6) and 0.204(b) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 82-20801 Filed 7-30-82; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-462; RM-4101]

FM Broadcast Station in Sutton, West Virginia; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 246 to Sutton, West Virginia, in response to a petition filed by Milliken Investment Corporation. The proposal would provide a first FM service to the community.

DATES: Comments must be filed on or before September 6, 1982, and reply comments on or before September 21, 1982.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: July 19, 1982

Released: July 23, 1982.

1. A petition for rule making was filed by Milliken Investment Corporation ("petitioner") on March 31, 1982, proposing the assignment of Class B Channel 246 to Sutton, West Virginia, as its first FM assignment. Petitioner states that it will apply for the channel, if assigned.

2. Sutton is served by one local radio station—AM Station WGGB—of which petitioner is the licensee.

3. Petitioner submitted information in support of the proposal to assign Channel 246 to Sutton, West Virginia, as that community's first FM assignment.[1]

[1] Petitioner furnished demographic, economic and preclusion data demonstrating the need for a first

Petitioner believes that the public interest would be served by that assignment. The assignment of Channel 246 to Sutton will require a site restriction of 6.1 miles south of the city due to Station WKWK in Wheeling, West Virginia.

4. Since the proposed assignment of Channel 246 to Sutton, West Virginia, is within 320 kilometers (200 miles) of the U.S.-Canadian border, Canadian concurrence must be obtained.

5. In view of the fact that the proposed FM channel assignment would provide a first FM broadcast service to Sutton, West Virginia, the Commission believes it appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission rules, with respect to that community, as follows:

City	Channel No.	
	Present	Proposed
Sutton, W. Va.		246

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before September 6, 1982, and reply comments on or before September 21, 1982, and are advised to read the Appendix for the proper procedures.

8. The Commission has determined that the relevant provisions of the Regulatory Felexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281(b)(6) and 0.204(b) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 82-20802 Filed 7-30-82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82-468; RM-4119]

TV Broadcast Station in Marshfield, Wisconsin; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of UHF television Channel 39 to Marshfield, Wisconsin, as its first commercial UHF television channel, in response to a petition filed by Journal Printing Company.

DATES: Comments must be filed on or before September 6, 1982, and reply comments on or before September 21, 1982.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: .

List of Subjects in 47 CFR Part 73

Television.

Adopted: July 21, 1982.

Released: July 28, 1982.

1. The Commission herein considers a petition for rule making filed May 17, 1982, by Journal Printing Company ("petitioner") which seeks the assignment of UHF television Channel

FM assignment, but the information is no longer required due to the action taken in the *Second Report and Order* in BC Docket No. 80-130, 47 FR 26624, published June 21, 1982.

39 to Marshfield, Wisconsin. Petitioner expressed an interest in applying for the channel, if assigned.

2. Marshfield (population 17,711),[1] in Wood County (population 72,266), is located in central Wisconsin 252 kilometers (160 miles) northwest of Milwaukee. Neither Marshfield nor Wood County has an assigned television channel.

3. The assignment of UHF Channel 39 to marshfield complies with all applicable channel separation requirements.

4. In view of the fact that the proposed assignment could provide Marshfield with its first television broadcast service, the Commission finds that it would be in the public interest to seek comments on the proposal to amend the Television Table of Assignments (Section 73.606(b) of the rules) with regard to the following city:

City	Channel No.	
	Present	Proposed
Marshfield, Wis		39–

5. Since the proposed assignment of Channel 39 to Marshfield, Wisconsin, is within 320 kilometers (200 miles) of the U.S.-Canadian border, Canadian concurrence must be obtained.

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before September 6, 1982, and reply comments on or before September 21, 1982, and are advised to read the Appendix for the proper procedures.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the Television Table of Assignments, Section 73.606(b) of the Commission's rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

[1] Population figures are from the 1980 U.S. Census as reported by the petitioner.

However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.204(b) and 0.281(b)(6) of the Commission's rules, it is proposed to amend the TV Table of Assignments, 73.606(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 82–20803 Filed 7–30–82; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171, 172, 173, 174, 176, 177, and 178

[Docket No. HM–166N; Notice No. 82–7]

Shipment of Hazardous Materials; Proposed Miscellaneous Amendments

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Materials Transportation Bureau (MTB) is proposing to make several miscellaneous amendments to the regulations pertaining to the shipment of hazardous materials. This action is necessary to update the regulations and to reduce MTB'S backlog of rulemaking petitions.

DATE: Comments must be received by October 1, 1982.

ADDRESS: Address comments to the Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C.

20590. Comments should identify the docket and notice number and be submitted in five copies. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 7th Street SW., Washington, D.C. Public dockets may be reviewed between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Darrell L. Raines, Chief, Exemptions and Regulations Termination Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Washington, D.C. 20590 (202–472–2726).

SUPPLEMENTARY INFORMATION: This document is the fourteenth in a series of notices and amendments designed primarily to reduce regulatory burdens by incorporating changes in the Hazardous Materials Regulations based on either petitions for rulemaking submitted in accordance with 49 CFR 106.31 or on MTB's own initiative. These proposed amendments are in keeping with Executive Order 12291 and are designed to simplify existing regulations.

In summary, these proposed amendments would (1) revise § 171.7(d)(2) by updating the reference to the latest issue of Association of American Railroads Specification for Tank Cars; (2) eliminate the confusion in § 172.101 by deleting the parenthetical phrase for the entries "Uranium hexafluoride, fissile (containing more than 0.7% U–235)" and "Uranium hexafluoride, low specific activity (containing 0.7% or less U–235)"; (3) amend the entry "Nitrating acid *(RQ–1000/454)*" in § 172.101 to require the oxidizer label and the corrosive label; (4) correct the entry "Fibers *or* fabric, containing not more than 5% animal *or* vegetable oil" in § 172.101 by deleting the word "not"; (5) correct the RQ value in § 172.101 for the entry "Ammonium hydroxide (containing less than 12% ammonia); (6) correct a typographical error for the entry Phosphorus trichloride; (7) add eight new entries to the Table in § 172.101: (a) Rocket ammunitition with empty, inert, or solid loaded projectile, Class A, (b) Phenyl mercaptan, (c) *Benzenethiol. See* Phenyl mercaptan, (d) *thiophenol. See* Phenyl mercaptan, (e) Petroleum oil n.o.s. *See* Oil, (f) Ethanol *See* Ethyl Alcohol, (g) Chloropicrin, mixture, flammable, (h) Methyl phosphonic dichloride. In addition, the present Table entries for Ethyl phosphonous dichloride, anhydrous and Methyl phosphonous dichloride would be deleted and Ethyl phosphonous dichloride and Methyl phosphonous dichloride would reference Pyroforic liquid, n.o.s. because test results indicate these two materials are pyroforic. (8) delete the word "Forbidden" in Column (7)(c) of the Table in § 172.101 and change the shipping name for the entry "Charged oil well jet perforating gun *(total explosive contents in guns not exceeding 20 pounds per motor vehicle or special offshore down hole tool pallet)*"; correct a typographical error in the § 172.101 Table for the entry *1-Bromo-2-nitrobenzene (unstable at 59 deg C.)* (10) require the Flammable solid and Dangerous when wet label for the entry "Sodium methylate, dry *(RQ–1000/454)*"; (11) add paragraphs (e) and (f) to § 172.202 to prohibit a shipper from offering for transportation as a hazardous material a material that does not meet the definition of a hazardous material or otherwise authorized by 49 CFR Parts 100–177 to be shipped as a hazardous material; (12) clarify the use of the words "Limited Quantity" or "Ltd. Qty." in § 172.203(b); (13) correct "NA2076" to read "UN2076" in § 172.203(c)(2); (14) authorize motor vehicles transporting cargo tanks or portable tanks by highway to use the COMBUSTIBLE placard with the white lower portion or the FLAMMABLE placard to display identification numbers for combustible liquids; (15) delete the parenthetical phrase in Table 1 of § 172.504 for the entries "Uranium hexafluoride, fissile (containing more than 0.7 percent U^{235})" and "Uranium hexafluoride, low specific activity (containing 0.7 percent or less U^{235})". Note 4 would be revised to authorize use of the flammable placard on a compartmented tank car containing a Combustible liquid. Also, Note 6 in Table 2 of § 172.504 incorrectly refers to the word "exemptions" instead of "exceptions"; (16) revise § 172.400(b)(3) regarding military explosives; (17) exempt farmers and their agent(s) from the marking and outside container specification requirements when transporting less-than-case-lots of formulated pesticide chemicals in private carriage under certain conditions. Also, an exception would be granted to waive the specification packaging for formulated pesticide chemicals on vehicles equipped with a closed system and operated by private carriage between a final distribution point and the ultimate point of use; (18) simplify the existing wording for the use of overpacks; (19) authorize the use of DOT Specification 51 portable tanks where IM–101 and IM–102 portable tanks are authorized, subject to the commodity requirements of the IM Tank Table; (20) revise § 173.32(L)(1) and § 173.33(f) to bring them in line with NFPA 58 regarding pipe joints on tanks used for compressed gas; (21) authorize DOT Specification MC–304 cargo tanks to be equipped with pressure relief devices and fusible devices as specified in § 178.342–4 and 178.342–5, for DOT Specification MC–307 cargo tanks; (22) authorize the use of an additional inside container for the shipment of *Lead styphnate* when overpacked in a DOT Specification 5, 5B or 17H metal barrel or drum; (23) exclude beverage wine and "grape must" from the definition of a combustible liquid; (24) revise § 173.115(d) to reflect the latest issue of certain ASTM Standards; (25) authorize the use of DOT Specification 12A or 12B fiberboard boxes as an overpack for the shipment of Pyroforic liquids in § 173.134(a)(1); (26) authorize an exception for the shipment of small quantities of corrosive liquids in glass containers overpacked in strong outside packagings; (27) remove certain requirements in § 173.245(b) regarding the shipment of hazardous waste and hazardous substances that are corrosive only to steel and classed as a corrosive material; increase the capacity of plastic drums from 7-gallon capacity to 55-gallon capacity for the shipment of corrosive solids in § 173.245b(a)(6) and correct an oversight in the May 22, 1980 (45 FR 74640) publication; (28) amend § 173.277 to regulate shipments of Hypochlorite solutions *containing more than 7% available chlorine by weight (RQ–100/45.4)* in tank vehicles; (29) correct a typographical error in § 173.308(a); (30) revise § 173.357(b)(3) for Chloropicrin mixtures; (31) eliminate marking requirements for ORM–D materials under certain conditions; (32) add Blasting agents to the Table in § 174.25; (33) revise § 176.11 to authorize hazardous materials offered for transportation under IMCO to be transported by vessel in coast-wise service or between the mainland and Alaska, Puerto Rico, the Virgin Islands, American Samoa, or Guam; (34) revise § 176.30(a)(3) and correct § 176.30(a)(6) to provide for inclusion of the identification number as an element of the basic description on a shipping paper; (35) authorize ammonium nitrate fertilizer *(containing no more than 0.2 percent carbon)* to be loaded on or unloaded from a vessel at any waterfront facility without a permit; (36) clarify § 177.824(h) regarding the word "inspection" and the word "test"; (37) authorize the use of additional tie-down methods for securing tarpaulins on motor vehicles when transporting explosives; (38) eliminate the need for a copy of test reports to be filed with the Associate Director for OE in § 178.209–14, § 178.214–18, § 178.218–11 and § 178.219–14; and correct the words

"Bureau of Explosives" to read "Associate Director for HMR" in § 178.245–7.

This proposed rulemaking is a refinement of the existing Hazardous Materials Regulations and should not result in any increase in costs or prices for manufacturers, shippers, carriers, consumers, Federal, State, or local government agencies.

The following list of Federal Register Thesaurus of Indexing Terms apply to this notice of proposed rulemaking:

List of Subjects

49 CFR Part 171

Hazardous materials transportation.

49 CFR Part 172

Hazardous materials transportation, Labeling, Packaging and containers.

49 CFR Part 173

Hazardous materials, Transportation, Packaging and containers.

49 CFR Part 174

Hazardous materials transportation, Railroad safety.

49 CFR Part 176

Hazardous materials transportation, Maritime carriers.

49 CFR Part 177

Hazardous materials transportation, Motor carriers.

49 CFR Part 178

Hazardous materials transportation, Packaging and containers.

Regulation affected	Reason(s) for proposed change	Proposed amendment
§ 171.7(d)(2)	To update the reference to the latest issue of the "Association of American Railroads Specification for Tank cars".	To revise § 171.7(d)(2) to read as follows: (2) AAR Specification for Tank Cars means the 1981 edition of the "Association of American Railroads Specifications for Tank cars, Specification M–1002".
§ 172.101	To delete the parenthetical phrase in § 172.101 for Uranium hexafluoride, fissile (*containing more than 0.7% U–235* and Uranium hexafluoride, low specific activity (*containing 0.7% or less U–235*). Also, this same parenthetical phrase would be deleted in Column 1 of Table 1 in § 172.504. The referenced parenthetical phrase causes confusion by implying that uranium hexafluoride enriched greater than 0.7% is fissile material while § 173.393(a)(3) indicates that up to 1% enriched materials are not classified as fissile radioactive materials. This proposed amendment would clarify that shipments of up to 1% enriched material are lot specific activity and 1% and greater enriched materials are fissile.	To amend the Table in § 172.101 by changing the following entries in Column 2. Uranium hexafluoride, fissile (*containing more than 0.7% U–235*) and Uranium hexafluoride, low specific activity (containing 0.7% or less U–235) to read as follows: Uranium hexafluoride, fissile. Uranium hexafluoride, low specific activity.
§ 172.101	To require both the oxidizer label and the corrosive label for the Table entry "Nitrating acid (*RQ–1000/454*)". This action is considered necessary to alert carriers and emergency response personnel of the corrosivity of this material.	To revise Column (4) of the Table in § 172.101 for the entry "Nitrating acid (*RQ–1000/454*)" to read "Oxidizer and Corrosive".
§ 172.101	To correct the entry in Column (2) "Fibers *or* fabric, containing not more than 5% animal *or* vegetable oil" to read "Fibers *or* fabric, containing more than 5% animal *or* vegetable oil". The word "not" was inadvertently added under Docket HM–112.	To amend the Table in § 172.101 by correcting the entry "Fibers *or* fabric, containing not more than 5% animal or vegetable oil "to read "Fibers *or* fabric, containing more than 5% animal or vegetable oil".
§ 172.101	To correct RQ value in Column (2) for "Ammonium hydroxide (*containing less than 12% ammonia*)" from "(*RQ–5000/2270*" to read "(*RQ–1000/454*)". The incorrect RQ figure was published in the **Federal Register** on November 10, 1980 (45 FR 74640).	To amend the Table in § 172.101 by correcting the entry "Ammonium hydroxide (*containing less than 12% ammonia*) (*RQ–5000/2270*)" to read "Ammonium hydroxide (*containing less than 12 percent*) (*RQ–1000/454*)".
§ 172.101	To correct a typographical error in Column (7)(a) for "Phosphorus trichloride (*RQ–5000/2270*)" from 11 to 1.	To revise Column (7)(a) of the Table in § 172.101 for the entry "Phosphorous trichloride (*RQ–5000/2270*)" to read 1 instead of 11.
§ 172.101	To add new entry in the Hazardous Materials Table for "Phenyl mercaptan," classed as a Poison B. Phenyl mercaptan also meets the DOT definition for the combustible liquid hazard class. The toxicity of phynyl mercaptan, as listed in the National Institute for Occupational Safety and Health Registry of Toxic Effects of Chemical Substances (1979) edition), is as follows: Oral—rat LD50: 46 mg/kg and inhalation—rat LC50: 33 ppm/4 hours (1.5 mg/l). No skin-rabbit LD50 was listed. The closed cup flash point of phenyl mercaptan is 123° F. Evidently,there has been some confusion about the flash point which is incorrectly listed in some publications as 60°F. The UN Recommendation for the Transport of Dangerous Goods classes phenyl mercaptan as a poison and indicates a subsidiary risk of flammable liquid. However, the IMCO Code and the 1977 edition of the UN Recommendations class phenyl mercaptan as a flammable liquid. Amendment No. 19–1980 to the IMCO Code, which will be published later this year, will correct the error and classify phenyl mercaptan as a poison, having a subsidiary risk of flammable liquid.	See Table for proposed entry.
§ 172.101	To add a new entry in Column (2) to read as follows: "Petroleum Oil, n.o.s." *See* "oil". This new entry is needed in order to bring the Hazardous Materials Table in line with the petroleum and chemical industry, where a wide range of products are described under the general heading of "Petroleum oil".	To amend the Table in § 172.101 by adding a new entry to read as follows: Petroleum oil, n.o.s. *See* Oil.
§ 172.101	To add a new entry in Column (2) to read as follows: Ethanol. *See* Ethyl alcohol.	To amend the Table in § 172.101 by adding a new entry to read as follows: Ethanol. *See* Ethyl alcohol.
§ 172.101	To delete the word "Forbidden" in Column (7)(c) and to change the name for the entry "Charged oil well jet perforating gun (*total explosive contents in guns not exceeding 20 pounds per motor vehicle or special offshore down hole tool pallet*). The word "Forbidden" was inadvertently added several years ago, and these guns are used to perforate the casings of wells for other than oil (for example: gas or geothermal wells).	To amend the Table in § 172.101 by changing the two entries "Charged oil well jet perforating gun" to read "Charged well casing jet perforating gun" and to delete the word "Forbidden" in Column (7)(c).
§ 172.101	To add a new entry to provide for "Rocket Ammunition with empty, inert, *or* solid loaded projectile" that is a Class A explosive. Some new devices now entering the transportation system are Class A explosive instead of the usual Class B explosive.	To amend the Table in § 172.101 by adding a new entry for "Rocket ammunition with empty, inert *or* solid loaded projectile", Class A explosive. See § 172.101 Table for proposed entry.
§ 172.101	To correct a typographical error in Column (2) for "*I-Bromo-2-nitrobenzene* (unstable at 59° C)". To read "*I-Bromo-3-nitrobenzene* (*unstable at* 56° C.)".	To amend the Table in § 172.101 by correcting the entry "*I-Bromo-2-nitrobenzene* (*unstable at 59° C.*)" to read as follows: *I-Bromo-3-nitrobenzene* (unstable at 56° C).
§ 172.101	To change the labeling requirement in Column (4) for "Sodium methylate, dry (*RQ–1000/454*)" from Flammable solid to Flammable solid and Dangerous when wet. Sodium methylate is hydroscopic and should always be protected from becoming wet because it can react with oxygen or moisture in the air to spontaneously ignite.	To amend the Table in § 172.101 by changing the labeling requirement in Column (4) for "Sodium methylate, dry (*RQ–1000/454*)" to read Flammable solid and Dangerous when wet.

SECTION 172.101 HAZARDOUS MATERIALS TABLE

(1)	(2)	(3)	(3A)	(4)	(5)		(6)		(7)		
					Packaging		Maximum net quantity in one package		Water shipments		
					(a)	(b)	(a)	(b)	(a)	(b)	(c)
+/E/A/W	Hazardous materials descriptions and proper shipping names	Hazardclass	Identification number	Label(s) required (if not excepted)	Exceptions	Specific requirements	Passenger carrying aircraft or railcar	Cargo only aircraft	Cargo vessel	Passenger vessel	Other requirements
	REVISE										
	Ammonium hydroxide (*containing less that 12% ammonia*) (*RQ-1000/454*).	ORM-A	NA2672	None	173.505	173.510	10 gallons.	55 gallons.	1	1	
	1-Bromo-3-nitrobenzene (unstable at 56°C).	Forbidden									
	Charged well casing jet perforating gun (*total explosive content in guns not exceeding 20 pounds per motor vehicle or special offshore down hole tool pallet*).	Class C explosive.		Explosive C	None	173.53 173.110	Forbidden.	Forbidden.	1,2	5	
	Ethyl phosphonous dichloride, *See* Pyroforic, liquid, n.o.s										
	Fibers *or* fabric, containing more that 5% animal *or* vegetable oil.	Flammable solid.	NA1373	Flammable solid	None	173.170	Forbidden.	Forbidden.	1,2	1,2	Separate from flammable gases or liquids, oxidizing materials, or organic peroxides.
	Methyl phosphonous dichloride. *See* Pyroforic liquid, n.o.s.										
E	Nitrating acid (*RQ-1000/454*)	Oxidizer	NA1796	Oxidizer and corrosive.	None	173.267	Forbidden.	1 quart	1	5	Segregation same as for corrosive material.
E	Phosphorus trichloride (*RQ-5000/2270*).	Corrosive material.	UN1809	Corrosive	None	§ 173.271	Forbidden.	1 quart	1	1	Keep dry. Glass carboys not permitted on passenger vessels.
E	Sodium methylate, dry (*RQ-1000/454*).	Flammable solid.	UN1431	Flammable solid and dangerous when wet.	173.153	173.154	25 pounds.	100 pounds.	1,2	1	
	Uranium hexafluoride, fissile	Radioactive material.	NA9173	Radioactive and corrosive.	173.393	173.396			1,2	1,2	
	Uranium hexafluoride, low specific activity.	Radioactive material.	NA9174	Radioactive and corrosive.	173.392	173.393			1,2	1,2	
	ADD										
	Benzenethiol. See Phenyl mercaptan.										
	Chloropicrin mixture, flammable (*pressure not exceeding 14.7 psia; flash point below 100°F*).	Poison B	NA2929	Poison and flammable liquid.	None	173.357	Forbidden.	Forbidden.	1	5	Keep cool.
	Ethanol. *See* Ethyl alcohol.										
	Methyl phosphonic dichloride	Corrosive	NA9206	Corrosive	None	173.271	Forbidden.	1 quart	1	1	Keep dry. Glass carboys not permitted on passenger vessels.
	Petroleum oil, n.o.s. *See* Oil.										
	Phenyl mercaptan	Poison B	UN2337	Poison	173.345	173.346	Forbidden.	10 gallons.	1,2	1	
	Rocket ammunition with empty, inert, *or* solid loaded projectile.	Class A explosive.		Explosive A	None	173.57	Forbidden.	Forbidden.	6	5	
	Thiophenol. See Phenyl mercaptan.										
	DELETE										
	Ethyl phosphonous dichloride, anhydrous.	Corrosive material.	NA2845	Corrosive	173.244	173.245 173.245a	1 quart	1 quart	1	4	
	Methyl phosphonous dichloride	Corrosive material.	NA2845	Corrosive	173.244	173.245 173.245a	1 quart	1 quart	1	4	

Regulation affected	Reason(s) for proposed change	Proposed amendment
§ 172.202	To prohibit a shipper from offering for transportation as a hazardous material, a material that does not meet the definition of a hazardous material or otherwise authorized by 49 CFR Parts 100-177 to be shipped as a hazardous material. Emergency response personnel have requested this prohibition so as to help reduce confusing factors at the scene of an incident involving hazardous materials.	In § 172.202, paragraph (e) and (f) would be added to read as follows: (e) Except as provided in § 171.12 of this subchapter and paragraph (f) of this section, a material which is not a hazardous material under the provisions of this subchapter may not be described on a shipping paper as a hazardous material. (f) Except as provided in §§ 173.21, 173.51 and 173.86 of this subchapter, a material for which a reasonable doubt exists as to its hazard class and which is either a sample intended for transport to a laboratory for analysis or a hazardous waste intended for transport to a designated facility may be described in accordance with this subpart according to the shipper's tentative class assignment based upon —(1) Defining criteria in this subchapter; (2) The hazard precedence prescribed in § 173.2 of this subchapter and (3) The shippers' knowledge of the material.
§ 172.203(b)	To eliminate confusion and misinterpretation on the use of the words "Limited Quantities" or "Ltd. Qty." following the basic description on shipping papers.	To revise § 172.203(b) to read as follows: (b) *Limited quantities.* The description for a material offered for transportation as "limited quantity", as authorized by this subchapter, must include the words "Limited Quantity" or "Ltd. Qty." following the basic description.
§ 172.203(c)(2)	To correct a typographical error used in the example of "RQ, Cresol, Corrosive material, NA2076". The "NA" should read "UN".	To amend paragraph (c)(2) of § 172.203 by changing "NA" to read "UN".

Regulation affected	Reason(s) for proposed change	Proposed amendment
§ 172.332(c)(4)	To authorize motor vehicles transporting cargo tanks or portable tanks to use the COMBUSTIBLE placard with the white lower portion or the FLAMMABLE placard to display identification numbers for combustible liquids.	To revise § 172.332(c)(4) to read as follows: (4) For a COMBUSTIBLE placard used to display an identification number, the entire background below the white background for the identification number must be white during transportation by rail and may be white during transportation by highway.
§ 172.400(b)(3)	To add the words "and explosives" after the words "military ammunition" in the first line. This will clarify that a label is not required for "explosives" or "ammunition" under certain conditions. Also, the words "by, for, or to" would be changed to read "by or on behalf of" the U.S. Department of Defense. The words "for" and "to" are confusing and could allow shipments to be shipped without DOD approval.	To revise § 172.400(b)(3) to read as follows: (3) Military ammunition and explosives shipped by or on behalf of the U.S. Department of Defense (DOD) when in freight containerload, carload or truckload shipments, if loaded and unloaded by the shippers, or DOD.
§ 172.504(d)	To delete the parenthetical phrase in Table 1 of § 172.504 for the entries: Uranium hexafuloride, fissile (containing more than 0.7 pct U235). Uranium hexafluoride, low specific activity (containing 0.7 pct or less U235). See proposed change in § 172.101 for the reason for this change.	To amend Table 1 in § 172.504(d) by changing the following entries in Column 1 under Radioactive material: Uranium hexafluoride, fissile (containing more than 0.7 pct U235). Uranium hexafluoride, low specific activity (containing 0.7 pct or less U235) to read as follows: Uranium hexafluoride, fissile. Uranium hexafluoride, low specific activity.
§ 172.504	Note 6 to Table 2 in § 172.504 incorrectly refers to § 173.245(b) for authorized exemptions. The word "exemptions" should read "exceptions." Also, in Table 2, Note 4 would be revised to eliminate the requirement for displaying a FLAMMABLE placard and a COMBUSTIBLE placard on a compartmented tank car that contains a Combustible liquid and a Fammable liquid. This exception in no way affects the identification number display requirements.	In § 172.504, Table 2, Note 6 would be corrected by changing the word "exemptions" to read "exceptions" and Note 4 would be revised to read as follows: 4. A FLAMMABLE placard may be used on cargo tank and a portable tank during transportation by highway and water or on a compartmented tank car containing materials classed as Flammable liquid and Combustible liquid.
§ 173.9	To provide an exception for agricultural operations from the marking requirements and the outside container specifications when transporting less-than-case-lots of formulated pesticle chemicals in private carriage between a local distributor and the ultimate point of application under specified conditions. Also, an exception would be provided to waive certain packaging requirements for vehicles with closed liquid pesticle mixing systems.	To add a new § 173.9 to read as follows: *Agricultural Operations:* a. Formulated liquid and solid pesticides which are offered for transportation in less-than-case-lost quantities, or when repackaged, are not subject to Subpart D of Part 172 of this subchapter and the outside specification packaging requirements of Part 173 of this subchapter when all of the following conditions are met: (1) Inside containers must be enclosed in a strong outside container and cushioned to prevent breakage and leakage. (2) Each inside container may not exceed 1-gallon capacity for liquids nor 25 pounds for dry materials. (3) Gross weight of less-than-case or repackaged lots may not exceed 100 pounds in each vehicle. (4) Transportation is authorized only by private motor vehicle between a final distribution point and the ultimate point of application within a one hundred mile radius. (5) Formulated pesticide chemicals that are a Poison B may not be transported in the same vehicle with material that is marked as or known to be foodstuff, feed, or any other edible material intended for consumption by humans or animals. b. Formulated liquid pesticles in specification packagings of 55 gallons capacity, or less, with closures manifolded to a closed mixing system and equipped with positive dry disconnect valves may be tansported by a private motor carrier between a final distribution point and an ultimate point of application or loading aboard an aircraft for aerial application.
§ 173.25	A number of questions have been asked concerning the provisions of this section, particularly as to whether overpacks for packages of corrosive liquids are restricted to fiberboard or wooden outside containers. MTB is proposing to revise the title and text of § 173.25 to indicate that the provisions of this section are applicable to any strong outside packagings used to overpack authorized packages containing hazardous materials, to clarify provisions applicable to overpacking corrosive liquids; and to eliminate repetitive language in the existing paragraphs.	In § 173.25 the title and entire text would be revised to read as follows: § 173.25 *Authorized packages and overpacks.* (a) Except as provided in paragraph (b) of this section, authorized packages containing hazardous materials may be shipped when tightly packed in a strong overpack, under the following conditions: (1) Packing is subject to the requirements of §§ 173.21 and 173.24 of this subchapter; (2) Overpack must be marked with the proper shipping name and labeled as required by this subchapter for each hazardous materials contained therein unless markings and labels represetative of each hazardous materials in overpack are visible; (3) Each package subject to the orientation marking requirements of § 172.312 of this subchapter must be packed in the overpack with its filling holes up and the overpack must be marked "THIS END UP" to indicate the upward position of closures; and (4) Overpack must be marked "INSIDE PACKAGES COMPLY WITH PRESCRIBED SPECIFIICATIONS" when specification packagings are required, unless specification markings on the inside packages are visible. (b) In addition to the requirements of paragraph (a) of this section, packages containing corrosive liquids must comply with the following conditions: (1) Packages containing nitric acid, perchloric acid, or hydrogen peroxide solution (over 52% peroxide) may not be overpacked; and (2) Corrosive liquids may not be packed with any other hazardous material except as follows: (i) As provided in §§ 173.242, 173.257, 173.258, 173.259, 173.260, 173.261, and 173.286 of this subchapter; and (ii) Acid or alkaline battery fluid in packages prescribed by §§ 173.257 and 173.258 of this subchapter may be included in overpacks with dry charged storage batteries when packed to prevent movement within the overpack.
§ 173.32(a)	To authorize the use of DOT Specification 51 portable tanks where IM-101 and IM-102 portable tanks are authorized, subject to the commodity requirements of the IM Tank Table. The Specification 51 portable tank is considered to have a containment capability equal to or greater than the IM-101 and IM-102 portable tanks..	To add paragraph (5) to § 173.32(a) to read as follows: (5) Where IM-101 or IM-102 portable tanks are prescribed, Specification 51 portable tanks otherwise conforming to the special commodity requirements of the IM Tank Table may be used.
§ 173.32(L)(2), § 173.33(f)(1).	To clarify requirements for pipe joints on tanks used for compressed gas and to bring 49 CFR requirements in line with the current edition of NFPA 58.	To revise paragraph (L)(1) of § 173.32 and paragraph (f)(1) of § 173.33 to read as follows: (L) * * * (l) Pipe joints shall be threaded, welded or flanged. If threaded pipe is used, the pipe and pipe fittings must not be lighter than extra-strong (XS) weight. Nonmealleable metals must not be used in the construction of valves or fittings. Where copper tubing is permitted, joints must be brazed or be of equally strong metal union type. The melting point of brazing material must not be lower than 1000°F. The method of joining tubing must not decrease the strength of the tubing such as by the cutting of threads.

Regulation affected	Reason(s) for proposed change	Proposed amendment
§ 173.33(b)(2)	To authorize DOT Specification MC-304 cargo tanks to be equipped with pressure relief devices and fusible devices as specified in § 178.342-4 and 178.342-5 for MC-307 cargo tanks, if desired. This proposed amendment would authorize the optional use of MC-307 type of relief valves and fusibles on MC-304 cargo tanks.. The consensus of opinion is that the relief capacity requirements specified for the MC-307 tanks will provide adequate protection for the MC-304 tanks. This proposed amendment was requested by the National Tank Truck Carriers, Inc..	To amend § 173.33(b)(2) by adding the following sentence: * * *Cargo tanks constructed to Specification MC 304 are authorized if in compliance with § 178.342-4 and 178.342-5.
§ 173.74(b)	To authorize the use of an additional inside container for the shipment of lead styphnate when overpacked in a DOT Specification 5, 5B or 17H metal barrel or drum. At present, the inside container must be a bag made of rubber cloth. To our knowledge bags made of rubber cloth are not available. Bags made of rubber or rubberized cloth would satisfy the safety requirements and they are readily available..	To revise the first sentence of § 173.74(b) to read as follows: (b) Lead styphnate (lead trinitroresorcinate) must be packed wet with not less than 20 percent by weight of water in Specification 5 or 5B (§§ 178.80, 178.82 of this subchapter) metal barrel or drum, Spec. 17H (§ 178.118 of this subchapter) metal drum (single-trip), with an inside bag made of rubber or rubberized cloth * * *.
§ 173.115(b)(4)	To provide for an exception for a beverage wine, in bulk, from the definition of a combustible liquid. Approximately 88 percent of the wines produced are table wines having less than 14 percent alcohol by volume and 12 percent are dessert wines having an alcohol content over 14 percent by volume. Wines having an alcohol content over 21 percent are blending wines, and are not included in this proposed rulemaking. The MTB has no knowledge of any incident of fire due to the shipment of wine in bulk..	To revise paragraph (2) of 173.115(b)(2) to read as follows: (2) This subchapter does not apply to an aqueous solution containing 24 percent or less alcohol by volume if the remainder of the solution does not meet the definition of a hazardous material as defined in this subchapter.
§173.115(d)(1)(i)(A)	To update the reference to the latest issue of ASTM standards to reflect their current status. Also, the reference to (ASTM D3243-73) in paragraph (d)(ii)(B) would be deleted.	In § 173.115, paragraph (d)(1)(i)(A) would be amended by changing (ASTM) D-56-70) to read (ASTM D56-79); paragraph (d)(1)(i)(B) would be deleted; paragraph (d)(1)(i)(C) would be amended by changing (ASTM D3278-73) to read (ASTM D3278-78); paragraph (d)(1)(ii)(A) would be amended by changing (ASTM D93-71) to read (ASTM 93-80) and by adding the following at the end: For cutback asphalt, use Method B of ASTM 93-80; paragraph (d)(ii)(B) would be deleted; paragraph (d)(ii)(C) would be amended by changing (ASTM D3278-73) to read (ASTM D3278-78); paragraph (e) would be revised to read as follows: (e) "S.U.S." means Saybolt Universal Seconds as determined by the Standard Method of Test for Saybolt Viscosity (ASTM D-88-56) (reapproved 1973) and may be determined by use of the S.U.S. conversion tables specified in ASTM Method D2161-79 following determination of viscosity in accordance with the Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (ASTM D445-79).
§ 173.134(a)(1)(iii)	A shipper of pyroforic liquids in small DOT Specification 3AA cylinders overpacked in a DOT Specification 33A polystyrene case reports that the polystyrene cases are being damaged during transportation and that marking and labeling on the polystyrene case is more difficult because the labels do not adhere to the polystyrene case..	To revise the first sentence of § 173.134(a)(1)(iii) to read as follows: (iii) Overpacked in a Specification 12A or 12B (§§ 178.210, 178.205 of this subchapter) fiberboard box or Specification 33A (§ 178.150 of this subchapter) polystyrene case. * * *.
§ 173.244(a)(5)	To authorize an exception for the shipment of small quantities of corrosive liquids in glass containers overpacked in strong outside packagings. This proposed change is considered necessary in order to bring the provisions of § 173.244 in line with other provisions of the regulation which authorize the shipment of small quantities of corrosive liquids in glass containers without the need for a metal can overpack.	To add paragraph (5) to § 173.244(a) to read as follows: (5) Corrosive liquids in glass containers having a rated capacity not over 8 fluid ounces by volume in strong outside packaging and cushioned with an absorbent material which will not react chemically with the corrosive material in sufficient quantity to completely absorb the liquid contents in the event of breakage.
§ 173.245(b)	The final rule published in the Federal Register on November 10, 1980 (45 FR 74640) provisions were made for regulating hazardous waste and hazardous substances that are corrosive only to steel and classed as a corrosive material. Unintentionally, full compliance with 49 CFR was implemented. Compliance with Parts 172 and the requirements of Part 174 and 177 associated with Part 172 in addition to discharge reporting are all that are considered essential to provide for safety in transportation for these corrosive liquids. This proposed change will provide for discharge reporting, shipping papers and transport vehicle placarding so that the EPA and DOT requirements are consistent.	In § 173.245 paragraph (b) would be revised to read as follows: (b) Except as provided in this paragraph and except when transportation by aircraft or vessel is involved, a liquid material classed as a corrosive material that is corrosive only to steel and does not meet the definition of any other hazard class defined in this subchapter (e.g., ORM-E), is excepted from the requirements of this subchapter for rail and highway carriers when transported in a portable tank, cargo tank or tank car constructed of materials that will not react dangerously with or be degraded by the material being transported. If the material is a hazardous waste or a hazardous substance, according to § 171.8 of this subchapter, the requirements of Parts 172 of this subchapter, and the requirements of Part 174 and 177 of this subchapter associated with Part 172 in addition to discharge reporting requirements of this subchapter apply.
§ 173.245b	The final rule published in the FEDERAL REGISTER on May 22, 1980 (45 FR 34560) and amended on November 10, 1980 (45 FR 746-40) provisions were made for identifying hazardous waste and hazardous substances so EPA discharge reporting requirements could be met. Through an oversight no provisions were made in the transportation of corrosive solids not specifically provided for by name. The MTB is proposing to add paragraph (b) to provide an exception for the bulk transportation by highway of certain corrosive solids that do not meet the definition of any other class. The MTB is limiting the exception for those corrosive solids that are also a hazardous waste or hazardous substances by adding paragraph (c) which requires shipping papers and incident reporting so as to facilitate compliance with spill reporting requirements and to make EPA and DOT requirements consistent.	In § 173.245b paragraphs (b) and (c) would be added to read as follows: (b) Except when transported by aircraft or vessel, a solid material classed as corrosive material that is corrosive only to steel and which does not meet the definition of any other hazard class defined in this subchapter (e.g. ORM-E), is excepted from the requirements of this subcapter for transportation by highway and rail carrier when transported in a portable tank, cargo tank, or tank car constructed of materials that will not react dangerously with or be degraded by the material being transported. (c) A solid material classed as a corrosive material that is corrosive only to steel and is a hazardous substance or a hazardous waste according to § 171.8 of this subchapter is subject to the requirements of this subchapter only for shipping papers (if applicable, manifest) and incident reporting when transported in a portable tank, cargo tank or tank car constructed of materials that will not react dangerously with or be degraded by the material being transported.
§ 173.245b(a)(6)	Tc increase the capacity of plastic drums and pails for the shipment of corrosive solids from 7-gallon capacity to 55-gallon capacity. DOT-E 6800 and DOT-E 7035 presently authorize the use of a 55-gallon polyethylene drum for shipment of monochloroacetic acid (solid). Another request is pending to add hexamethylenediamine, solid.	To revise paragraph (6) of § 173.245b(a) to read as follows: (6) Polyethylene pail or drum not exceeding 550 pounds net weight and not over 55-gallon capacity.
§ 173.271	To add Methyl phosphonic dichloride in the title and in the introductory text of paragraph (a). Methyl phosphonic dichloride (also known as methane phosphonyl dichloride) will react violently with water and decomposes to give off hydrochloric acid. The hazard characteristics of this material are similar to phosphorus oxychloride. Therefore, the packaging prescribed in § 173.271, not § 173.245, is applicable.	To revise the title of § 173.271 and the introductory text of paragraph (a) to read as follows: § 173.271 *Methyl phosphonic dichloride, phosphorus oxybromide, phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.* (a) Methyl phosphonic dichloride, phosphorus oxybromide, phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride must be placed in specification containers as follows:

Regulation affected	Reason(s) for proposed change	Proposed amendment
§ 173.277(a)(9), § 173.277(a)(10), § 173.277(g).	To regulate shipments of hypochlorite solution *containing more than 7% available chlorine by weight (RQ–100/45.4)*in tank motor vehicles. At the present time, § 173.277(g) states that shipments of this material by tank motor vehicle are not subject to any requirements of this subchapter. Sodium hypochlorite solutions (hypochlorite solutions) containing more than 7% available chlorine by weight are highly corrosive. This material is classed as a corrosive material and is also considered to be a hazardous substances with a reportable quantity of 100 pounds. Since § 173.277(g) exempts this material from any requirements of the Hazardous Materials Regulations, the reportable quantity and other requirements of a hazardous substance are nullified. The proposed change for paragraph (g) is needed because the final rule published in the FEDERAL REGISTER on November 10, 1980 (45 FR 74640) identified hypochorite solution as a hazardous substance in the Table in § 172.101 so that hazardous substance discharge reporting could be accomplished. However, through an oversight, the exception in paragraph (g) was not changed to reflect the shipping papers and discharge reporting requirements. Thus, MTB had conflicting requirements which would result in a motor carrier who had a spill or other type of discharge to be in violation of EPA reporting requirements.	In § 173.277, paragraph (a)(9) would be revised, paragraph (a)(10) would be added, paragraph (g) would be revised to read as follows: (9) Specification MC 310, MC 311 or MC 312 (§ 178.243 of this subchapter). Tank motor vehicles. Tanks must be lined with rubber or other materials resistant to the lading (10) Specification IM 101 portable tanks (§§ 178.270, 178.271 of this subchapter) are authorized under conditions specified in the IM tank table (g) Shipments by tank motor vehicle must be made under the provisions of Parts 171 and 172 of this subchapter as follows: (1) Discharge reporting. (2) Shipping papers (manifest if required). (3) Marking.
§ 173.308	The reference in the introductory text of paragraph (a) incorrectly refers to § 173.21(d). The correct reference should be § 173.21(e)..	To amend paragraph (a) of § 173.308 by correcting the reference of § 173.21(d) to read § 173.21(e).
§ 173.357(b)(3)	To delete the last part of paragraph (b)(3) which reads "and only authorized for such mixtures not classed as flammable under these regulations". This change is needed in order to authorize shipments which were affected when the definition of flammable liquid was changed from 80°F. TOC to 100°F TCC.	To revise paragraph (b)(3) § 173.357 to read as follows: (3) Specification 17C or 17E (§§ 178.115, 178.116 of this subchapter). Metal drums (single-trip) with openings not over 2.3 inches in diameter. Capacity not to exceed 55 gallons for Spec. 17C nor 30 gallons for Spec. 17E. Authorized only for chloropicrin mixtures containing not over 15 percent chloropicrin by weight or 15 percent by volume chloropicrin, 85 percent by volume dichloropropene technical.
§ 173.505(b)	To eliminate the need for marking requirements when shipped in cages, carts, or similar overpacks. In view of the methods under which these ORM–D materials are shipped, the need for marking the outer overpack serves no useful purpose.	To revise paragraph (b) of § 173.505 to read as follows: (b) Strong outside packaging as specified in § 173.1200 and marking requirements specified in § 172.316 of this subchapter are not required for materials classed as ORM–D when unitized in cages, carts, or similar overpacks and when shpped by a private or contract motor carrier from a distribution center to a retail outlet.
§ 174.25	To reflect the placarding requirement for Blasting agents as shown in Table 2 of § 172.504. This will make the rail operating requirements consistent with the basic placarding requirements and simplify compliance.	To amend the Table in § 174.25 by adding an entry for Blasting agents after the Explosives, Class C entry.
§ 176.11	The present wording does not authorize hazardous materials offered for transportation under IMO to be transported by vessel in coast-wise service or between the mainland and Alaska, or the mainland and Puerto Rico, the Virgin Islands, American Samoa, or Guam. This action is needed in order to remove an unnecessary restriction.	To revise the introductory text of §§ 176.11(a) to read as follows: (a) A hazardous material may be offered and accepted for transportation and transported by vessel when in compliance with corresponding requirements of the IMDG Code in place of the requirements of this subchapter with respect to packaging, marking, labeling, description, certification or placarding. All hazardous materials must otherwise be stowed and carried in accordance with this part.
§ 176.30(a)(3)	To make the requirments to show the technical name for an n.o.s. entry on manifest the same as the requirement on the shipping papers.	To revise § 176.30(a)(3) to read as follows: (3) Shipping name of each hazardous material on board, as given in the Hazardous Materials Table, § 172.101 or § 172.102 of this subchapter or the proper shipping name as given in the International Maritime Dangerous Goods Code published by IMO. For other than a domestic shipment, when the shipping name of a material is an "n.o.s." entry, this entry must be qualified in accordance with § 172.203(i)(2) or the IMDG Code.
§ 176.30(a)(6)	The final rule published in the Federal Register on May 22, 1980 (45 FR 34560) provided for inclusion of the identification number as an element of the basic description on a shipping paper. Through an oversight, § 176.30(a) was not amended to include the identification number as part of the description on a dangerous cargo manifest. The MTB is proposing to include a requirement for entering an identification number on a dangerous cargo manifest for consistency with the basic shipping paper requirements and to enhance compliance.	To revise § 176.30(a)(6) to read as follows: (6) The identification number (when assigned) and any additional description required by § 172.202 or § 172.203 of this subchapter.
§ 176.415(b)(2)	To add ammonium nitrate fertilizer (containing no more than 0.2 percent carbon) to the list of materials that may be loaded on or unloaded from a vessel at any waterfront facility without a permit. Shipping experience with ammonium nitrate fertilizer (containing no more than 0.2 percent carbon) during the past serveral years has proven that this material presents no unusual hazard in transportation or storage.	To revise § 176.415(b)(2) to read follows: (2) Ammonium nitrate fertilizer (containing no more than 0.2 percent carbon) if the nearest District Commander, U.S. Coast Guard or Captain of the Port is notified at least 24 hours in advance of any loading or unloading in excess of 1,000 pounds in any one vessel (*See § 173.182(b) footnote*).
§ 177.824(h)	To eliminate the confusion regarding the marking of the month and year of the last "test" on cargo tanks. Confusion exists because of the word "inspection" in § 177.824(b) and the word "test" in § 177.824(h). Since it has been interpreted that an "inspection" is the same as a "test", the MTB proposes to add the words "or visual inspection, as appropriate" between the words "test" and "must" in § 177.824(h).	In § 177.824, paragraph (h) would be revised to read as follows: (h) *Test date markings.* The month and year of the last test or visual inspection, as appropriate, must be durably and legibly marked on the tank in letters not less than 1¼ inches high, on the right side near the front. These markings must be near the metal certification plate, except on tank having the plate located other than on the right side near the front.
§ 177.835(b)(1)	To authorize the use of additional tie-down methods for securing tarpaulins on motor vehicles when transporting explosives. Rope or wire are the only two methods presently authorized. The MTB is proposing to authorize the use of any tie-down methods which will securely hold the tarpaulins in place during transportation..	To revise the first sentence of § 177.835(b)(1) to read as follows: (1) Whenever tarpaulins are used for covering explosives, they shall be secured by means of rope, wire, or other equally efficient tie downs. * * *.
§ 178.209–14, § 178.214–18, § 178.218–11, § 178.219–14.	To delete the words "copy to be filed with the Associate Director for OE" in each of the referenced paragraphs. A copy of the Special tests report is required to be kept on file for one year by or for each plant making the boxes. Mailing a duplicate copy of the report to the Associate Director for OE serves no useful purpose.	To amend §§ 178.209–14, 178.214–18, 178.218–11 and 178.219–14 by deleting the words "copy to be filed with the Associated Director for OE".
§ 178.245–7	To change the reference to the Bureau of Explosives in the introductory text Director for HMR. Docket HM–163; Amdt. Nos. 171–14, 183–119, 178–49 published August 17, 1978 changed the words "Bureau of Explosives" to read "MTB–TSC" in § 178.245–7(a). Docket HM–163C; Amdt. Nos. 171–50, 173–132, 178.57 published September 27, 1979 changed the abbreviation "MTB–TSC" read "Associate Director for OE". This change was inadverently omitted during the printing of 49 CFR Parts 178 to 199. Reference to the Associate Director for OE will probaby be changed to read Associate Director for HMR each time it appears in 49 CFR, at a later date.	To revise the introductory text of § 178.245–7(a) to read as follows: (a) A copy of the manufacturer's data report required by the "*Code*" (See § 178.245–1(a)) under which the tank is fabricated shall be furnished for each new tank to the owner and the Associate Director for HMR. In addition, the manufacturer or owner shall register each tank with the Associate Director for HMR in the following form: * * *.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1, and paragraph (a)(3) of Appendix A to Part 106)

Note.—The Materials Transportation Bureau has determined that this document will not result in a "major rule" under the terms of Executive Order 12291 or a significant regulation under DOT's regulatory policy and procedures (44 FR 11034), nor require an environmental

impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). Based on information available concerning size and nature of entities likely to be affected by this proposal, I certify that this proposal would not, if adopted, have a significant economic impact on a substantial number of small entities because the overall economic impact of this proposal would be minimal. A regulatory evaluation and environmental assessment are available for review in the docket.

Issued in Washington, D.C. on July 26, 1982.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 82-20579 Filed 7-30-82; 8:45 am]

BILLING CODE 4910-60-M

49 CFR Parts 171, 172, 173 and 175

[Docket No. HM-184; Amdt. Nos. 171-66, 172-74, 173-158 and 175-23]

Implementation of the ICAO Technical Instructions

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Hazardous Materials Regulations in order to permit the offering, acceptance and transportation by aircraft, and by motor vehicle incident to transportation by aircraft, of hazardous materials shipments conforming to the provisions of the International Civil Aviation Organization's (ICAO) Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions). These amendments are necessary to facilitate continued shipment of hazardous materials in international commerce by air when the ICAO Technical Instructions become effective on January 1, 1983, pursuant to decisions taken by the ICAO Council regarding implementation of Annex 18 of the Convention on International Civil Aviation.

DATE: Comments must be received on or before September 15, 1982.

ADDRESS: Address comments to: Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket and be submitted, if possible, in five copies. The Dockets Branch is located in Room 8426, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Public dockets may be reviewed between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday. Telephone: (202) 426-3148.

FOR FURTHER INFORMATION CONTACT: Edward A. Altemos, International Standards, Coordinator, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590. Telephone: (202) 426-0656.

SUPPLEMENTARY INFORMATION: In consideration of a perceived need to improve the overall safety of the transportation of hazardous materials on a worldwide level, the International Civil Aviation Organization (ICAO) Accident Investigation and Preventional Divisional meeting in 1974 adopted Recommendation 7/1 citing a need to study all aspects relating to the transportation of hazardous materials aboard aircraft. In late 1974, this recommendation was adopted by the ICAO Air Navigation Commission (ANC) and the ICAO Secretariat was directed to study the matter. Principal regulations currently in force throughout the world were reviewed and ICAO contracting states and interested international organizations were requested to provide information on the regulations they followed and comments on the need for increased international cooperation in this area. All responses received indicated that such a need did exist.

In light of the conclusions drawn from this study, the ANC concluded that ICAO should undertake the development of international standards and guidance material concerning the transportation of hazardous materials by air. By early 1976 a study group established by the ANC had prepared a draft set of Standards and Recommended Practices (SARPS) and supporting technical instructions. The SARPS, when adopted, would become an annex to the Convention on International Civil Aviation (Chicago Convention). Because the SARPS covered only the basic principles relating to the safe transport of hazardous materials by air, they were to be supported by a technical document providing all relevant details. To insure maximum uniformity with existing international standards for the transport of hazardous materials by other modes, the draft SARPS and Technical Instructions were based on the Recommendations prepared by the United Nations Committee of Experts on the Transport of Dangerous Goods and the regulations issued by the International Atomic Energy Agency (IAEA) and also took appropriate account of other existing standards for the transportation of hazardous materials by air.

In March, 1976, the ANC established the Dangerous Goods Panel (DGP), and directed it to continue work on the development of the SARPS and Technical Instructions. In February 1981, the DGP concluded its efforts and forwarded the final draft of the SARPS and supporting Technical Instructions for the Safe Transport of Dangerous Goods by Air (the Technical Instructions) to the ICAO Council for review and approval. On June 26, 1982, the Council adopted the SARPS as Annex 18 to the Chicago Convention. Under the provisions of the Chicago Convention, Annex 28 would become effective (voluntary compliance authorized) on January 1, 1983, and applicable (compliance required) on January 1, 1984, unless more than half of the 150 contracting governments registered disapproval by October 26, 1981. By the latter date, 33 contracting states had registered unqualified support of Annex 18. Two states, the United States and Switzerland, registered a partial approval of the Annex. No states disapproved of the Annex.

The partial disapproval of the Annex by the United States stemmed from certain provisions in the Annex which incorporate the Technical Instructions by reference and thereby lend to the Technical Instructions the character of an annex. This, in effect, requires that all contracting states insure full compliance with all details of the Technical Instructions. While the United States fully supported the basic principles espoused in the Annex, the vast majority of which are consistent with existing provisions in the Hazardous Materials Regulations, it was not in a position to mandate compliance with all details of the Technical Instructions. for this reason, the United States advised that "* * * the United States wishes to register disapproval of paragraph 2.2.1 of Annex 18, Furthermore, the United States wishes to register disapproval of Chapters 3 through 9 of the Annex to the extent that the provisions in these Chapters directly incorporate the provisions of the

Technical Instructions." It is important to note that the reasons behind the partial disapproval of Annex 18 by the United States relate more to the administrative and legal difficulties under United States law that would be associated with mandating compliance with the Technical Instructions than to a general concern for the adequacy of the Technical Instructions from the point of view of safety in air transport. Indeed, notwithstanding the United States' partial disapproval of Annex 18, the Materials Transportation Bureau (MTB) believes they can provide a basis for the safe transport of hazardous materials by air and will do much to facilitate the international transport of hazardous materials by air.

It is clear that by January 1, 1984, compliance with the ICAO Technical Instructions will be mandated by virtually all ICAO member states, which include all the industrialized nations in the world and all of the major trading partners of the United States. Furthermore, as a result of a decision by the International Air Transport Association (IATA) Restricted Articles Board (RAB) to implement the ICAO Technical Instructions effective December 31, 1982, shippers will be unable to have shipments accepted for international transportation after that date unless the shipment complies with the provisions of the ICAO Technical Instructions. For these reasons, the MTB believes it is in the interest of both shippers and carriers of hazardous materials by air to take action to amend the Hazardous Materials Regulations to recognize the ICAO Technical Instructions. Such action would also be consistent with the United States' obligations' as a signatory government to the Chicago Convention.

It should be emphasized that this Notice of Proposed Rulemaking is responsive, in part, to a petition submitted by the Air Transport Association of America requesting that the Hazardous Materials Regulations be amended to recognize the ICAO requirements for the transport of hazardous materials. The petition notes the necessity and urgency of recognition of the ICAO Technical Instructions through the Hazardous Materials Regulations and suggests that there is a general belief (shared by shippers, air line pilots and air carriers, alike) that the ICAO rules "* * *evidence well organized, technically accurate and workable standards for worldwide transportation of hazardous materials." Because this petition so accurately sets forth the need to take action to amend Hazardous Materials Regulations in order to take account of the ICAO requirements, the MTB believes there is merit in quoting the substance of that petition in this notice:

> The Air Transport Association's Cargo Committee, member air carrier's Heads of Cargo divisions and the Restricted Articles Board (member air carrier's representatives from the fields of engineering, chemistry, cargo services, training and safety), take this opportunity to urgently petition the Bureau, pursuant to 49 CFR 106.31, regarding 49 CFR recognition of the ICAO rules and dangerous goods list emanating from Annex 18 and its Technical Instructions for the Safe Transport of Dangerous Goods by Air.
>
> At recent air carrier, Air Line Pilot and other meetings, air carrier representatives, pilots and shippers have noted that the new ICAO rules evidence well organized, technically accurate and workable standards for world-wide transportation of hazardous materials. DOT-MTB personnel at these meetings have stated that the United States Government has an obligation under the Chicago Convention to recognize the newly developed ICAO rules, even though it was reported that our government had partially disapproved certain paragraphs in Annex 18. This registration of disapproval, however, was only to the extent that the 'Technical Instructions' were incorporated into the Annex itself.
>
> We realize that our government will also find it necessary to file 'diferences' with the ICAO organization such as, quantity limitations on aircraft and hazardous substances and wastes, to mention a few areas which immediately come to mind.
>
> This brings us to the point of urgency, and the fact that time is of the esence, as it will be permissive for the rest of the world to use the ICAO dangerous goods rules by the end of 1982.
>
> In reality, these rules will take effect for all international traffic moving on the world's scheduled airlines on December 31, 1982, when the IATA Dangerous Goods Regulations—24th (ICAO) Edition becomes effective. Hazardous Materials traffic moving into, out of and through the U.S. will by necessity need to be in a position to abide by these dangerous goods rules.
>
> It is with this in view that we respectfully request DOT–MTB to take all immediate steps possible to provide rulemaking which will implement the ICAO rules into U.S. regulations as an 'alternative' to 49 CFR (with U.S. differences), including the simultaneous publishing of an 'optional' hazardous materials table which will provide for the use of the ICAO Dangerous Goods List (with U.S. differences) for both domestic and international traffic.
>
> Such immediate rulemaking will permit all air carriers the option of utilizing the ICAO rules for acceptance, handling, on line transportation and interline transportation concurrent with their implementation.
>
> Also, such immediate rulemaking will provide the FAA's Office of Civil Aviation Security with the needed time to prepare for the alternative use of ICAO rules by the nations shippers and transporters, as well as other nations shippers and transporters.
>
> We are extremely desirous of as smooth a transition as is possible with respect to the introduction of the ICAO rules. It is our obvious fear that ill-timed introduction to these rules could cause great confusion in our industry. This confusion could provide for unnecessary embargos of hazardous materials/dangerous goods traffic, the disruption of transportation and the opportunity for misrepresentation of such traffic, thus, defeating our ever present concern for safety.

The MTB is proposing to amend the Hazardous Materials Regulations to allow, under certain conditions and with certain limitations, hazardous materials packaged, marked, labeled, classified and described and certified on shipping papers as provided in the ICAO Technical Instructions to be offered, accepted and transported by aircraft within the United States and aboard aircraft of United States' registry anywhere in air commerce. Furthermore, certain amendments are being proposed to Part 175 to align the requirements for the loading and handling of hazardous materials aboard aircraft with those of the Technical Instructions in order to insure that United States' aircraft operating in foreign countries, or that foreign aircraft operating in the United States, will not be in violation of the requirements for loading and handling applied in the country in which the aircraft is operating.

If certain of the requirements imposed on operators by the ICAO Technical Instructions are considered to be overly restrictive, or MTB is unable at this time to justify them on the grounds of safety, no corresponding amendment to Part 175 is being proposed. In such cases it would be the responsibility of the air carrier to insure compliance with any appropriate provisions of the Technical Instructions when operating in a country that mandates compliance with the Technical Instructions. In other cases, where the implementation of a provision in the ICAO Technical Instructions would result in the derrogation of an existing DOT requirement that the MTB believes should be maintained in the interest of safety, no amendment to Part 175 is proposed. In such cases ICAO will be officially notified, upon conclusion of this rulemaking action, that the United States is maintaining the more stringent requirement so that an appropriate exception can be noted in the ICAO Technical Instructions.

The following is an analysis of this proposal by section which provides the background behind the proposed changes:

Section 171.2. Paragraph (a) of this section would be amended to include a cross-reference to a new § 17111 which

contains an authorization to use certain provisions of the ICAO Technical Instructions in place of the corresponding provisions in the Hazardous Materials Regulations. The cross reference is similar to those currently contained in paragraph (a) to the sections authorizing compliance with the IMCO Code.

Section 171.11. A new § 171.11 would be added. This section details the extent to which a shipper and air carrier may comply with certain provisions of the ICAO Technical Instructions as an alternative to the corresponding provisions in the DOT Hazardous Materials Regulations. In particular, the section would, subject to certain conditions, allow hazardous materials to be transported by aircraft, and by motor vehicle incident to transportation by aircraft if, under the ICAO Technical Instructions, the hazardous material is properly:

(1) Packaged,
(2) Marked,
(3) Labeled,
(4) Classified,
(5) Described and certified on shipping papers,
(6) Otherwise in the required condition for shipment, and
(7) Within the quanity limits prescribed for transportation by either passenger or cargo aircraft, as appropriate.

The conditions imposed on the alternative use of the ICAO Technical Instructions would be set forth in paragraph (d) of the section. The special requirements concerning hazardous waste and hazardous substances are necessitated by the statutory mandate to insure appropriate safeguards for these materials during transportation. The additional conditions proposed in paragraphs (d)(4) and (d)(5), two of which apply only to transportation by motor vehicle incident to air transportation, are considered by the MTB to be necessary for appropriate emergency response in the event of an incident involving the materials.

Section 171.7. This section would be amended to incorporate the 1983 edition of the ICAO Technical Instructions by reference and to provide information relative to the source for obtaining the Technical Instructions.

Section 171.8. This section would be revised to incorporate a definition for the abbreviation "ICAO" and for the term "Unit load device". The definition proposed for "Unit load device" is the definition of that term in the ICAO Technical Instructions.

Section 172.401. This section would be amended to exempt from the prohibited labeling provisions any package labeled in accordance with the ICAO Technical Instructions regardless of the mode of transport of the package.

Section 172.446. Paragraph (a) and the facsimile of the Magnetized Material label would be revised by deleting the text "MAGNETIZED MATERIAL LABEL" in the lower right corner of the border of the label. This is being proposed so that the DOT specifications for this label will be consistent with the ICAO specifications for the same label. A new paragraph (c) would be added to allow the continued use of labels meeting the existing DOT specifications that are in stock as of January 1, 1983, until those stocks are depleted.

Section 172.448. Paragraph (a) and the facsimile of the Cargo Aircraft Only label would be amended by replacing the text "DANGER-PELIGRO" with the word "DANGER" and by removing the text "CARGO AIRCRAFT ONLY LABEL" in the lower right corner of the label. These changes are being proposed so that the DOT specifications for this label will be consistent with the ICAO specifications for the same label. A new paragraph (c) would be added to allow the continued use of labels meeting the existing DOT specifications that are in stock as of January 1, 1983, until those stocks are depleted.

Section 173.250. The reference to § 175.305 would be changed to § 175.10 because the provisions governing the transport by aircraft of wheelchairs with wet electric storage batteries would now appear in § 175.10 rather than in § 175.305.

Section 175.3. The specific references to Parts 172 and 173 would be deleted to enable a carrier to accept a shipment prepared in accordance with the new § 171.11.

Section 175.10. One exception currently appearing in this paragraph would be modified and six new exceptions would be added to insure that all the hazardous materials excepted from regulation under the ICAO Technical Instructions will also be excepted from application of the DOT Hazardous Materials Regulations when carried aboard aircraft. Paragraph (a)(5) would be amended to impose a ten pound gross weight limit on the amount of small arms ammunition that a passenger or crew member may carry in checked baggage. This change is proposed to make this exception consistent with the corresponding exception in the ICAO Technical Instructions. Several new exceptions would be added to deal with alcoholic beverages, perfumes or colognes carried by the operator for sale aboard the aircraft or carried by passengers or crew as carry-on baggage; and with carbon dioxide, solid (dry ice) used in food or beverage service aboard the aircraft or by passengers to refrigerate perishables in carry-on baggage. Consistent with their presentation in the ICAO Technical Instructions, the recently published DOT amendments which provide exceptions for the carriage of electrically powered wheel chairs will now be shown in this section. Several exceptions which currently appear in this section but not in the ICAO Technical Instructions, and which apply primarily to domestic aircraft operations, are not effected by these amendments.

Section 175.30. Paragraph (a) of this section would be amended to allow an operator to accept shipments of hazardous materials if described, certified on shipping papers, labeled, and marked in accordance with § 171.11. However, freight containers would still be required to be placarded or labeled in accordance with Subpart F of Part 172. Paragraph (b) would be amended to make the preloading package and overpack inspection requirements consistent with ICAO requirements by introducing the concept of "Unit load device". In addition, specific references to the DOT requirements for overpacks which appear in § 173.25 and § 175.393(r) would be removed to permit acceptance of overpacks that are prepared in accordance with the provisions of the ICAO Technical Instructions. Finally, a new paragraph (e), concerning the pre-acceptance inspection of overpacks, would be added which would be consistent with the IACO requirements concerning inspection of overpacks.

Section 175.33. The provisions for notification to pilot-in-command would be revised to make the information required to be provided more consistent with that required in the ICAO Technical Instructions. It would be required that the notification be provided to the pilot "as early as practicable" prior to departure. Hazardous materials shown on the notification would be permitted to be described by their proper shipping name, hazard class and identification number as provided in the ICAO Technical Instructions provided any additional descriptions required by § 171.11 appear on the shipping papers. A new requirement that the notification include the total number of packages of each material and their total quantity or transport index, as appropriate, is added to be consistent with ICAO requirements. Certain other entries required by ICAO to appear on the

notification have not been proposed for inclusion in this section because the MTB does not believe that the increased regulatory burden associated with their inclusion can be justified on the grounds of safety; however, this information may be added to the notification at the discretion of the operator. Finally, a new paragraph (b) would be added to require that a copy of the notification be carried aboard the aircraft during flight.

Section 175.35. This section would be deleted. The MTB believes there is no reason to carry the shipping papers aboard the aircraft if a copy of the notification to pilot-in-command is aboard.

Section 175.75. This paragraph would be amended by deleting the specific reference to Part 172 in paragraph (a)(i) in order to allow the carriage of hazardous materials prepared in accordance with § 171.11 and by including references in paragraph (a)(3) to the existing single package maximum transport indices for passenger and cargo only aircraft.

Section 175.78. This section would be amended to reflect the minimum segregation requirements for hazardous materials of various classes as provided in the ICAO Technical Instructions. The MTB believes these changes are necessary to insure that uniform loading requirements will be applied to United States' registered aircraft operating overseas as well as to foreign registered aircraft operating in the United States. In addition, the MTB believes that these provisions would represent an improvement over the current requirements of this section which specify segregation requirements only for corrosive materials. For example, § 175.78(a) currently would allow flammable liquids and oxidizers to be stowed next to or in contact with each other. This could result in a potentially dangerous situation in the event of leakage of the packages.

Section 175.79. Paragraph (a) would be amended by removing the provision concerning securing of packagings. This provision will be transferred to a new § 175.81 concerning securing of cargo in order to provide greater consistency with the manner of presentation of these requirements in the ICAO Technical Instructions. Paragraph (b) would be amended to clarify that packagings fitted with both top and side closures need not be stored and loaded with the side closures up. This clarification will make paragraph (b) consistent with the corresponding provision in the ICAO Technical Instructions.

Section 175.81. A new § 175.81 concerning securing of packages would be added to consolidate the general requirement for securing previously contained in § 175.79 and the specific securing provisions for packages containing radioactive materials previously contained in § 175.85(d).

Section 175.85. Paragraph (a) of this section would be amended to clarify the conditions under which hazardous materials may be carried on the main deck of a passenger (combi) aircraft, in order to provide consistency with the ICAO Technical Instructions. Paragraph (b) would be amended to eliminate the use of the word "accessible" through introduction of the ICAO definition of "accessible" directly into the loading requirement. The ICAO definition of "accessible" is, for all practical purposes, identical to that currently used in the section, except the criterion that a crew member be able to separate the package containing cargo-aircraft-only material from other cargo would apply only when size and weight of the package permit. The third sentence in the existing text of paragraph (b) of this section has been removed because the same text already appears in paragraph (c)(3) of this section. Finally, the list of hazardous materials in paragraph (c)(1) which need not be carried in a location that is accessible to a crew member in flight would be revised to be consistent with the corresponding provision of the ICAO Technical Instructions.

Section 175.88. A new § 175.88 concerning inspection of unit load devices would be added consistent with the provisions of the ICAO Technical Instructions. This section would require that a unit load device be inspected prior to loading aboard an aircraft to make certain it is free from evidence of damage to, or leakage from, any hazardous materials it may contain. This is consistent with current requirements that packages and overpacks be inspected for evidence of damage or leakage prior to loading on an aircraft.

Section 175.90. This section would be completely revised to add certain provisions contained in the ICAO Technical Instructions to the existing provisions concerning damaged shipments. A provision would be added to require that packages and overpacks be inspected for damage or leakage upon removal from an aircraft or unit load device and that the area in which a unit load device was stowed aboard an aircraft be inspected, upon removal of the unit load device, for evidence of leakage of, or contamination from, the dangerous goods carried. If such evidence is found, the aircraft compartment must then be inspected for contamination and any contamination removed. In addition, provisions would be added providing actions to be taken in the event that a package containing etiologic agents is found to be damaged or leaking.

Section 173.305. Paragraph (b) of this section would be deleted since the provisions governing the transport of wheelchairs with wet electric storage batteries would now appear in § 175.10.

Section 175.320. A new paragraph (b)(10) would be added to prohibit the international transportation of hazardous materials under this section unless permission is first obtained from the countries of origin, destination, transit and overflight as required by the ICAO Technical Instructions.

Section 175.630. Several changes are proposed to this section to maintain consistency with corresponding requirements in the ICAO Technical Instructions. The applicability of the section would be expanded to cover etiologic agents as well as poisons. Poisons and etiologic agents, however, would be allowed to be transported aboard an aircraft in the same compartment with foodstuffs, feed or other edible material provided the poisons or etiologic agents and the foodstuffs, feed or other edible materials are loaded in separate unit load devices that are not stowed adjacent to each other aboard the aircraft. Finally, the provision requiring that the area in which a package bearing a poison label was stowed aboard the aircraft be visually inspected after removal of the package would be deleted. This would be replaced by the new provision in § 175.90 requiring that the package be inspected for evidence of damage or leakage upon removal from the aircraft and that the aircraft itself need only be inspected if the package shows evidence of damage or leakage.

Section 175.701. Six of the separation distances prescribed in the table in paragraph (b)(2) of this section would be revised to align the required separation distances with those provided in the ICAO Technical Instructions.

Section 175.705. A new § 175.705 would be added to require a periodic check for radiological contamination of aircraft used routinely for the transport of radioactive materials. If the check revealed the aircraft to have contamination above prescribed levels, it would have to be taken out of service. This section is proposed to provide greater consistency with the provisions of the ICAO Technical Instructions.

List of Subjects

49 CFR Part 171

Hazardous materials transportation.

49 CFR Part 172

Hazardous materials transportation, Labeling, Packaging and containers.

49 CFR Part 173

Hazardous materials transportation, Packaging and containers.

49 CFR Part 175

Hazardous materials transportation, Air carriers.

In consideration of the foregoing, 49 CFR Parts 171, 172, 173, and 175 would be amended as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

§ 171.2 [Amended]

1. In § 171.2, paragraph (a) would be amended by adding "171.11," before "171.12 and 176.11".

2. In § 171.7, new paragraphs (c)(29) and (d)(25) would be added to read as follows:

§ 171.7 Matter incorporated by reference.

* * * * *

(c) * * *

(29) ICAO: International Civil Aviation Organization, P.O. Box 400, Place de l'Aviation Internationale, 1000 Sherbrooke Street West, Montreal, Quebec, Canada H3A 2R2. ICAO Technical Instructions available from INTEREG, International Regulations Publishing and Distribution Organization, P.O. Box 60105, Chicago, Illinois 60660.

(d) * * *

(25) International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air, DOC 9284–AN/905 (ICAO Technical Instructions), 1983 edition.

3. In § 171.8 new definitions for "ICAO" and "Unit load device" would be added in appropriate alphabetical order and would read as follows:

§ 171.8 Definitions and abbreviations.

* * * * *

"ICAO" means International Civil Aviation Organization.

"Unit load device" means any type of freight container, aircraft container, aircraft pallet with a net, or aircraft pallet with a net over an igloo.

* * * * *

4. A new § 171.11 would be added to read as follows:

§ 171.11 Use of ICAO Technical Instructions.

Notwithstanding the requirements of Parts 172 and 173 of this Subchapter, a hazardous material may be transported by aircraft, and by a motor vehicle either before or after being transported by aircraft, in accordance with the ICAO Technical Instructions if the hazardous material:

(a) Is packaged, marked, labeled, classified, described and certified on a shipping paper and otherwise in the required condition for shipment as provided in the ICAO Technical Instructions;

(b) Is within the quantity limits prescribed for transportation by either passenger or cargo aircraft, as appropriate, as provided in the ICAO Technical Instructions;

(c) Is not a forbidden material or package according to § 172.101 or § 173.21 of this subchapter; and,

(d) Fulfills the following additional requirements as applicable:

(1) When a hazardous material which is subject to the requirements of the ICAO Technical Instructions is also a hazardous substance as defined in this subchapter:

(i) The name of the hazardous substance shall be shown in association with the proper shipping name on shipping papers and in package markings unless the proper shipping name required by the ICAO Technical Instructions already includes the name of the hazardous substance; and

(ii) The letters "RQ" shall be entered on the shipping paper either before or after the basic description required by the ICAO Technical Instructions and in association with the proper shipping name required to be marked on the package.

(2) When a hazardous material which is subject to the requirements of the ICAO Technical Instructions is also a hazardous waste as defined in this subchapter:

(i) The word "Waste" must precede the proper shipping name in shipping papers and in package markings; and,

(ii) The requirements of § 172.205 with respect to the hazardous waste manifest apply.

(3) When a hazardous material is not subject to the requirements of the ICAO Technical Instructions it must be transported as required by this subchapter.

(4) When a hazardous material is transported under the proivisions of this section by motor vehicle on a public highway, the shipping paper must include:

(i) The name of the DOT class must closely corresponding to the ICAO class in association with the basic description required by the ICAO Technical Instructions unless the proper shipping name contains the key word or words of the hazard class of the material; and,

(ii) The words "Dangerous When Wet" in association with the basic description when the Class 4, Division 4.3 label is required to be applied by the ICAO Technical Instructions.

(5) If a liquid or solid material in a package meets the definition of a poison according to this subchapter, and the fact that it is a poison is not disclosed in the shipping name or through a class name entry, the word "Poison" shall be entered on the shipping paper in association with the basic description.

(6) Abbreviations may not be used in shipping paper entries or package markings unless they are specifically authorized by this subchapter.

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

5. Section 172.401 would be amended by replacing the word "or" in paragraph (c)(1) with a semicolon, by replacing the period at the end of (c)(2) with "; or," and by adding a new paragraph (c)(3) to read as follows:

§ 172.401 Prohibited labeling.

* * * * *

(c) * * *

(3) The ICAO Technical Instructions.

* * * * *

6. In § 172.446, paragraph (a) would be amended by removing the words "including the label name in the lower border", the figure of the MAGNETIZED MATERIAL label would be amended by removing the words "MAGNETIZED MATERIAL LABEL" in the lower right corner of the border of the label and a new paragraph (c) would be added to read as follows:

§ 172.446 MAGNETIZED MATERIAL label.

* * * * *

(c) MAGNETIZED MATERIAL labels with the text "MAGNETIZED MATERIAL LABEL" shown in the lower right corner of the label may continue to be used until stocks existing on January 1, 1983, are depleted.

7. In § 172.448, paragraph (a) would be amended and a new paragraph (c) would be added to read as follows:

§ 173.448 CARGO AIRCRAFT ONLY label.

(a) Except for size and color, the CARGO AIRCRAFT ONLY label must be as follows:

(c) CARGO AIRCRAFT ONLY labels with the text "DANGER-PELIGRO" may continue to be used until stocks existing on January 1, 1983, are depleted.

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

8. In § 173.250, paragraph(b) would be revised by changing "§ 175.305" to read "§ 175.10".

PART 175—CARRIAGE BY AIRCRAFT

9. Section 175.3 would be revised to read as follows:

§ 175.3 Unacceptable hazardous materials shipments.

A shipment of hazardous materials that is not prepared for shipment in accordance with this subchapter may not be accepted for transportation or transported aboard an aircraft.

10. In § 175.10, paragraph (a)(5) would be revised and new paragraphs (a)(15) through (a)(20) added to read as follows:

§ 175.10 Exceptions.

(a) * * *

(5) Not exceeding 10 pounds gross weight of small-arms ammunition, excluding ammunition with explosive or incendiary projectiles, for personal use carried by a crewmember or passenger in his baggage (excluding carry-on baggage) if securely packed in fiber, wood, or metal boxes.

* * * * *

(15) Alcoholic beverages, perfumes and colognes carried aboard a passenger aircraft by the operator for use or sale on the aircraft.

(16) Alcoholic beverages, perfumes and colognes carried by passengers or crew as carry-on baggage.

(17) Carbon dioxide, solid (dry ice) intended for use in food and beverage service aboard aircraft and dry ice in quantities not exceeding 4 pounds per passenger when used to pack perishables in carry-on baggage.

(18) Carbon dioxide gas cylinders worn by passengers for the operation of mechanical limbs.

(19) Wheel chairs with non-spillable batteries, as checked baggage, provided that the battery is disconnected, the battery terminals are insulated to prevent accidental short circuits, and the battery is securely attached to the wheel chair.

(20) Wheel chairs with spillable batteries, as checked baggage, provided that the wheel chair can be loaded, stowed, secured, and unloaded always in an upright position. The battery must be disconnected, the terminals insulated to prevent accidental short circuits, and the battery securely attached to the wheel chair. The pilot-in-command must be advised either orally or in writing of the location of the wheel chair aboard the aircraft prior to departure. If the wheel chair cannot be loaded, stowed, secured and unloaded always in an upright position, the battery must be removed and the wheel chair may then be carried as checked baggage without restriction. The removed battery must be carried in strong, rigid, outside packagings as follows:

(i) Outside packagings must be leaktight, impervious to battery fluid, loaded aboard the aircraft in accordance with the required orientation markings and be protected against upset by securing to pallets or by securing them in cargo compartments using appropriate means of securement (other than by bracing with freight or baggage) such as by use of restraining straps, brackets or holders;

(ii) Batteries must be protected against short circuits, secured upright in their outside packagings, and surrounded by compatible absorbent material sufficient to absorb their total liquid contents; and

(iii) Outside packagings must be marked to indicate proper orientation, and with the words "Battery, wet, with wheel chair", and be labeled with a Corrosive label.

11. In § 175.30, paragraphs (a) and (b) would be amended and a new paragraph (e) added to read as follows:

§ 175.30 Accepting and inspecting shipments.

(a) * * *

(2) Described and certified on a shipping paper prepared in duplicate in accordance with Subpart C of Part 172 or as authorized by § 171.11 of this subchapter. The originating aircraft operator must retain one copy of each shipping paper for 90 days;

(3) Labeled and marked in accordance with Subparts D and E of Part 172 or as authorized in § 171.11 of this subchapter, and placarded (when required) in accordance with Subpart F of Part 172 of this subchapter; and,

* * * * *

(b) Except as provided in paragraph (d) of this section, no person may carry a hazardous material in a package, outside container, or overpack aboard an aircraft unless the package, outside container, or overpack is inspected by the operator of the aircraft immediately before placing it:

(1) Aboard the aircraft; or,

(2) In a unit load device or on a pallet prior to loading aboard the aircraft.

* * * * *

(e) An overpack containing packages of hazardous materials may be accepted only if the operator has taken all reasonable steps to establish that—

(1) The overpack does not contain a package bearing the "CARGO AIRCRAFT ONLY" label unless the overpack affords clear visibility of and easy access to the package,

(2) The proper shipping names, identification numbers, labels and special handling instructions appearing on the inside packagings are clearly visible or reproduced on the outside of the overpack, and,

(3) Has determined that a statement to the effect that the inside packages comply with the prescribed specifications appears on the outside of the overpack, when specification packagings are prescribed.

12. Section 175.33 would be revised to read as follows:

§ 175.33 Notification of pilot-in-command.

(a) Except as provided in § 175.10, when a hazardous material subject to the provisions of this subchapter is carried in an aircraft, the operator of the aircraft shall provide the pilot-in-command at least the following information in writing as early as practicable prior to departure:

(1) The proper shipping name, hazard class and identification number of the material as specified in § 172.101 of this subchapter or the ICAO Technical Instructions. If a hazardous material is described by the proper shipping name, hazard class and identification number appearing in—

(i) Section 172.101 of this subchapter, any additional description requirements provided in §§ 172.202 and 172.203 of this subchapter must also be shown in the notification.

(ii) The ICAO Technical Instructions, any additional information required to be shown on shipping papers by § 171.11 of this subchapter must also be shown on the notification.

(2) The total number of packages and the quantity of each material, except for radioactive materials, and the location of the hazardous material aboard the aircraft;

(3) Confirmation that no damaged or leaking packages have been loaded on the aircraft;

(4) For radioactive materials the number of packages, their category, transport index, and specific location aboard the aircraft; and

(5) Whether the package may be carried on cargo aircraft only.

(b) A copy of the written notification to pilot-in-command shall be readily available to the pilot-in-command during flight.

§ 175.35 [Removed]

13. Section 175.35 would be removed.

14. In § 175.75, paragraphs (a)(1), (a)(3)(i) and (a)(3)(ii) would be revised to read:

§ 175.75 Quantity limitations aboard aircraft.

(a) * * *

(1) A hazardous material except as permitted by this subchapter;

* * * * *

(3) * * *

(i) In passenger carrying aircraft, exceeds 50.0 or, for any single package, exceeds 3.0, or

(ii) In cargo-only aircraft, exceeds 200.00 (for fissile radioactive materials, see § 175.702(b)(3)), or, for any single package, exceeds 10.0

* * * * *

15. Section 175.78 would be revised to read as follows:

§ 175.78 Stowage compatibility of cargo.

(a) Packages containing hazardous materials which might react dangerously with one another must not be stowed in an aircraft next to each other or in a position that would allow a dangerous interaction in the event of leakage. As a minimum, the segregation prescribed in the following Table must be maintained.

TABLE 1 [1]

	A	B	C	D	E	F	G	H
A Explosive (Class C) or ICAO Division 1.4.	([3])	([4])	([4])	([4])	([4])	([4])	X [3]	X.
B Compressed gases or ICAO Class 2.	([4])							
C Flammable liquids or ICAO Class 3.	([4])					X	X	
D Flammable liquids and solids (labeled SPONTANEOUSLY COMBUSTIBLE) or ICAO Division 4.2.	([4])					X	X	X.
E Flammable solids (labeled DANGEROUS WHEN WET) or ICAO Division 4.3.	([4])					X	X	X.
F Oxidizers or ICAO Division 5.1	([4])		X	X	X			X.
G Organic peroxides or ICAO Division 5.2.	X		X	X	X			X.
H Corrosive materials or ICAO Class 8.	X			X	X	X	X	

[1] The letters across the top of the Table have the same meaning as the letters along the left side of the Table.
[2] An "X" at the intersection of a row and a column in the Table means that package containing the indicated classes of hazardous materials may not be stowed next to or in contact with each other, or in a position which would allow interaction in the event of leakage of the contents.
[3] For import or export shipment, explosives other then explosives of ICAO Division 1.4, Compatibility Group S, that do not belong to the same compatibility group according to the ICAO Technical Instructions may not be stowed together.
[4] Explosives, other than safety explosives (ICAO Division 1.4, Compatibility Group S) must not be stowed together with this class.

(b) No person may stow a package labeled BLASTING AGENT on an aircraft next to, or in a position that will allow contact with, a package of special fireworks or railway torpedoes.

16. Section 175.79 would be revised to read as follows:

§ 175.79 Orientation of cargo.

(a) A package containing hazardous materials marked "THIS SIDE UP" or "THIS END UP", or with arrows to indicate the proper orientation of the package, must be stored and loaded aboard an aircraft in accordance with such markings.

(b) A package containing liquid hazardous materials not marked as indicated in paragraph (a) of this section, must be stored and loaded with closures up (other than side closures in addition to top closures).

17. A new § 175.81 would be added to read as follows:

§ 175.81 Securing of packages containing hazardous materials.

(a) Packages containing hazardous materials must be secured in an aircraft in a manner that will prevent any movement in flight which would result in damage to or change in the orientation of the packages.

(b) Packages containing radioactive materials must be secured in a manner that insures that the separation requirements of §§ 175.701 and 175.702 will be maintained at all times.

18. In § 175.85, paragraph (d) is removed and reserved and paragraphs (a), (b) and (c)(1) are revised to read as follows:

§ 175.85 Cargo location.

(a) Except as provided in § 175.10, no person may carry a hazardous material subject to the requirements of this subchapter in the cabin of a passenger-carrying aircraft or on the flight deck of any aircraft. Hazardous materials may be carried in a main deck cargo compartment of a passenger aircraft provided that the compartment is inaccessible to passengers and that it meets all certification requirements for a Class B aircraft cargo compartment as provided in 14 CFR 25.857(b).

(b) Each package containing a hazardous material acceptable only for cargo aircraft must be loaded in such a manner that a crew member or other authorized person can see, handle and, when size and weight permit, separate such packages from other cargo in flight.

(c) * * *

(1) * * *

(i) Radioactive (ICAO Class 7) materials,

(ii) Poison B (ICAO) Division 6.1) liquids and solids (except those labeled FLAMMABLE).

(iii) Irritating (ICAO Division 6.1) materials,

(iv) Etiologic (ICAO Division 6.2) agents, and

(v) Flammable liquids with a flashpoint above 90°F. (32°C.), and

(vi) Materials classified as Class 9 materials according to the ICAO Technical Instructions and that are being transported under that classification as provided in § 171.11 of this subchapter.

19. A new § 175.88 would be added to read as follows:

§ 175.88 Inspection of unit load devices.

(a) A unit load device may not be loaded on an aircraft unless the device has been inspected and found to be free from any evidence of leakage from, or damage to, any hazardous materials contained therein.

20. Section 175.90 would be revised to read as follows:

§ 175.90 Damaged shipments.

(a) Packages or overpacks containing hazardous materials must be inspected for damage or leakage after being loaded from an aircraft. When packages or overpacks containing hazardous materials are carried in a unit load device, the area where the unit load device was stowed must be inspected for evidence of leakage or

contamination immediately upon removal of the unit load device from the aircraft, and the packages or overpacks inspected for evidence of damage or leakage when the unit load device is unloaded. In the event of leakage or suspected leakage, the compartment in which the package, overpack, or unit load device was carried must be inspected for contamination and any dangerous level of contamination removed.

(b) Except as provided in § 175.700, the operator of an aircraft shall remove from the aircraft any package subject to this subchapter that appears to be damaged or leaking. In the case of a package which appears to be leaking, the operator must insure that the remainder of the packages in the same shipment are in proper condition for transport by air and that no other packages has been contaiminated.

(c) No person shall place or transport a package that is damaged or appears to be damaged or leaking aboard an aircraft subject to this Part.

(d) If a package containing an etiologic agent is found to be damaged or leaking, the person finding the package shall—

(1) Avoid handling of the package or keep handling to a minimum;

(2) Inspect packages adjacent to the leaking package for contamination and withhold from further transportation any contaminated packages until it is ascertained that the packages can be safely transported;

(3) Comply with the reporting requirement of § 171.15 of this subchapter; and

(4) Notify the consignor or consignee.

§ 175.305 [Amended]

21. In § 175.305, paragraph (b) would be removed.

22. In § 175.320 a new paragraph (b)(10) would be added to read as follows:

§ 175.320 Cargo-only aircraft; only means of transportation.

* * * * *

(b) * * *

(10) If the movement involves international transportation, permission for the shipment must also be obtained from the appropriate authorities of the countries of origin, destination, transit and overflight prior to departure.

* * * * *

23. Section 175.630 would be revised to read as follows:

§ 175.630 Special requirements for poisons and etiologic agents.

(a) Hazardous materials bearing the POISON or ETIOLOGIC AGENT label may not be carried in the same compartment of an aircraft with material which is marked as or known to be foodstuffs, feed, or any other edible material intended for consumption by humans or animals unless the poisons or etiologic agents and the foodstuffs, feed, or other edible material are loaded in separate unit load devices which, when stowed on the aircraft, are not adjacent to each other.

§ 175.70 [Amended]

24. In paragraph (b)(2) of § 175.701, the figures in the "Centimeters" and "Inches" columns for the last six entries would be revised to read 290, 320, 350, 375, 400 and 425 in the "Centimeters" column and 114, 126, 138, 148, 157 and 167 in the "Inches" column, respectively.

25. A new § 175.705 would be added to read:

§ 175.705 Inspection of aircraft for contamination by radioactive materials.

(a) Aircraft used routinely for the carriage of radioactive materials shall be periodically checked to determine the level of contamination. The frequency of checks shall be related to the likelihood of contamination and the extent to which radioactive materials are carried.

(b) An aircraft must be taken out of service if the level of contamination exceeds that provided in § 175.700(b).

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1 and paragraph (a)(4) of App. A to Part 106)

Note.—The Materials Transportation Bureau has determined that this document will not result in a "major rule" under the terms of Executive Order 12291 or a significant regulation under DOT's regulatory policy and procedures (44 FR 11034) or require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321, *et seq.*) I certify that this proposal would not, if adopted, have a significant economic impact on a substantial number of small entities because the overall economic impact of this proposal would be minimal. A regulatory evaluation and environmental assessment are available for review in the docket.

Issued in Washington, D.C., on July 26, 1981.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 82-20578 Filed 7-30-82; 8:45 am]

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Notices

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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.

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Raisin Crop Insurance Regulations; Extension of Sales Closing Date

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Notice of extension of sales closing date.

SUMMARY: Under the authority contained in the Federal Crop Insurnace Act, as amended, the Federal Crop Insurance Corporation (FCIC) herewith gives notice of the extension of the closing date for accepting applications for raisin crop insurance in California counties, where such insurance is otherwise offered, effective for the 1982 crop year only. This action is necessary because there is not sufficient time to acquaint growers with the new provisions in the regulations providing additional and higher election price of $800 per ton. In addition, the present crop is maturing more slowly than usual, thus there is little risk in extending the sales closing date to provide more time to contact growers. If the sales closing date is left unchanged, it would have an adverse effect on policyholders by not allowing sufficient time for them to be aware of the higher election available.

EFFECTIVE DATE: August 2, 1982.

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

SUPPLEMENTARY INFORMATION: Under the provisions of 7 CFR Part 402, Raisin Crop Insurance Regulations, the closing date for accepting applications for such insurance is July 31.

FCIC has amended the level of election available to growers to add a higher level of $800. There would not be sufficient time to acquaint policyholders with this additional option before July 31, thus, such sales closing date is extended through the close of business on Agust 10, 1982.

Under the authority contained in 7 CFR 402.7(b) of the Raisin Crop Insurance Regulations, the closing date for accepting applications may be extended by placing the extended date on file in the service office for the county and publishing a notice in the **Federal Register** upon determination that no adverse selectivity will result during the period of such extension.

If adverse conditions should develop during such period, FCIC will immediately discontinue the acceptance of applications.

Accordingly, under the authority contained in 7 CFR 402.7(b), FCIC herewith gives notice that the closing date for accepting applications for raisin crop insurance in all counties in California is hereby extended until the close of business on August 10, 1982, to be effective for the 1982 crop year only.

Done in Washington, D.C., on July 23, 1982.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by: Merritt W. Sprague.

Dated: July 27, 1982.

[FR Doc. 82–20778 Filed 7–30–82; 8:45 am]

BILLING CODE 3410–08–M

Forest Service

Timber Export and Substitution Restrictions; Request for Comments

Notice is hereby given that the Forest Service, USDA, has received several requests that unprocessed timber in the Pacific Northwest be found surplus to domestic needs. The Secretary of Agriculture is authorized to make such a finding after a public hearing (36 CFR 223.10). Comments are hereby solicited as to whether a public hearing should be scheduled to determine whether unprocessed Douglas-fir, Western redcedar, Western hemlock, and other species presently restricted from export are surplus to the needs of domestic markets during this time of poor timber markets.

Comments should be submitted not later than September 1, 1982 to R. Max Peterson (2400), Forest Service, USDA, P.O. Box 2417, Washington, DC 20013.

Dated: July 26, 1982.

R. Max Peterson,

Chief.

[FR Doc. 82–20791 Filed 7–30–82; 8:45 am]

BILLING CODE 3410–11–M

Office of the Secretary

Great Plains Conservation Program Payments: Determination of Primary Purpose

AGENCY: Office of the Secretary, USDA.

ACTION: Notice of Determination.

SUMMARY: The Secretary of Agriculture has determined that Federal payments made to farmers and ranchers for all but two cost-sharing practices used under the Great Plains Conservation Program (GPCP) are primarily for conserving soil and water resources, protecting or restoring the environment, or providing a habitat for wildlife. Exceptions are those payments for practice GP–17, constructing, enlarging, or sealing dams, pits, or ponds for irrigation water; and practice GP–28, recreation land grading and shaping. This determination is in accordance with Section 126(b) of the Internal Revenue Code of 1954, as amended by Section 543 of the Revenue Act of 1978 and the Technical Corrections Act of 1979, and applies to payments made after September 30, 1979. This determination permits recipients to exclude all or part of these payments from gross income to the extent allowed by the Internal Revenue Service.

FOR FURTHER INFORMATION CONTACT: Director, Land Treatment Program, Soil Conservation Service, USDA, P.O. 2890, Washington, D.C. 20013; (202) 382–1870.

SUPPLEMENTARY INFORMATION: Section 126 of the Internal Revenue Code of 1954, 26 U.S.C. 126, as amended by the Revenue Act of 1978 and the Technical Corrections Act of 1979, provides that certain payments made to persons under conservation programs administered by the Department of Agriculture may be excluded from gross income for Federal tax purposes. Section 126 requires that the Secretary of Agriculture determine whether certain payments or portions thereof made to persons for conservation programs listed in Section 126(a) are "made primarily for the purpose of conserving soil and water resources, protecting or restoring the

environment, improving forests, or providing a habitat for wildlife * * *" Based on criteria set forth in 7 CFR Part 14, the Secretary of Agriculture makes a "primary purpose" determination for payments made under each program. Before there may be an exclusion, the Secretary of the Treasury must determine that the payments made to a person under these conservation programs do not increase substantially the annual income derived from the property benefited by the payments.

GPCP is authorized by Pub. L. 84–1921; Stat. 1115–1117 as amended, 16 U.S.C. 590p(b). It is funded through annual appropriations by Congress and is administered by the Soil Conservation Service under regulations published in 7 CFR Part 631. GPCP provides technical and financial assistance to agriculture landowners and operators, through 3- to 10-year contracts, that help participants install complete conservation and management systems on their lands.

Cost-share payments under GPCP will accomplish one or more of the following objectives:

(a) Establish and maintain vegetative protective cover.

(b) Protect soil against wind or water erosion.

(c) Conserve or safely dispose of water, or both.

(d) Establish trees for windbreaks and shelterbelts.

(e) Prevent or abate livestock-related pollution of water, soil, and air.

(f) Improve wildlife habitat.

(g) Meet specific State or local conservation needs.

The Department of Agriculture has classified this determination as "not major" in accordance with Executive Order 12291 and Secretary's Memorandum No. 1512–1. The Secretary has determined that these program provisions will not result in an annual effect on the economy of $100 million or more; will not cause a major increase in costs to consumers, individuals, industries, government agencies, or geographic regions; and will not cause significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States based enterprises to compete with foreign-based enterprises in domestic or export markets.

A "Great Plains Conservation Program (GPCP) Record of Decision: Primary Purpose Determination for Federal Tax Purposes" has been prepared and is available upon request from the Director, Land Treatment Program, Soil Conservation Service, USDA, P.O. Box 2890, Washington, D.C. 20013; (202) 382–1870.

Determination

As required by Section 126(b) of the Internal Revenue Code of 1954, as amended, I have examined the authorizing legislation, regulations, and operating procedures of the Great Plains Conservation Program. In accordance with the criteria set out in 7 CFR Part 14, I have determined that all cost-share payments under GPCP except those for practice GP–17 (constructing, enlarging, or sealing dams, pits, or ponds for irrigation water) and those for practice GP–28 (recreation land grading and shaping) are primarily for the purposes of conserving soil and water resources or protecting or restoring the environment or providing wildlife habitat. Subject to further determination by the Secretary of the Treasury, this determination permits payment recipients to exclude from gross income for Federal income tax purposes, all or part of these payments made under the GPCP after September 30, 1979.

Signed at Washington, D.C., on July 27, 1982.

John R. Block,

Secretary.

[FR Doc. 82–20790 Filed 7–30–82; 8:45 am]

BILLING CODE 3410–01–M

CIVIL AERONAUTICS BOARD

[Order 82–7–93]

Air Express International Airlines, Inc.; Order to Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause 82–7–93.

SUMMARY: The Board has tentatively decided to grant to Air Express International Airlines, Inc. the authority to operate charter air transportation of cargo between a point or points in the United States and a point or points in the Western Hemisphere north of and including Colombia, Venezuela, Guyana, Surinam, and French Guiana, and between a point or points in the United States and a point or points in Europe.

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions that this action be taken, as described in the order cited above, shall NO LATER THAN August 19, 1982, file a statement of such objections with the Civil Aeronautics Board (20 copies, addressed to Docket 40427, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428) and mail copies to Air Express International Airlines, Inc., Air Express International Corporation, the Departments of State and Transportation, and to the Attorney General. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Secretary of the Board may enter an order which will make final the Board's tentative findings and conclusions, and, subject to the disapproval of the President under section 801(a) of the Act, amend the carrier's certificate to authorize it to engage in the foreign air transportation described above.

To get a copy of the complete order, request it from the Civil Aeronautics Board, Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the Washington Metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT:

Ira Leibowitz, (202) 673–5203, Legal Division, Bureau of International Aviation, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board.

Dated: July 26, 1982.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82–20810 Filed 7–30–82; 8:45 am]

BILLING CODE 6320–01–M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations; Week Ended July 23, 1982

Subpart Q Applications

The Due Date for answers, conforming application, or motions to modify scope are set forth below for each application following the answer period the board may process the application by expedited procedures. Such procedures may consist of the adoption of a show cause order a tentative order, or in appropriate cases a final order without further proceedings.(See 14CFR 302.1701 et. seq.)

Date filed	Docket No.	Description
July 19, 1982.....	40856	Trans World Airlines, Inc., 605 Third Avenue, New York, New York 10158. Application of Trans World Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations applies for renewal of its certificate of public convenience and necessity for Route 147 in its entirety on a permanent basis as follows: I. A. Between the coterminal points Denver, Colo.; Kansas City and St. Louis, Missouri; Minneapolis-St. Paul, Minn.; Chicago, Ill.; Detroit, Mich.; Washington, D.C.; Baltimore, Md.; Philadelphia, Pa.; New York, N.Y.; Newark, N.J.; Boston, Mass.; McGuire Air Force Base, N.J.; Dover Air Force Base, Del.; B. Between the coterminal points Los Angeles and San Francisco-Oakland-San Jose Calif.; Intermediate points within the following areas: Ireland; The Intermediate points London, England; France, including the intermediate point Paris but excluding Marseilles and Nice; The intermediate points Hamburg, Cologne-Dusseldorf, Frankfurt, Stuttgart and Munich, Gremany; Switzerland; Italy, including the intermediate point Rome; Greece; Egypt; Israel; Jordan; Iraq; Kuwait; Saudi Arabia; Yemen; Bahrain Qatar United Arab Emirates Oman Sri Lanka and that portion of India which lies south of the twentieth parallel; and (1) beyond Sri Lanka and that portion of India which lies south of the twentieth parallel, the intermediate points Calcutta, India; Mandalay, Burma; and the terminal point Hanoi, Vietnam. (2) beyond Sri Lanka and that portion of India which lies south of the twentieth parallel, the intermediate point Bangkok, Thailand, and the terminal point Hong Kong. II. A. Between the coterminal points Denver, Colo.; Kansas City and St. Louis, Mo.; Minneapolis-St. Paul, Minn.; Chicago, Ill.; Detroit, Mich.; Cleveland, Ohio; Pittsburgh, Pa.; Washington, D.C.; Baltimore, Md.; Philadephia, Pa.; New York, N.Y.-Newark, N.J.; Boston, Mass.; B. Between the coterminal points Los Angeles and San Francisco-Oakland-San Jose, Calif.; The intermediate points within the following areas: The Azores; Portugal; (1) beyond Portugal, intermediate points within the following areas: Spain, except Barcelona; Italy; (2) beyond Portugal, intermediate points within the following areas; Spain, except Barcelona; Algeria; Tunisia; Italy; Libya; and Egypt. III. Between the coterminal points St. Louis, Mo., Pittsburgh, Pa. and New York, N.Y.-Newark, N.J., and coterminal points in Belgium, The Netherlands and Luxembourg. (Permissive authority) IV. Between the coterminal points New York, N.Y. Newark, N.J. and Philadelphia, Pa., and the terminal point Bermuda. (Permissive authority and local traffic rights between U.S. coterminals) V. Between a point or points in the United States and a point or points in the Federal Republic of Germany; (Permissive authority) VI. Between a point or points in the United States and a point or points in Bahrain, Qatar, and the United Arab Emirates. (Permissive authority) Conforming Applications, motions to modify scope, and Answers may be filed by August 16, 1982.
July 22, 1982.....	40867	Island National Air, c/o Kevin Mooney, 8 Parkside Lane, North Babylon, N.Y. 11703. Application of Island National Air pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests issuance of a certificate of public convenience and necessity which would authorize it to engage in scheduled air transportation of passengers, property, and mail, as follows: Between the terminal points Islip MacArthur New York; to the intermediate points: Washington-DC, Chicago-MDI, Florida-TPA, Florida-FLL. Conforming Applications, motions to modify scope, and Answers may be filed by August 19, 1982.
July 23, 1982.....	40871	Northwest Airlines, Inc., Minneapolis/St. Paul International Airport, St. Paul, Minnestoa 55111. Application of Northwest Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests renewal of it's certificate of public convenience and necessity for Route 179 to enable it to engage in foreign air transportation of persons, property and mail as follows: "1. Between the coterminal points Seattle, WA, Portland, OR, Los Angeles, CA, Minneapolis/ St. Paul, MN, Chicago-Rockford, IL, Detroit, MI, Washington, D.C.-Baltimore, MD, New York, NY-Newark, NJ and Boston, MA; and the terminal point Glasgow, Scotland. 2. Between a point or points in the United States and Tel Aviv, Israel, Shannon, Ireland, and a point or points in Belgium, The Netherlands, Luxembourg, the Federal Republic of Germany, Iceland, Denmark, Norway, Sweden, Finland, Switzerland, and Jordan. 3. a. Between the terminal point Minneapolis/St. Paul, MN and the terminal point London, United Kingdom. b. Between the terminal point Boston, MA and the terminal point London, United Kingdom." See Order 81-12-160. Northwest, by this application, requests that its authority to provide service to Scotland, Iceland, Denmark, Norway, Sweden and Finland and over the Twin Cities-London segment be made permanent. In the alternative, Northwest requests that the authority be made permanent. In the alternative, Northwest requests that the authority be renewed for a period of at least seven years, consistent with traditional Board practice. Conforming Applications, motion to modify scope, and Answers may be filed by August 20, 1982.
Do.	40872	Arrow Airways, Inc., c/o Lawrence D. Wasko, Seamon, Wasko & Ozment, 1211 Connecticut Avenue, N.W., Suite 300, Washington, D.C. 20036. Application of Arrow Airways, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests issuance or amendment of a certificate of public convenience and necessity to provide scheduled foreign air transportation of persons, property and mail: "Between the terminal point Tampa, Florida and the terminal point London, United Kingdom;" with authority to serve London and any of the transatlantic points listed in Arrow's certificate of public convenience and necessity for Route 343-F, subject to such terms, conditions and limitations as the Board may find required by the public convenience and necessity. Conforming Applications, motions to modify scope, and Answers may be filed by August 20, 1982.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 82-20812 Filed 7-30-82; 8:45 am]

BILLING CODE 6320-01-M

[Order 82-7-95]

Fitness Determination of Trans Air, Inc., Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 82-7-95, Order to Show Cause.

SUMMARY: The Board is proposing to find that Trans Air, Inc, is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: *Responses:* All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than August 13, 1982, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with the Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A.

FOR FURTHER INFORMATION CONTACT: Mrs. Patricia T. Szrom, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428 (202) 673-5088.

SUPPLEMENTARY INFORMATION: The complete text of Order 82-7-95 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 82-7-95 to that address.

By the Civil Aeronautics Board: July 27, 1982.

Phyllis T. Kaylor,
Secretary.

Attachment A.—Service List for Trans Air, Inc.

Mrs. Lori P. Godbold, President, Trans Air, Inc., P.O. Box 501, Dania, FL 33004
Mr. Richard S. Womble, Attorney for Trans Air, Inc., Fertig & Curtis, 3104 South Andrews Avenue, Ft. Lauderdale, FL 33316
Mr. Frank G. Barlett, Secretary, Air Transport Advisory Board, Department of Civil Aviation, Nassau Int'l Airport, Nassau, Bahamas
Mr. Les Ward, Federal Aviation Administration, GADO, Building

#121, Opa Locka Airport, Opa Locka, FL 33054
Mr. William T. Brennan, Acting Chief, Air Transportation Div., Federal Aviation Administration, 800 Independence Avenue, SW, Washington, D.C. 20591
Ms. Dorthy Henning, Chief, Accident Data Branch, Information Management Div., National Transportation Safety Board, 800 Independence Avenue, SW, Washington, D.C. 20594
Mr. Richard A. Nelson, Official Airline Guides, 2000 Clearwater Drive, Oak Brook, IL 60521
American Association of Airport Executives, 2029 K Street, NW, Washington, D.C. 20006
Honorable D. Robert Graham, Governor of Florida, State Capitol, Tallahassee, FL 32301
Grover Jones, Chief, Bureau of Aviation, Dept. of Transportation, Burns Bldg., Tallahassee, FL 32304
Ms. Dana McKinnon, Division of Corporations, Secretary of State, Suite 2002, The Capital, Tallahassee, FL 32301
Joseph Cresse, Chairman, Public Service Commission, Fletcher Bldg., 101 E. Gaines St., Tallahassee, FL 32301
Mr. Samual C. Clark, III, Regional Director, OCCCA, Civil Aeronautics Board, 275 Peachtree St., Rm. 140, Atlanta, GA 30303
Honorable E. Clay Shaw, Jr, Mayor of Ft. Lauderdale, P.O. Box 14250, Ft. Lauderdale, FL 33302
Airport Manager, Ft. Lauderdale-Hollywood Int'l Airport, Broward County Aviation Div., 290 S.W. 41st Ct., Ft. Lauderdale, FL 33315
Airport Manager, Palm Beach County Park Airport, 2633 Lantana Road, Lantana, FL 33462
Honorable James M. Adams, Mayor of West Palm Beach, P.O. Box 3366, West Palm Beach, FL 33402

[FR Doc. 82-20811 Filed 7-30-82; 8:45 am]
BILLING CODE 6320-01-M

[Docket 40841]

South Pacific Island Airways, Enforcement Proceeding; Assignment of Proceeding

This proceeding has been assigned to Chief Administrative Law Judge Elias C. Rodriguez. Future communications should be addressed to him.

Dated at Washington, D.C., July 27, 1982.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 82-20809 Filed 7-30-82; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Exporters' Textile Advisory Committee Public Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Exporters' Textile Advisory Committee, which is comprised of 30 members involved in textile and apparel exporting, advises Department of Commerce officials concerning ways of increasing U.S. exports of textile and apparel products.

TIME AND PLACE: September 16, 1982 at 10:00 a.m. The meeting will take place at the Main Commerce Building, Room 6802, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. (Public entrance to the building is on 14th Street, between Constitution Avenue and E Street, NW.)

AGENDA: (1) Review of export data, (2) Report on conditions in the export market, (3) Recent foreign restrictions affecting textiles, (4) Other Business.

PUBLIC PARTICIPATION: A limited number of seats will be available to the public on a first come basis. The public may file written statements with the Committee before or after the meeting. Oral statements may be presented at the end of the meeting to the extent time is available.

FOR FURTHER INFORMATION CONTACT: Helen L. LeGrande, Office of the Deputy Assistant Secretary for Textiles and Apparel, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, Tel: 202/377/3737.

Dated: July 27, 1982.

Walter A. Lenahan,

Acting Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 82-20724 Filed 7-30-82; 8:45 am]
BILLING CODE 3510-25-M

Portable Electric Typewriters From Japan; Final Results of Administrative Review Of Antidumping Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review of Antidumping Duty Order.

SUMMARY: On April 24, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on portable electric typewriters from Japan. During the review period there were three known exporters of this merchandise to the United States. This review covers one of the three, Nakajima All Co., Ltd., and all shipments produced by Nakajima All and sold or entered during the period January 4, 1980, the date of suspension of liquidation, through April 30, 1980.

Interested parties were given an opportunity to submit oral or written comments and a public hearing was conducted on May 15, 1981. The petitioner provided oral and written comments, and the respondent reply comments, which the Department reviewed. As a result, we have changed the *de minimis* margin from 0.21 percent to 0.27 percent.

EFFECTIVE DATE: August 2, 1982.

FOR FURTHER INFORMATION CONTACT: Susan M. Crawford or Robert Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-5255).

SUPPLEMENTARY INFORMATION:

Background

On May 9, 1980, the Department of Commerce ("the Department") published in the **Federal Register** (45 FR 30618-19) an antidumping duty order with respect to portable electric typewriters from Japan. Pursuant to section 736(c) of the Tariff Act of 1930 ("the Tariff Act"), the Department published an "Early Determination of Antidumping Duties" on August 13, 1980 (45 FR 53853-53856) with respect to two exporters, Brother Industries Ltd. and Silver Seiko Ltd. On April 24, 1981, the Department published the preliminary results of its administrative review of the order with respect to the remaining exporter, Nakajima All Co., Ltd. The Department has now completed its initial administrative review of the antidumping duty order with respect to Nakajima All.

Scope of the Review

Imports covered by this review are shipments of portable electric typewriters from Japan. The Department defines such merchandise as all typewriters currently classifiable under item 676.0510 of the Tariff Schedules of the United Stated Annotated ("TSUSA"), and some currently classifiable under TSUSA item 676.0540, depending on their individual characteristics. The characteristics we consider include, but are not limited to, the dimensions, weight, presence of a carrying case, type of market, and method of distribution.

During this review period there were three known exporters to the U.S. of Japanese portable electric typewriters.

As mentioned, this review covers one of the three known exporters, Nakajima All Co., Ltd., and all shipments produced by Nakajima All and sold or entered during the period January 4, 1980, the date of suspension of liquidation, through April 30, 1980.

Analysis of Petitioner's Comments

The Department received oral and written comments from the petitioner, Smith-Corona Group, Consumer Products Division, SCM Corporation ("SCM").

Comment: Foreign market value should be based on home market sales rather than third-country sales. The percentage of home market sales to total sales to countries other than the U.S. for the review period was 4.6 percent by quantity. Since this percentage is so close to the Department's benchmark of 5 percent and this review follows immediately after the fair value investigation where home market sales were the basis of comparison, SCM contends home market sales price remains the proper basis of comparison for this review period.

Position: The Department's choice of third-country sales is in accordance with section 353.4(a) of the Commerce Regulations. Further, home market sales as a percentage of sales to countries other than the U.S. has been decreasing since the publication of the order.

Comment: If the Department determines that home market sales form an inadequate basis of comparison, constructed value should be used since sales to West Germany were below Nakajima All's full cost of production. SCM furnished an independent market research report and documentation to support its argument that "the administering authority has reasonable grounds to believe or suspect" that the sales under consideration were below the full cost of production.

Position: In conjunction with the second administrative review of this firm, the Department received and verified cost of production information for 1980 on merchandise produced by Nakajima All for sale to countries other than the U.S. A review of this information revealed that there were no sales below the cost of production.

Comment: The adjustments to U.S. price and foreign market value for inland freight and loading costs are contrary to the statutory mandate contained in sections 772 and 773 of the Tariff Act.

Position: The inland freight and loading charges included in the sales price to the U.S. were deducted in accordance with section 772(d)(2)(A), which states that United States price should be reduced by all costs, charges or expenses "incident to bring the merchandise from the place of shipment in the country of exportation to the place of delivery in the United States * * *". The Department maintains that it must deduct transportation charges included in foreign market value or, as here, in third-country sales price, since all included transportation charges are deducted from United States price. (*See Brother Industries Ltd., et al.* v. *United States*, 3 C.I.T. ——, Slip Op. 82–34 (April 30, 1982)).

Comment: Claimed adjustments for differences in credit costs and differences in the merchandise should be denied since Nakajima All did not demonstrate that the differences in prices between exports to the U.S. and exports to West Germany were related to these alleged differences in credit costs and differences in merchandise.

Position: The Department maintains that its allowance of differences in credit costs is in accordance with § 353.15(d) of the Commerce regulations, which states that reasonable allowances will be made for the costs to the seller of any differences in circumstances of sale. Likewise, the allowance for differences in the merchandise is in accordance with section 353.16, which states that the Department should be guided by differences in cost of production. These regulations in turn are consistent with section 773(a)(4) of the Tariff Act, which states an allowance will be made for any differences in circumstances of sale or differences in physical characteristics. (*See Brother Industries Ltd., et al.* v. *United States*, 3 C.I.T. ——, Slip Op. 82–34 (April 30, 1982).)

Comment: SCM argues that the date of exportation rather than the date of purchase should be used to determine foreign market value, and that the rate of exchange used should be that in effect on the date of exportation. SCM contends that there is no evidence in the record to prove that the terms of sale were final on the dates of purchase specified by Nakajima All in its response; therefore, in accordance with the statute, foreign market value should be "the price, at the time of exportation of such merchandise to the United States * * *".

Position: Nakajima All presented clarifying information to confirm that sales prices were final on the order/acceptance dates listed in its response. Accordingly, the date of purchase is the correct date to determine foreign market value and the correct date for purposes of currency conversions.

Comment: SCM questions whether the sales to the United States reviewed by the Department correspond with the scope of the section 751 review as stated in the preliminary notice, that is, "all shipments produced by Nakajima All and entered from the date liquidation was suspended, January 4, 1980, through April 30, 1980." The petitioner expressed its concern that shipments entered before January 4, 1980, for which liquidation was suspended, were not covered by this review and that sales made before April 30, 1980 and not entered before that date, were inappropriately included.

Position: The scope of this review was incorrectly stated in the preliminary notice. As stated here under *Scope of Review*, the Department reviewed all shipments produced by Nakajima All and sold or entered during the period January 4, 1980 through April 30, 1980. Our records indicate that we received sales information for all shipments for which liquidation has been suspended. Further, confusion arose because, beginning in April 1980 Nakajima All began to make formal, long-term contracts with two of its customers. Information on contract sales made in April 1980 was not submitted until after publication of our preliminary results. To complete analysis of the review period the Department has now examined these contract sales.

Comment: SCM contends that the statute requires the Department to verify all information used in making all final determinations, including those in annual reviews.

Position: The Department maintains that it has the discretion in section 751 administrative reviews to determine on a case-by-case basis when verification is warranted. In this case, we verified this review period's data at the same time we verified data furnished with respect to the second annual review period. Although we found minor discrepancies with regard to certain claimed adjustments, after appropriate recalculations the results basically remain the same as those set out in the preliminary notice.

Comment: SCM contends that section 751 of the Tariff Act mandates that an administrative review should begin "on the anniversary of the date of publication of * * * an antidumping duty order * * *". By commencing a review immediately after publication of this order, SCM argues that the Department provides a firm many of the benefits of a section 736(c) review when the firm did not request such accelerated treatment.

Position: The provisions of the antidumping duty order are in accordance with section 736(a) of the Tariff Act, which provides that the

antidumping duties must be assessed no later than 12 months after the end of the annual accounting period of the manufacturer or exporter within which merchandise is entered, or withdrawn from warehouse, for consumption. When section 751 is read in conjunction with section 736(a), it is clear that, by the close of each annual period following the accounting period in which an antidumping duty order occurs, in which there are entries of the merchandise, we must conclude an annual review and publish the results.

Final Results of the Review

As a result of our analysis of the petitioner's comments and the inclusion of all sales within the period of review, we determine that the *de minimis* margin of 0.21 percent should be 0.27 percent.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all appropriate entries made with purchase dates during the time period involved. Individual differences between United States price and foreign market value may vary from the percent stated above. The Departmet will issue assessment instructions directly to the Customs Service.

Because there is a *de minimis* margin for the review period, the Department shall not require a cash deposit of estimated antidumping duties, as provided for in § 353.48(b) of the Commerce Regulations, on any shipments of portable electric typewriters from Japan manufactured and exported by Nakajima All entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. For any shipment from a new exporter not covered in this administrative review, or in the Early Determination of Antidumping Duties published on August 13, 1980, unrelated to any covered firm, a cash deposit of 7.55 percent of the entered value shall be required. This deposit waiver for Nakajima All and requirement for new exporters shall remain in effect until publication of the final results of the next administrative review. The Department is beginning its next administrative review of the order.

The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of information during the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce regulations (19 CFR 353.53).

Dated: July 2, 1982.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 20725 Filed 7-30-82; 8:45 am]

BILLING CODE 3510-25-M

Portland Cement, Other Than White, Nonstaining Portland Cement, From the Dominican Republic; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review of Antidumping Finding.

SUMMARY: On April 12, 1982, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on portland cement, other than white, nonstaining portland cement, from the Dominican Republic. The review covered the only known exporter of this merchandise to the United States and the period June 1, 1980 through May 31, 1981. There were no known shipments to the United States during the period and there are no known unliquidated entries.

Interested parties were given an opportunity to submit oral or written comments on these preliminary results. We received no comments.

EFFECTIVE DATE: August 2, 1982.

FOR FURTHER INFORMATION CONTACT: Dennis U. Askey or David R. Chapman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-2923).

SUPPLEMENTARY INFORMATION:

Background

On May 4, 1962, a dumping finding with respect to portland cement, other than white, nonstaining portland cement, from the Dominican Republic was published in the **Federal Register** as Treasury Decision 55883 (28 FR 4507-08). On April 12, 1982, the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 1562) the preliminary results of its second administrative review of the finding. The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of portland cement, other than white, nonstaining portland cement, currently classifiable under item numbers 511.1420 and 511.1440 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of one producer/exporter of such cement from the Dominican Republic to the United States, Fabrica Dominicano de Cemento, C. por A. This review covers the period June 1, 1980 through May 31, 1981. There were no known shipments to the United States during the period and there are no known unliquidated entries.

Final Results of the Review

Interested parties were invited to comment on the preliminary results. The Department received no written comments or requests for disclosure or a hearing. In our notice of preliminary results we incorrectly stated that a margin of 58.33 percent existed. The final results of our review are that a margin of 10.33 percent exists, based on the most recent rate for the firm.

As provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based upon the most recent margin calculated for the firm, 10.33 percent, will be required on all shipments of this merchandise from the Dominican Republic entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of May 1983. The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information during the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce regulations (19 CFR 353.53).

Dated: July 21, 1982.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc 82-20726 Filed 7-30-82; 8:45am]

Billing CODE 3510-35-M

Racing Plates (Aluminum Horseshoes) From Canada; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on racing plates (aluminum horseshoes) from Canada. The review covers the three known exporters of this merchandise to the United States and various periods through January 31, 1982. The review indicates the existence of dumping margins for two firms.

As a result of this review, the Department has preliminarily determined to assess dumping duties equal to the calculated differences between United States price and foreign market value on each of their shipments during the periods of review. For the one firm which failed to respond to our questionnaire, the Department has used the best information available. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: August 2, 1982.

FOR FURTHER INFORMATION CONTACT: Valerie Newkirk or John Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-3601).

SUPPLEMENTARY INFORMATION:

Background

On February 17, 1982, the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 6912) the final results of its second administrative review of the antidumping finding on racing plates (aluminum horseshoes) from Canada (39 FR 54388, February 27, 1974) and announced its intent to conduct the next administrative review by the end of February 1983. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

The review covers imports of racing plates (aluminum horseshoes) that are used on race horses, polo, jumping, hunting, and other performing and work horses, as differentiated from pleasure and work horses, are made of aluminum, may have cleats or caulks, and come in a variety of sizes. Racing plates (aluminum horseshoes) are currently classifiable under item 652.4200 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of three Canadian firms engaged in the manufacture and export of racing plates (aluminum horseshoes) to the United States. This review covers varying time periods for these firms through January 31, 1982.

One of the three, a new exporter, refused to respond to our questionnaire and a second exporter had no shipments for its period of review. For the non-responding firm we proceeded to use the best information available. The best information available is the current rate for the responding firm with shipments, which is higher than the highest rate calculated during the original fair value investigation. For the firm with no shipments the estimated duty deposit rate is the most recent rate calculated for the firm.

U.S. Price

In calculating United States price the Department used purchase price, as defined in section 772 of the Tariff Act. Purchase price was based on the "ex-factory," packed price to an unrelated purchaser in the U.S. Where applicable, the Department made deductions for brokerage and U.S. duty, "not included" in the price but paid by the seller. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value, the Department used home market price, as defined in section 773 of the Tariff Act, since sufficient quantities of such or similar merchandise were sold in the home market to provide a basis for comparison. Foreign market value was based on the "ex-factory", packed price to an unrelated purchaser in Canada. No adjustments were claimed or allowed.

Preliminary Results of Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following margins exist:

Exporter	Time period	Margin (percent)
Canadian Racing Plate Co. Limited	2/1/81-1/31/82	[1]31.94
Equine Forge Limited	2/1/80-1/31/81	4.80
	2/1/81-1/31/82	6.77
Niagara Forge Limited	2/1/81-1/31/82	6.77

[1] No shipments during period.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 30 days after the date of publication or on the first workday thereafter. Any request for an administrative protective order must be made within 5 days of the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all appropriate entries made with purchase dates during the time periods involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions on each exporter directy to the Customs Service.

Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based upon the margins calculated above shall be required on all shipments by these firms of racing plates (aluminum horseshoes) from Canada entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: July 22, 1982.

Gary N. Horlick

Deputy Assistant Secretary for Import Administration.

[FR Doc. 82-20727 Filed 7-30-82; 8:45 am]

BILLING CODE 3510-25-M

Viscose Rayon Staple Fiber From Belgium; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review of Antidumping Finding.

SUMMARY: On May 11, 1982, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on viscose rayon staple fiber from Belgium. The review covered the only known exporter of the merchandise to the United States, Fabelta Zwijnaarde N.V., and the period December 1, 1980 through November 30, 1981. There were no known shipments of the merchandise to the United States during the period and there are no known unliquidated entries.

Interested parties were given an opportunity to submit oral or written

comments on the preliminary results. We received no comments.

EFFECTIVE DATE: August 2, 1982.

FOR FURTHER INFORMATION CONTACT: J. Linnea Bucher or William Matthews, Office of Compliance, International Trade Administration, U.S Department of Commerce, Washington, D.C. 20230 (202-377-3601).

SUPPLEMENTARY INFORMATION:

Background

On November 27, 1978, an antidumping finding with respect to viscose rayon staple fiber from Belgium was published in the **Federal Register** as Treasury Decision 78–469 (43 FR 55240). On May 11, 1982, the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 20173–4) The preliminary results of its administrative review of the finding. The Department has now completed that administrative review.

Scope of the Review

The imports covered by the review are shipments of viscose rayon staple fiber, except solution dyed, in noncontinuous form, not carded, not combed and not otherwise processed, wholly of filaments (except laminated filaments and plexiform filaments), currently classifiable under items 309.4320 and 309.4325 of the Tariff Schedules of the United States Annotated (TSUSA). The review covers the only known exporter of Belgian viscose rayon staple fiber to the United States, Fabelta Zwijnaarde N.V., and the period December 1, 1980 through November 30, 1981.

Final Results of the Review

Interested parties were invited to comment on the preliminary results. The Department received no written comments or requests for disclosure or a hearing. Therefore, the final results of our review are the same as those presented in the preliminary results of review. There were no known shipments to the United Staters during the period and there are no known unliquidated entries.

As provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based upon the most recent margin calculated for the firm, 57.6 percent of the entered value, shall be required on all shipments of viscose rayon staple fiber from Belgium entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of November 1983.

The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information in the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce regulations (19 CFR 353.53).

Dated: July 26, 1982.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 82–20728 Filed 7–30–82; 8:45 am]

BILLING CODE 3510–25–M

Final Affirmative Countervailing Duty Determination; Prestressed Concrete Steel Wire Strand From South Africa

AGENCY: International Trade Administration, Commerce.

ACTION: Final Affirmative Countervailing Duty Determination.

SUMMARY: We have determined that Haggie Limited, the only known manufacturer and exporter in South Africa of prestressed concrete steel wire strand, is receiving benefits that constitute bounties or grants within the meaning of the countervailing duty law. We find the aggregate net bounty or grant to be 27.1 percent of the f.o.b. value of the imported merchandise. The Department of Commerce and Haggie Limited have entered into a suspension agreement. However, we continued the investigation at the request of the petitioners. The suspension agreement will remain in force, and we shall not issue a countervailing duty order.

EFFECTIVE DATE: August 2, 1982.

FOR FURTHER INFORMATION CONTACT: Joseph A. Black or Paul J. Thran, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone: (202) 377–1774 or 377–1766.

SUPPLEMENTARY INFORMATION:

Final Determination

Based upon our investigation and in accordance with section 303 of the Act, we determine that manufacturers, producers, or exporters in South Africa of prestressed concrete steel wire strand ("PC strand") receive benefits that constitute bounties or grants through the programs cited above. We find the aggregate net bounty or grant to be 27.1 percent of the f.o.b. value of the imported merchandise, consisting of the following benefit amounts:

- Rail Rate Differential.....3.40
- Export Incentive Program—Category B.....2.96
- Export Incentive Program—Category D.....4.49
- Iron/Steel Export Promotion Scheme.....16.25

The Department and Haggie Limited have entered into a suspension agreement. Pursuant to section 704(f)(3)(B) of the Act, the agreement will remain in effect and we will not issue a countervailing duty order as long as the conditions of the agreement are met.

Case History

On November 9, 1981 we received a petition from counsel for American Spring Wire Corporation, Bethlehem Steel Corporation, Florida Wire & Cable Company and Shinko Wire America Inc. The petition alleged that manufacturers, producers, or exporters in South Africa of PC strand are receiving benefits that constitute bounties or grants through the following programs: preferential railroad rates reduced harbor rates, reduced ocean freight rates, export credit insurance, pre- and post-shipment financing, Export Incentive Program, the Iron/Steel Export Incentive Scheme, employee training allowances, beneficiation allowances for base mineral processing, homeland development, and other benefits.

After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate a countervailing duty investigation. Therefore, on November 25, 1981 we announced our initiation (46 FR 59283).

We presented a questionnaire concerning the allegations to the government of South Africa. On February 25, 1982 we received a response to the questionnaire which covers the period of calendar years 1980 and 1981. Between March 9 and March 17, we verified this information by a review of government documents and company books and records. We stated in our notice of initiation of the investigation that we expected to issue a preliminary determination by February 2, 1982. However, we postponed the preliminary determination on January 12, 1982 to no later than April 8, 1982 and published a notice in the **Federal Register** (47 FR 2789). The reason for the postponement was that we determined, in accordance with section 703(e)(1)(B) of the Tariff Act of 1930, as amended

("the Act"), that the investigation was extraordinarily complicated.

On April 8, 1982 we issued a "Preliminary Affirmative Countervailing Duty Determination" which was published in the **Federal Register** of April 14, 1982 (47 FR 16060). It stated that we had preliminarily determined that manufacturers, producers, or exporters in South Africa of PC strand were receiving benefits that constitute bonties or grants within the meaning of the countervailing duty law.

On May 21, 1982 Haggie Limited and the Department of Commerce signed a suspension agreement, as provided for under section 704 of the Act (47 FR 22137). Under the agreement, Haggie Limited voluntarily renounced the receipt of all the benefits described above as bounties or grants. The petitioners are challenging this agreement in the Court of International Trade in the case of *American Spring Wire Corp., et al.* v. *United States,* No. 82-6-00881.

On May 26, 1982 the petitioner requested that the investigation be continued under section 704(g) of the Act. Therefore, we are required to complete the investigation and issue a final determination.

Scope of Investigation

The merchandise covered by this investigation is prestressed concrete steel wire strand. PC strand is used to compress concrete to provide active resistance to loads in such items as girders, beams, pilings, and other building products. It is currently classifiable under tariff item number 642.1120 of the *Tariff Schedules of the United States Annotated.*

Haggie Limited is the only known South African manufacturer and exporter of the subject merchandise.

Since South Africa is not a "country under the Agreement" within the meaning of section 701(b) the Act and the PC strand at issue here is dutiable, the domestic industry is not required to allege that, and the U.S. International Trade Commission is not required to determine whether, imports of this product cause or threaten material injury to the U.S. industry in question.

Programs Determined To Be Bounties or Grants to PC Strand Manufacturers, Producers, or Exporters

We determine that manufacturers, producers, or exporters in South Africa of PC strand are receiving bounties or grants under three export programs:

Railroad Rate Differential

The South African Transport Services ("SATS"), a government-owned corporation, maintains a rate schedule that provides preferential railroad rates for container shipments destined for export. Haggie Limited ships all its PC strand for export in containers. SATS container rates depend on distance railed and on whether intended for export or domestic destinations.

Based upon the above, we have determined that Haggie Limited, through preferential railroad rates, is receiving benefits which constitute a bounty or grant. We found that the export rate is 50 percent of the domestic rate. We calculated the bounty or grant to Haggie Limited under this program by dividing the value per ton of the benefit by the average f.o.b. value per ton. We found the bounty or grant to be 3.4 percent *ad valorem.*

The government of South Africa offered a "Central Government Rebate" of 20 percent of the railroad charges on PC strand shipped in open railway cars for export. We found that Haggie Limited did not benefit from this program in 1981. The "Central Government Rebate" was terminated on April 1, 1982.

Export Incentive Program

The South African Department of Industries, Commerce and Tourism, has a four part general Export Incentive Program, three parts of which Haggie Limited used in 1981. These three are described below.

Category B. This program consists of a credit against taxes of 10 percent of the value-added component of the exported merchandise if there is a South African import duty on such merchandise. There is an import duty on PC strand. The value-added component is calculated by taking the average f.o.b. sales price per ton, increasing it by the rebate received under the Iron/Steel Export Promotion Scheme (see below), and subtracting the average raw materials costs. This figure is then multiplied by 10 percent to obtain the amount of the credit. We have determined that the government of South Africa through this Category B tax credit program provides a benefit which constitutes a bounty or grant. We have calculated the bounty or grant given to Haggie Limited under Category B to be 2.96 percent *ad valorem.*

Category C (Finance Charges Aid Scheme). This program consists of a rebate of 25 percent of the prevailing rate of interest for financing exports. The prevailing interest rate is the prime bank overdraft rate of the leading commercial banks as published in the Quarterly Bulletin of the South African Reserve Bank and as was applicable in the middle of the period for which benefits are claimed. All claims are calculated for a fixed period of six months irrespective of the period for which exporters allow credit. Exporters are eligible for this rebate whether or not they actually borrowed to finance exports. Haggie Limited received benefits under this program in 1981. We have determined this program to be a bounty or grant. However, on March 8, 1982 the South African government announced the discontinuation of the Finance Charges Aid Scheme as of April 1, 1982. Therefore, we are not including the value of this benefit in our calculations. We have verified that this program has been terminated.

Category D (Export Marketing Assistance Program). This program consists of a deduction from taxable income of between 175 and 200 percent of export market development expenses. We found that Haggie Limited was eligible for the full deduction of 200 percent. Therefore, we have determined that the government of South Africa through this Category D tax deduction program provides a benefit which constitutes a bounty or grant. The bounty or grant for Haggie Limited was calculated by dividing the value of the benefit received in 1981 by the total of exports of PC strand to the United States for the same period. The result is a benefit of 4.49 percent *ad valorem.*

Iron/Steel Export Promotion Scheme

Through the Iron/Steel Export Promotion Scheme, a fixed percentage of the f.o.b. value of exports containing rolled, drawn, or forged steel is rebated to the secondary producers if the exported product meets a value-added criterion. It is administered by the South African Iron and Steel Industrial Corporation ("ISCOR"). During the period for which subsidization is measured, the government of South Africa participated in the advisory committee of the scheme. Under those circumstances, the Department considers the scheme to have provided a countervailable bounty or grant under section 303(a)(1) of the Act.

Primary steel producers in South Africa contribute to a special fund at a rate of 4 rand per ton of steel sold in the domestic market. The South African government does not contribute to this fund. From the fund, a direct payment is provided to exporters of fabricated articles containing iron or steel. The current value of that assistance is 16.25 percent of the f.o.b. value of the exported fabricated steel products. We have determined that the Iron/Steel Export Promotion Scheme provided a benefit which constitutes a bounty or grant. We have found that Haggie

Limited takes full advantage of this program on its exports of PC strand.

Programs Determined Not To Be Bounties or Grants to PC Strand Manufacturers, Producers, or Exporters

Based upon our verification, we determine that bounties or grants are not being provided to manufacturers, producers, or exporters in South Africa of PC strand under the following programs:

Export Credit Insurance

The Credit Guarantee Insurance Company ("CGIC") offers export credit insurance to qualifying export companies. Haggie Limited used this program during 1981. No other insurance company is known to provide similar coverage. According to its annual reports, CGIC's insurance premium rates cover the longterm costs and losses of the program. Therefore, we determine that use of this program by Haggie Limited does not constitute a bounty or grant under the Act.

Employee Training Programs

The South African Department of Manpower certifies training programs to the taxing authority which allows businesses to deduct 200 percent of qualified training expenses. Haggie Limited utilized this program during 1981. The Department of Manpower, however, has demonstrated that qualified training programs can be established by all companies and industries and that they are neither restricted to certain sectors of the economy nor preferential to exporters. Therefore, we determine that Haggie Limited's use of this deduction does not constitute a bounty or grant under the Act.

Reduced Ocean Freight Rates

The petition alleged that South African shippers benefitted from reduced ocean freight rates. We could find no evidence of such a program. We did find evidence of the rate negotiation between shippers and carriers; however, this does not constitute a bounty or grant under the Act.

Indirect Benefits

One of the allegations raised by the petitioners is that manufacturers of PC strand received indirect benefits through the purchase of wire rod from subsidized South African steel makers. The Department has verified that Haggie Limited purchased steel wire rod for its strand production from unrelated domestic and international suppliers. Our verification demonstrates that these purchases were arm's length transactions. Therefore, we have determined that Haggie Limited is not receiving benefits which constitute bounties or grants as a result of its transactions with unrelated steel wire rod suppliers.

Programs Determined Not To Be Utilized by PC Strand Manufacturers, Producers, or Exporters

We determine that the following programs which were alleged by the petitioners to confer bounties or grants, are not being utilized by the manufacturers, producers or exporters in South Africa of PC strand.

Pre- and Post-Shipment Financing, Export Incentive Program-Category A, Beneficiation Allowances for Base Mineral Processing, Reduced Harbor Rates, and Homeland Development.

No other programs alleged in the petition were found to constitute bounties or grants.

Petitioners' Comments

Issue

Indirect Benefits

Petitioners alleged that Haggie Limited receives benefits on the production of PC strand indirectly through its purchase of subsidized wire rod from ISCOR. Petitioners also alleged that there were special circumstances which rebutted the presumption that subsidy benefits are not passed on to unrelated companies.

DOC Position

The benefits allegedly conferred by the South African government on the primary steel industry would have to be determined to benefit the PC strand industry specifically in order to constitute a countervailable benefit to the PC strand producers. We cannot assume that benefits conferred by the government on one party are passed through to another party without looking at the economic environment surrounding those industries. Petitioners' claims that benefits to wire rod producers are automatically passed through to the PC strand producers does not conform with the economic realities of the steel consuming industries. It is generally in the commercial interest of a firm receiving a subsidy not to share the benefits with its customers. The Department has investigated and verified that the sales of rod from ISCOR to Haggie Limited were at prices at least as high as those offered by alternative suppliers.

Issue

Rod Prices and Category B Benefits

The petitioners allege that rod prices needed to determine the value of Category B benefits were not properly verified, and therefore the value of the benefit is in question.

DOC Position

The Department has further investigated and verified Haggie Limited's rod prices and has determined that the benefit calculated for Category B is correct.

Issue

Employee Training

Petitioners allege that employee training allowances are provided only to specific groups of industries and not to all; therefore, training benefits are countervailable. Further, the petitioners argue that even if the benefits of this program are available to all, they are still countervailable bounties or grants.

DOC Position

The Department finds that the training benefits are available to any industry or group of industries on an equal basis and that the present participation in the program demonstrates this general availability. Eligibility requirements do not limit the benefits of the program to particular companies or industries.

Any corporation which sets up a qualified training program is eligible for the 200 percent tax deduction. Section 771(5)(B) of the Act defines domestic subsidies as being "to a specific enterprise or industry or group of enterprises or industries." These training programs are generally available on equal terms to all companies, rather than a specific enterprise or industry, or group of enterprises or industries, and thus are not countervailable.

Issue

Labor Subsidy

Petitioners alleged that the effect of South African labor legislation is to subsidize labor costs in key industries, one of which is the iron and steel industry.

DOC Position

South African labor legislation is part of a socio-political system which is applicable to the economy as a whole. Governmental domestic programs which are adopted on a broad scale and without intent or effect of promoting a specific enterprise or industry, or group of enterprises or industries, do not

constitute a bounty or grant within the meaning of section 771(5)(B) of the Act.

Verification

In accordance with section 776(a) of the Act, we verified the information relied upon in this determination. We used normal verification procedures to verify the government response. This included the inspection of government documents, discussions with government officials and on-site inspection of Haggie Limited's operations and records.

Administrative Procedures

The Department afforded interested parties the opportunity to present oral views in accordance with § 355.35 of the Commerce regulations. A hearing was held on June 15, 1982. Hearing briefs and written views also have been received. All comments have been considered in reaching our final determination.

In the event the May 21 suspension agreement is violated, the Department, in accordance with Section 703(d) of the Act, will direct the U.S. Customs Service to suspend liquidation of all entries, or withdrawals from warehouse, for consumption of the subject merchandise and will issued a final countervailing duty order as required by section 704(i)(1)(C) of the Act.

This determination is published in accordance with section 705(d) of the Act.

Lawrence J. Brady,

Assistant Secretary for Trade Administration.

July 27, 1982.

[FR Doc. 82-20814 Filed 7-30-82; 8:45 am]

BILLING CODE 3510-25-M

Prestressed Concrete Steel Wire Strand From the United Kingdom; Postponement of Antidumping Duty Preliminary Determination

AGENCY: International Trade Administration, Commerce.

ACTION: Postponement of Antidumping Duty Preliminary Determination.

SUMMARY: The antidumping duty preliminary determination involving prestressed concrete steel wire strand from the United Kingdom is being postponed because the investigation has been determined to be extraordinarily complicated. We intend to issue the antidumping duty preliminary determination not later than September 30, 1982.

Scope of the Investigation

For the purpose of this investigation, the term "prestressed concrete steel wire strand" covers wire strand of steel other than stainless steel for prestressing concrete, as currently provided for in item 642.1120 of the *Tariff Schedules of the United States Annotated.*

EFFECTIVE DATE: August 2, 1982.

FOR FURTHER INFORMATION CONTACT: David L. Binder, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, D.C. 20230, (202) 377-1273.

Postponement

On March 24, 1982, we announced the initiation of an antidumping duty investigation to determine whether prestressed concrete steel wire strand from the United Kingdom is being, or is likely to be, sold in the United States at less than fair value. The notice of initiation of the antidumping duty investigation stated that if the investigation proceeds normally we will issue a preliminary determination on or before August 11, 1982.

As detailed in the notice of initiation of the antidumping duty investigation, the petition alleges that prestressed concrete steel wire strand from the United Kingdom is being, or is likely to be, sold in the United States at less than fair value. The number and complexity of the transactions to be investigated and adjustments to be considered are considerable. We have determined that the parties concerned are cooperating, and that additional time is necessary to make the antidumping duty preliminary determination. For these reasons we find that this case is extraordinarily complicated in accordance with section 733(c)(1)(B) of the Tariff Act of 1930, as amended (the "Act"), and we postpone the antidumping duty preliminary determination to not later than September 30, 1982. This notice is published pursuant to section 733(c)(2) of the Act.

Judith Hippler Bello,

Deputy to the Deputy Assistant Secretary for Import Administration.

July 27, 1982.

[FR Doc. 82-20813 Filed 7-30-82; 8:45 am]

BILLING CODE 3525-10-M

National Oceanic and Atmospheric Administration

Western Pacific Fishery Management Council, Public Meeting With a Partially Closed Session and Public Meetings of its Scientific and Statistical Committee and Advisory Panel

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of Public Meetings with a Partially Closed Session.

SUMMARY: As required by the Federal Advisory Committee Act, this notice sets forth the schedule and proposed agendas of the forthcoming separate public meetings of the Western Pacific Fishery Management Council, its Scientific and Statistical Committee, and its Advisory Panel. The Western Pacific Fishery Management Council was established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), and the Council has established a Scientific and Statistical Committee and an Advisory Panel to assist the Council in carrying out its responsibilities.

DATES: August 16-18, 1982.

ADDRESS: All meetings will take place at the King Kamehameha Hotel, Kailua-Kona, Hawaii.

FOR FURTHER INFORMATION CONTACT: Western Pacific Fishery Management Council, 1164 Bishop Street, Room 1608, Honolulu, Hawaii 96813, Telephone: (808) 523-1368.

AGENDAS:

Council (open meetings)—August 16-18, 1982 (7 p.m. to 9 p.m. on August 16; 1 p.m. to 5 p.m. on August 17; 10 a.m. to 3 p.m. on August 18)—discuss the five-year projection of the Council's program planning; discuss the current status of the disapproved Billfish Fishery Management Plan (FMP); discuss the status of the Coral and Spiny Lobsters FMP's; review the bottomfish fishery assessment to determine if the bottomfish fishery needs to be developed; review fishery permit applications and foreign fishing reports from the U.S. Coast Guard, if any.

Council (closed session)—August 18, 1982 (8 a.m. to 10 a.m.)—discuss personal matters regarding the selection of an Executive Director to the Council, as well as discuss the selection of individuals to fill vacancies of the Scientific and Statistical Committee and Advisory Panel.

Scientific and Statistical Committee (open meetings)—August 16-17, 1982 (8 a.m. to 3:30 p.m. on August 16; 8 a.m. to noon on August 17).

Advisory Panel (open meetings)—August 16-17, 1982 (1 p.m. to 5 p.m. on August 16; 8 a.m. to noon on August 17; 7 p.m. to 9 p.m. on August 17).

The agendas for both the Scientific and Statistical Committee and Advisory Panel will be identical to that of the above agenda for the Council's open meetings. (The Committee's and Panel's comments and recommendations regarding discussion of the Council's

agenda items will be presented to the Council.)

The Assistant Secretary for Administration of the Department of Commerce, with the concurrence of the General Counsel, formally determined on July 28, 1982, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the agency items covered in the closed session are exempt from the provisions of the Act relating to open meetings and public participation therein, because the session will be concerned with matters that are within the purview of 5 U.S.C. 552b(c)(6). These portions of the closed session are likely to disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. (A copy of the determination is available for public inspection and copying in the Public Reading Room, Central Reference and Records Inspection Facility, Room 6622, Department of Commerce.) All other portions of the meetings are open to the public.

Dated: July 29, 1982.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 82-20875 Filed 7-30-82; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

July 16, 1982

The USAF Scientific Advisory Board Strategic Cross-Matrix Panel will meet at the Pentagon on August 24 and 25, 1982. The purpose of the meeting will be to review M–X basing. The meeting will convene at 8:30 a.m. and adjourn at 5:00 p.m. each day.

The meeting concerns matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697–8845.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 82-20766 Filed 7-30-82; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Little Calumet River, Illinois, Phase II, Silt Removal; Draft Environmental Impact Statement

AGENCY: Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. The proposed action involves clean-up of the Little Calumet River in Illinois. Phase I consisted of debris removal and was completed in 1976. Phase II involves removal of polluted sediments by mechanical dredging and subsequent disposal in an upland facility. The purpose of the Phase II, silt removal, is improvement of environmental quality through enhancement of water quality and aesthetics.

2. In addition to the no action plan, three alternative dredging plans are being considered. Alternative A would consist of dredging sediments along 12 miles of channel from the Indiana State line to the confluence of the Little Calumet River and Cal-Sag Channel. The depth of dredging varies and would involve approximately 230,800 cubic yards of material. Alternative B would consist of removing sediment that would be visible during dry weather conditions in the residential developments. Dredging would occur only at select locations. Approximately 32,000 cubic yards would be removed. Alternative C would involve the same area as Alternative A but would consist of removing both sediment and rock to an assumed bed slope that would provide a uniform profile. The quantity of bedrock material to be removed in the lower reaches would be minimized. Approximately 241,400 cubic yards of material would be removed with Alternative C. Five disposal sites are under consideration.

3. An initial public meeting was held 16 September 1981 in South Holland. In addition, coordination has been undertaken with the following agencies: U.S. Fish and Wildlife Service; U.S. Environmental Protection Agency; U.S. Soil Conservation Service; State Historic Preservation Officer, Illinois Department of Conservation; Illinois Environmental Protection Agency; Metropolitan Sanitary District of Greater Chicago; Northeastern Illinois Planning Commission; the Village of South Holland; and Calumet City.

4. Significant issues to be analyzed in depth are: effects on water quality and aesthetics; disruption of terrestrial, aquatic, and benthic communities during dredging operations; and disposal of dredged material.

5. No scoping meeting will be held. The scoping process has been undertaken as part of the on-going public participation and coordination program. The Corps of Engineers will hold a final public meeting on this project after release of the DEIS and seek comments from attendees. The meeting is tentatively scheduled for late November 1982.

6. The DEIS is expected to be available in November 1982.

7. Questions about the proposed action and DEIS should be directed to: Mr. John Staples, U.S. Army Corps of Engineers, Chicago District, Environmental and Social Analysis Section, 219 South Dearborn Street, Chicago, Illinois 60604 (312/353–7795, FTS/353–7795).

Dated: July 23, 1982.

Christos A. Dovas,

LTC, Corps of Engineers, District Engineer.

[FR Doc. 82-20765 Filed 7-30-82; 8:45 am]

BILLING CODE 3710-HN-M

Privacy Act of 1974; Amendments to Systems of Records

AGENCY: Department of the Army, DOD.

ACTION: Proposed deletion of and amendments to notices concerning systems of records.

SUMMARY: The Department of the Army proposes to delete one and amend two system notices for systems of records subject to the Privacy Act. Following identification of changes, notices being amended are printed in their entirety.

DATE: Action shall be effective September 1, 1982 unless public comments are received which result in a contrary determination.

ADDRESS: Comments may be submitted to Headquarters, Department of the Army, ATTN: DAAG–AMR–R, Room 1146, Hoffman Building 1, Alexandria, VA 22331.

FOR FURTHER INFORMATION CONTACT: Mrs. Dorothy Karkanen, Office of The Adjutant General, Department of the Army at the above address; telephone: (703) 325–6163.

SUPPLEMENTARY INFORMATION: The Department of the Army's inventory of system notices appears in the following editions of the **Federal Register:**

FR Doc. 79–37052 (44 FR 73729), December 17, 1979
FR Doc. 81–879 (46 FR 6460), January 21, 1981
FR Doc. 82–674 (47 FR 2544), January 18, 1982
FR Doc. 82–5277 (47 FR 8610), March 1, 1982
FR Doc. 82–11002 (47 FR 17324), April 22, 1982
FR Doc. 82–12993 (47 FR 20654), May 13, 1982

FR Doc. 82-16040 (47 FR 25760), June 15, 1982
FR Doc. 82-16228 (47 FR 25987), June 16, 1982Q04

System notices being amended do not require a report of an altered system pursuant to 5 U.S.C. 552a(o), as implemented by Transmittal Memoranda 1 and 3 to OMB Circular A-108.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

July 27, 1982.

Deletion

AO915.01bDASG

System name:

Nursing Service Personnel Data and Schedule Files (44 FR 73930), December 17, 1979.

Reason:

Records are covered by system notice AO309.05aDAAG being amended in this edition of the **Federal Register.**

Amendments

AO309.05aDAAG

System name:

Resource Management and Cost Accounting Files (44 FR 73796), December 17, 1979.

Changes:

Categories of records in the system:

Delete entry and substitute therefor: "Records by individual of manhours applied to the accomplishment of assigned tasks or projects. Specific data elements include name, Social Security Number/employee identification number, organizational element, military rank or civilian grade, job title, clearance status, rating data, regular/overtime wage rates, regular/overtime hours worked, hours of leave taken, record of official travel, project code, accounting code and cost data, workload units accomplished, file references and related information, and records control data."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entry and substitute the following: "Used by management to project manpower and monetary requirements; to allocate available resources to specific projects; to schedule workload and assess progress; to project a calendar of future organizational milestones; to evaluate individual performance and equipment efficiency; to set standards and methods; to provide a record of personnel and equipment utilization; to control personnel, equipment, and document inventory; to interpolate training needed by unit or individual; to monitor use of overtime; to control and monitor obligation and expenditure of Government funds; to provide audit trail; to generate statistical reports of workload and production levels and other trends within the organization; and to provide other accounting and monitoring reports."

Record source categories:

After "personnel", insert "and training"; after "travel orders", insert "inventory records"; change "similar media" to "other relevant Department of Army documents and reports."

A0912.01aDASG

System name:

Medical Staff Credentials File (44 FR 73926), December 17, 1979.

Changes:

System Identification:

Delete "A0912.01a"; substitute: "A0912.04".

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete period; substitute comma, and add the following: "and in specific instances provide clinical privilege information to civilian and military medical facilities, Federation of State Medical Boards of the US, State Licensure Authorities, and other appropriate professional regulating bodies."

Record source categories:

After the word "administrative", insert the words "or investigative".

A0309.05aDAAG

SYSTEM NAME:

Resource Management and Cost Accounting Files.

SYSTEM LOCATION:

Headquarters, Department of the Army, Staff and field operating agencies, major commands, installations and activities. Official mailing addresses are contained in the appendix to the Army's inventory of system notices published at 44 FR 74011, December 17, 1979.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian personnel assigned/attached to the organization.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records by individual of manhours applied to the accomplishment of assigned tasks or projects. Specific data elements include name, Social Security Number/employee identification number, organizational element, military ran/civilian grade, job title, clearance status, rating data, regular/overtime wage rates, regular/overtime hours worked, hours of leave taken, record of official travel, project code, accounting code and cost data, workload units accomplished, file references and related information, and records control data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 10 U.S.C. 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by management to project manpower and monetary requirements; to allocate available resources to specific projects; to schedule workload and assess progress; to project a calendar of future organizational milestones; to evaluate individual performance and equipment efficiency; to set standards and methods; to provide a record of personnel and equipment utilization; to control personnel, equipment, and document inventory; to interpolate training needed by unit or individual; to monitor use of overtime; to control and monitor obligation and expenditure of Government funds; to provide audit trail; to generate statistical reports of workload and production levels and other trends within the organization; and to provide other accounting and monitoring reports.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Punched cards, magnetic tapes and disks, microform-microfiche, computer printouts and paper records.

RETRIEVABILITY:

By individual's name, SSN, or employee identification number; information may also be accessed by a non-personal data element such as project code, cost accounting code, or organizational element.

SAFEGUARDS:

Automated systems employ computer hardware/software safeguard features. All records are maintained in controlled areas, within buildings/rooms which are secured during non-duty hours. Personal information is accessed only by individuals who have need therefor in their official duties.

RETENTION AND DISPOSAL:

Magnetic media are erased after 1 year; manual records are destroyed after 1 year by pulping, tearing, or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army (DAAG–AMR–R), 2461 Eisenhower Avenue, Alexandria, VA 22331.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether this system contains information on them should contact the agency head or installation commander of the Army organization to which they are (or were) assigned, attached, or employed and should furnish full name, SSN, Army activity believed to have the record, time frame, and any other information that will assist in locating the information.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information from this system of records should provide information in "Notification procedures".

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Employee time cards, organization manpower rosters, individual personnel and training records, production records, travel orders, inventory records, and other relevant Department of Army documents and reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO912.04DASG

SYSTEM NAME:

Medical Staff Credentials File.

SYSTEM LOCATION:

Medical treatment facilities at Army commands, installations and activities. Official mailing addresses are contained in the appendix to the Army's inventory of system notices published at 44 FR 74011, December 17, 1979.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals performing clinical practice in medical treatment facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents reflecting delineation of clinical privileges and clinical performance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 10 U.S.C. 1071.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the Department of the Army to determine and assess capability of practitioner's clinical practice and, in specific instances, to provide clinical privilege information to civilian and military medical facilities, Federation of State Medical Boards of the US, State Licensure Authorities, and other appropriate professional regulating bodies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are maintained in areas accessible only to the medical treatment facility commander and credentials committee members.

RETENTION AND DISPOSAL:

Records are retained in medical treatment facility of individual's last assignment. Upon separation, retirement, or termination, records are destroyed not later than five years thereafter.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be requested from the commander of the medical treatment facility where practitioner provided clinical service.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information from this system should contact the commander of the medical treatment facility where clinical service was provided, furnishing full name, SSN, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Interviewer, individual's application, medical audit results, other administrative or investigative records obtained from civilian or military sources.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 82-20786 Filed 7-30-82; 8:45 am]
BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. ERA-FC-82-014; FC Case No. 55119-9197-01-12]

General Motors Corp.; Exemption From the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration; DOE.

ACTION: Order Granting General Motors Corporation an Exemption from the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On April 2, 1982, General Motors Corporation, hereinafter referred to as petitioner, filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a permanent fuel mixtures exemption for a new major fuel burning installation (MFBI) from the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act), that prohibit the use of petroleum and natural gas as a primary energy source in certain new MFBI's. The final rule containing the criteria and procedures for petitioning for exemptions from the prohibitions of Title II of FUA was published in the **Federal Register** at 46 FR 59872 (December 7, 1981). The criteria governing fuels mixture exemptions are contained in 10 CFR 503.38 of the final rules.

The petitioner requested a permanent fuel mixtures exemption in order to burn coal in combination with natural gas as a primary energy source (with oil as a backup to natural gas) in a boiler identified as Boiler No. 4 installed at the petitioner's Delco Products Division plant located in Kettering, Ohio. Boiler No. 4 has a design heat input rate of 144 million Btu per hour.

Pursuant to section 212(d) of the Act and 10 CFR 503.38(d) ERA hereby grants the petitioner a permanent fuel mixtures exemption for the new MFBI identified as Boiler No. 4. The basis for ERA's Order is provided in the **SUPPLEMENTARY INFORMATION** section below.

DATES: In accordance with section 702(a) of FUA, this Order and its provisions shall take effect on October 1, 1982.

The public file containing a copy of this Order and other documents and supporting materials on this proceeding is available for inspection upon request at: DOE, Freedom of Information Reading Room, 1000 Independence Avenue, SW, Room 1E–190, Washington, D.C. 20585, Monday through Friday, 8:00 a.m.–4:00 p.m.

FOR FURTHER INFORMATION CONTACT:

Anthony Wayne, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA–073, 1000 Independence Avenue, SW., Washington, D.C. 20585, Telephone (202) 252–1730

Marya Rowan, Esq., Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B–178, 1000 Independence Avenue, SW., Washington, D.C. 20585, Telephone (202) 252–2967

SUPPLEMENTARY INFORMATION: The petitioner has installed Boiler No. 4, a field erected boiler, at its Delco Products Division plant in Kettering, Ohio. The primary purpose of the boiler is to provide steam which is used for process equipment, for auxiliary powerhouse steam and for building heating and air conditioning, as well as for light steam demand periods. Boiler No. 4 will be using a coal-natural gas mixture as a primary energy source (with oil as a backup to natural gas).

In accordance with 10 CFR 503.38(d), the petitioner certified in its petition for exemption that the amount of petroleum or natural gas proposed to be used as a primary energy source in the mixture will not exceed twenty-five percent (25%) of the total annual Btu heat input of the installation. The petitioner also submitted environmental certifications, pursuant to 10 CFR 503.13(b), indicating that it will secure all required applicable environmental permits and approvals prior to commencement of operation of the new unit under exemption.

In accordance with the procedural requirements of FUA and 10 CFR 501.3(b), ERA published its Notice of its Acceptance of Petition for Exemption and Availability of Certification relating to Boiler No. 4 in the **Federal Register** on May 12, 1982 (47 FR 20346), commencing a 45-day public comment period pursuant to section 701(c) of FUA.

As required by sections 701(f) and 701(g) of the Act, ERA provided a copy of the petition to the Environmental Protection Agency and the Federal Trade Commission for their respective comments. During that period, interested persons were also afforded an opportuntiy to request a public hearing. The period for submitting comments and for requesting a public hearing closed on June 28, 1982. No hearing was requested. The Environmental Protection Agency, Region V, commented to the effect that there were no objections to the requested exemption from the prohibitions of FUA.

After review by DOE's Office of Environment of the petitioner's completed environmental checklist, submitted pursuant to 10 CFR 503.13, together with other relevant information, ERA has determined that the granting of the requested exemption does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act.

Decision and Order

Based upon the entire record of this proceeding, ERA has determined that the petitioner has satisfied all the eligibility requirements for the requested exemption as set forth in 10 CFR 503.38 and, pursuant to section 212(d) of FUA, ERA hereby grants the petitioner a permanent exemption to use a fuel mixture containing up to 25 percent natural gas or petroleum in its Boiler No. 4 located at its Delco Products Division plant in Kettering, Ohio.

Pursuant to Section 702(c) of the Act and 10 CFR 501.69, any person aggrieved by this order may petition for judicial review thereof at any time before October 1, 1982.

Issued in Washington, D.C. on July 26, 1982.

Robert L. Davies,

Acting Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 82–20834 Filed 7–30–82; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS–59093A; TSH–FRL 2181–7]

Modified Acrylate Esters; Approval of Test Marketing Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA received applications for test marketing exemptions (TM–82–28 and TM–82–29) under section 5 of the Toxic Substances Control Act (TSCA) on June 18, 1982. Notice of receipt of the applications was published in the **Federal Register** of July 2, 1982 (47 FR 28996). EPA has granted the exemptions.

EFFECTIVE DATE: These exemptions are effective on July 27, 1982.

FOR FURTHER INFORMATION CONTACT:

E. June Thompson, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. 2610, 401 M St., SW., Washington, D.C. 20460, (202–755–9190).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirements of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On June 18, 1982, EPA received two applications for an exemption from the requirements of sections 5(a) and 5(b) of TSCA to manufacture a new chemical substance for test marketing purposes. The applications were assigned test marketing exemption numbers TM–82–28 and TM–82–29. The submissions are for modified acrylate esters. The submitter claimed the company identity, manufacturing and use locations, specific chemical identities and use as confidential business information. A maximum of 5,000 lbs of each new chemical substance will be produced and will be test marketed for a period not to exceed 1 year. During manufacturing operations, three or four workers will be exposed and an

additional six workers will be potentially exposed to the new chemical substances during formulation procedures. There is some potential for dermal and inhalation exposure, but workers are required to wear protective clothing and the manufacturing site is equipped with hoods and general ventilation to prevent significant inhalation exposure. Therefore, exposure during manufacture and processing should be minimal.

A notice published in the **Federal Register** of July 2, 1982 (47 FR 28996) announced receipt of these applications and requested comment on the appropriateness of granting the exemptions. The Agency did not receive any comments concerning these applications.

EPA has established that the test marketing of the new chemical substances submitted under TM–82–28 and TM–82–29 will not present an unreasonable risk of injury to health or to the environment under the specific conditions set out in the applications. The test market chemicals are expected to be strong irritants and may be potential sensitizers. The new chemicals are also thought to have slight mutagenic and tumor promotion potential. However, because of the low volume to be produced and low probability of exposure and release, concern is not high. The Agency would require further evaluation of the new chemical substances under any other production, exposure, use and release scenarios to determine if there were other conditions that could give rise for concern.

These test marketing exemptions, for the use as specified, are granted based on the facts and information obtained and reviewed.

1. These exemptions are granted solely to this manufacturer.

2. The applicant must maintain records of the date(s) of shipment(s) to the customers specified in the applications, and the quantities shipped in each shipment, and must make these records available to EPA upon request.

3. Each bill of lading that accompanies a shipment of the substances during the test marketing period must state that the use of the substances is restricted to that described to EPA in the test marketing exemption applications.

4. The production volume of each of the two new substances may not exceed the quantity described in the test marketing exemption applications.

5. The test marketing activity approved in this notice is limited to a 1-year period commencing on the date of signature of this notice by the Assistant Administrator for Pesticides and Toxic Substances.

6. The number of workers exposed to the new chemicals should not exceed that specified in the applications and the exposure levels and duration of exposure should not exceed those specified in the applications.

The Agency reserves the right to rescind its decision to grant these exemptions should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of these substances under the conditions specified in the applications will not present an unreasonable risk of injury to human health or the environment.

Dated: July 27, 1982.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 82–20824 Filed 7–30–82; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–59092A TSH–FRL 2181–5]

Polyquaternary Methacrylamide Ammonium Acetate; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA received an application for a test marketing exemption (TM–82–26) under section 5 of the Toxic Substances Control Act (TSCA) on June 14, 1982. Notice of receipt of the application was published in the **Federal Register** on June 25, 1982 (47 FR 27604). EPA has granted the exemption.

EFFECTIVE DATE: This exemption is effective on July 26, 1982.

FOR FURTHER INFORMATION CONTACT: Anna Coutlakis, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. M–2610, 401 M St., SW., Washington, D.C. 20460, (202–755–9190).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory or existing substance compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirements of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On June 14, 1982, EPA received an application for an exemption from the requirements of sections 5(a) and 5(b) of TSCA to manufacture a new chemical substance for test marketing purposes. The application was assigned test marketing exemption number TM–82–26. The company claimed its identity, the specific chemical identity, the specific use, environmental release, disposal, exposure, and production volume of the new substance as confidential business information. The generic name of the new substance is polyquaternary methacrylamide ammonium acetate and it will be used for water clarification. The test marketing period is not to exceed 7 months. A notice published in the **Federal Register** of June 25, 1982 (47 FR 27604) announced receipt of this application and requested comment on the appropriateness of granting the exemption. The Agency did not receive any comments concerning the application.

EPA has established that the test marketing of the substance described in TM–82–26, under the conditions set out in the application, will not present any unreasonable risk of injury to health or the environment. There are minimal health concerns for the TME substance. Moderate concerns for environmental effects are mitigated because of the chemical's use and ultimate fate in the environment.

This test marketing exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application and, in particular, those enumerated below.

1. This exemption is granted solely to this manufacturer.

2. Each bill of lading that accompanies a shipment of the substance during the test marketing period must state that the use of the substance is restricted to that described to EPA in the test marketing exemption application.

3. The production volume of the new substance may not exceed that described in the test marketing exemption application

4. The test marketing activity approved in this notice is limited to a period of 7 months commencing on the date of signature of this notice by the Assistant Administrator for Pesticides and Toxic Substances.

5. The number of workers exposed to the new chemical should not exceed that specified in the application, and the duration of exposure should not exceed that specified.

6. Manufacturing procedures outlined in the application must be followed.

The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of this substance under the conditions specified in the application will not present an unreasonable risk of injury to human health or the environment.

Dated: July 26, 1982.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 82-20822 Filed 7-30-82; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59092B; TSH-PRL 2181-6]

Reaction Product of Alkyl Isocyanate With 3-(Trimethoxysilyl)-1-Propanethiol; Approval of Test Marketing Exemption

AGENCY: Enviornmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA received an application for a test marketing exemption (TM-82-27) under section 5 of the Toxic Substances Control Act (TSCA) on June 15, 1982. Notice of receipt of the application was published in the Federal Register of June 25, 1982 (47 FR 27604). EPA has granted the exemption.

EFFECTIVE DATE: This exemption is effective on July 26, 1982.

FOR FURTHER INFORMATION CONTACT: Anna Coutlakis, Chemical Control Division (TS-794), Office of Toxic Substances, Enviornmental Protection Agency, Rm. M-2610, 401 M St., SW., Washington, D.C. 20460, (202-755-9190).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirements of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the **Federal Register.** If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On June 15, 1982, EPA received an application for an exemption from the requirements of sections 5(a) and 5(b) of TSCA to manufacture a new chemical substance for test marketing purposes. The application was assigned test marketing exemption number TM-82-27. The company claimed its identity, the specific chemical identity, the specific use, and production volume of the new substance as confidential business information. The generic name of the new substance is reaction product of alkyl isocyanate with 3-(trimethoxysilyl)-1-propanethiol and it will be used in the assembly of automotive components. During manufacture and processing, six workers will be exposed dermally for a total of 120 hours. The test marketing period is not to exceed 4 months. A notice published in the Federal Register of June 25, 1982 (47 FR 27604) announced receipt of this application and requested comment on the appropriateness of granting the exemption. The Agency did not receive any comments concerning the application.

EPA has established that the test marketing of the substance described in TM-82-27, under the conditions set out in the application, will not present any unreasonable risk of injury to health or the environment. No significant systemic health effects or significant environmental effects were identified for the TME substance. Furthermore, any concerns would be mitigated because of low exposure.

This test marketing exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application and, in particular, those enumerated below.

1. This exemption is granted solely to this manufacturer.

2. Each bill of lading that accompanies a shipment of the substance during the test marketing period must state that the use of the substance is restricted to that described to EPA in the test marketing exemption application.

3. The production volume of the new substance may not exceed that described in the test marketing exemption application.

4. The test markting activity approved in this notice is limited to a period of 4 months commencing on the date of signature of this notice by the Assistant Administrator for Pesticides and Toxic Substances.

5. The number of workers exposed to the new chemical should not exceed that specified in the application, and the duration of exposure should not exceed that specified.

The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of this substance under the conditions specified in the application will not present an unreasonable risk of injury to human health or the environment.

Dated: July 26, 1982.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 82-20823 Filed 7-30-82; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59091B; TSH-FRL 2181-4]

Sulfoalkylmercaptan and Quaternary Pyridine Compound; Approval of Test Marketing Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA received two applications for test marketing exemptions (TM-2-24 and TM-82-25) under section 5 of the Toxic Substances

Control Act (TSCA) on June 10, 1982. Notice of receipt of the applications was published in the **Federal Register** of June 17, 1982 (47 FR 26236). EPA has granted the exemptions.

EFFECTIVE DATE: These exemptions are effective on July 26, 1982

FOR FURTHER INFORMATION CONTACT: Rose Allison, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. 2610B, 401 M St., SW., Washington, D.C. 20460, (202–755–9190).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirements of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the **Federal Register.** If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On June 10, 1982, EPA received two applications for an exemption from the requirements of sections 5(a) and 5(b) of TSCA to manufacture a new chemical substance for test marketing purposes. The applications were assigned test marketing exemption numbers TM–82–24 and TM–82–25. Agfa Gevaert, the submitter, claimed the specific chemical identities of the new substances as confidential business information. The generic names of the new substances are sulfoalkylmercaptan (TM–82–24) and quaternary pyridine compound (TM–82–25) and they will be used as photographic processing compounds. The test marketing period is not to exceed 18 months. A notice published in the **Federal Register** of June 17, 1982 (47 FR 26236) announced receipt of these applications and requested comment on the appropriateness of granting the exemptions. The Agency did not receive any comments concerning the application.

EPA has established that the test marketing of the substances described in TM–82–24 and TM–82–25, under the conditions set out in the applications, will not present any unreasonable risk of injury to health or the environment. No significant health concerns were identified for the TME substances. Although some aquatic toxicity could be expected for TM–82–25, the TME substances will be imported in small quantities at extremely small concentrations in the product. In normal use, no hazardous concentrations in the environment are expected.

These test marketing exemptions are granted based on the facts and information obtained and reviewed, but are subject to all conditions set out in the exemption applications and, in particular, those enumerated below.

1. These exemptions are granted solely to this importer.

2. The U.S. agent for this importer must be the person specified in an amendment to the TME applications.

3. Each bill of lading that accompanies a shipment of the substances during the test marketing period must state that the use of the substances is restricted to that described to EPA in the test marketing exemption applications.

4. The production volume of the new substances may not exceed the quantity of 22 kilograms for each substance described in the test marketing exemption application and must be used as indicated in the applications.

5. The test marketing activity approved in this notice is limited to a period of 18 months commencing on the date of signature of this notice by the Assistant Administrator for Pesticides and Toxic Substances.

The Agency reserves the right to rescind its decision to grant these exemptions should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of these substances under the conditions specified in the applications will not present an unreasonable risk of injury to human health or the environment.

Dated: July 26, 1982.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 82–20821 Filed 7–30–82; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket No. 82–425, File No. BPH–810227AC; BC Docket No. 82–426, File No. BPH–810819BK]

Paradise Broadcasting and Communications Systems, Inc. and Cove Communications, Inc.; Designating Applications for Consolidated Hearing on Stated Issues

In re Applications of Paradise Broadcasting and Communications Systems, Inc., Ilion, New York, Req: 105.5 MHz, Channel 288, 3.0 kW (H&V), 300 feet; BC Docket No. 82–425, File No. BPH–810227AC; Cove Communications, Inc., Little Falls, New York, Req: 105.5 MHz, Channel 288, 3.0 kW (H&V), 326 feet; BC Docket No. 82–426, File No. BPH–810819BK; for construction permit for a new FM station.

Hearing Designation Order

Adopted: July 9, 1982.

Released: July 23, 1982.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Paradise Broadcasting and Communications Systems, Inc. ("Paradise"), and Cove Communications, Inc. ("Cove").

2. Applicants for new broadcast stations are required by § 73.3580(f) of the Commission's rules to give local notice of the filing of their applications. We have no evidence that Paradise published the required notice. To remedy this deficiency, Paradise must publish local notice of its application, if it has not already done so, and so inform the presiding Administrative Law Judge.

3. Analysis of the financial data submitted by Cove reveals that $40,012 will be required to construct the proposed station and operate for three months, itemized as follows:[1]

[1] Five months of payments to bank and equipment manufacturer are generally required (two months for construction and three months for operation). However, since the start of Cove's payments on the equipment is deferred for 30 days, only four months are required.

Equipment down payment	$12,645
Equipment payments with interest (four months)	4,172
Miscellaneous	8,000
Payments on bank loan (five months)	6,215
Operating costs (three months)	8,980
Total	$40,012

Cove plans to finance construction and operation with the following funds: $50,580 in an equipment manufacturer's credit and $50,000 in bank financing. Cove has shown the availability of the equipment manufacturer's credit. However, the letter submitted in support of the bank financing states only that the bank "will take under consideration" a loan and thus fails to indicate that a firm commitment has been made.

4. However, although the financial standards are unchanged, the Commission has changed the application form to require only certification as to financial qualifications. Accordingly, the applicant will be given 30 days from the date of mailing of this Order to review its financial proposal in light of Commission requirements, to make any changes that may be necessary, and, if appropriate, to submit a certification to the Administrative Law Judge in the manner called for in revised Section III, Form 301, as to its financial qualifications. If the applicant cannot make the required certification, it shall so advise the Administrative Law Judge who shall then specify and appropriate issue. *Minority Broadcasters of East St. Louis, Inc.*, BC Docket No. 82–378.

5. Data submitted by the applicants indicate that there would be significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue for the purpose of determining whether a comparative preference should accrue to any of the applicants.

6. The respective proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining, pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will also be specified.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive they must be designated for hearing in a consolidated proceeding.

8. Accordingly, it is ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary aural service (1 mV/m or greater) from the proposals and the availability of other primary service to such areas and populations.

2. To determine, in the light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

3. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to Section 307(b), which of the proposals would, on a comparative basis, best serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

9. It is further ordered, that Cove Communications, Inc. shall submit a financial certification in the form required by Section III, F.C.C. Form 301, or advise the Administrative Law Judge that the certification cannot be made, as may be appropriate, within 30 days of the mailing of this Order.

10. It is further ordered, that, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

11. It is further ordered, that the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594(g) of the Commission's rules, give notice of the hearing (either individually or, if feasible and consistent with the rules, jointly) within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division.

[FR Doc. 82–20784 Filed 7–30–82; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10327; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before August 23, 1982. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. 93–27.

Filing party: David C. Nolan, Esquire, Graham & James, One Maritime Plaza, Third Floor, San Francisco, California 94111.

Summary: Agreement No. 93–27 would modify the North Europe-United States Pacific Freight Conference to provide that the members may discuss and agree to tariff rules dealing with equipment substitution and/or absorption of inland haulage and other charges at origin and destination.

Agreement No. 7540–35.

Filing party: Nathan J. Bayer, Esquire, Freehill, Hogan & Mahar, 80 Pine Street, New York, New York 10005.

Summary: Agreement No. 7540–35 amends the basic agreement of the Unites States Atlantic & Gulf—Southeastern Caribbean Conference to establish independent action and modify voting requirements.

Agreement No. 10107–13.

Filing party: George A. Quadrino, Esquire, Warren & Associates, P.C., 1100 Connecticut Avenue NW., Washington, D.C. 20036.

Summary: Agreement No. 10107–13, among the member lines of the Trans-Pacific Freight Conference (Hong Kong)/Independent Lines Rate Agreement, would amend Agreement No. 10107 by deleting, from Article (9), the TEU and weight ton statistical reporting requirement.

Agreement No. 10126–5.

Filing party: Byron Busby, Secretary, Florida/Curacao, Aruba & Bonaire, Rate Agreement, P.O. Box 013099, Miami, Florida 33101.

Summary: Agreement No. 10126–5 modifies the basic agreement of the Florida/Curacao, Aruba & Bonaire Rate Agreement by adding an enabling paragraph to permit: (1) The Secretary to execute changes to the basic agreement after appropriate vote on behalf of the members; and (2) to permit Agreement No. 10126 to join other agreements that permit such association.

Agreement No. 10422–1.

Filing party: Seymour H. Kligler, Esquire, Brauner Baron Rosenzweig Kligler Sparber & Bauman, 120 Broadway, New York, New York 10271.

Summary: Agreement No. 10422–1 amends the tripartite space charter arrangement among Neptune Orient Lines, Ltd., Orient Overseas Container Line, Inc., and Korea Shipping Corporation. The purpose of Agreement No. 10422–1 is to (a) permit one of the parties to terminate its participation in the basic agreement upon at least 30 days' written notice to the other parties and to the Commission; (b) provide for the remaining parties to continue to operate under the basic agreement, except that the number of vessels permitted to be operated will be reduced by the number of vessels authorized to be operated by the withdrawing party; and (c) provide that references associated with the party terminating its participation will be deleted.

Agreement No. 10455.

Filing party: David V. Ainsworth, Esquire, Assistant General Counsel, American President Lines, Ltd., 1950 Franklin Street, Oakland, California 94612.

Summary: Agreement No. 10455 establishes a nonexclusive equipment interchange agreement between American President Lines, Ltd. and Totem Ocean Trailer Express, Inc., providing for the interchange of empty and loaded equipment in the Far East/United States trade. By Order of the Federal Maritime Commission.

Dated: July 28, 1982.

Francis C. Hurney,

Secretary.

[FR Doc. 82–20840 Filed 7–30–82; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Acquisition of Bank Shares

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Mercantile Bancorporation Inc.*, St. Louis, Missouri, to acquire 100 percent of the voting shares of Clayton Mercantile National Bank, Clayton, Missouri, a *de novo* bank. Comments on this application must be received not later than August 24, 1982.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Affiliated Bankshares of Colorado, Inc.*, Boulder, Colorado; to acquire 90 percent of the voting shares or assets of Alameda National Bank, Lakewood, Colorado. Comments on this application must be received not later than August 26, 1982.

Board of Governors of the Federal Reserve System, July 27, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82–20722 Filed 7–30–82; 8:45 am]

BILLING CODE 6210–01–M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated for each application.

A. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Assistant Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *First City Financial Corporation*, Albuquerque, New Mexico (financing activities; New Mexico): Making or acquiring loans or extensions of credit such as would be made by a commercial bank or commercial finance company. These activities would be conducted from an office in Albuquerque, New Mexico, serving New Mexico.

Comments on this application must be received not later than August 26, 1982.

B. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Capistrano Bancorp*, San Juan Capistrano, California (finance and credit activities; California): To engage, through its *de novo* subsidiary, Crest Mortgage Co., in making or acquiring for its own account loans and other extensions of credit, including commerical loans secured by a borrower's inventory, accounts receivable, real estate or other assets and servicing loans. Those activities will be conducted from an office located in Anaheim, California serving the State of California. Comments on this application must be received not later than August 26, 1982.

Board of Governors of the Federal Reserve System, July 27, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-20720 Filed 7-30-82; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares and/or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *First Port Allen Bancshares, Inc.*, Port Allen, Louisiana; to become a bank holding company by acquiring 80 percent or more of the voting shares of First National Bank of Port Allen, Port Allen, Louisiana. Comments on this application must be received not later than August 26, 1982.

2. *The Magnolia State Corporation*, Bay Springs, Mississippi; to become a bank holding company be acquiring at least 80 percent of the voting shares of Jasper County Bank, Bay Springs, Mississippi. Comments on this application must be received not later than August 26, 1982.

B. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Southside Bancshares Corp.*, St. Louis, Missouri, to become a bank holding company by acquiring the successor by merger to South Side National Bank in St. Louis, St. Louis, Missouri. Comments on this application must be received not later than August 26, 1982.

C. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Belfield Bancshares, Inc.*, Belfield, North Dakota, to become a bank holding company by acquiring 84.3 percent of the voting shares of First National Bank of Belfield, Belfield, North Dakota. Comments on this application must be received not later than August 25, 1982.

Board of Governors of the Federal Reserve System, July 27, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-20721 Filed 7-30-82; 8:45 am]

BILLING CODE 6210-01-M

Agency Forms Under Review

July 27, 1982.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C. Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibilities under the act also considers comments on the forms and recordkeeping requirements that will affect the public. Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. OMB's usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

List of Forms Under Review

Immediately following the submission of a request by the Federal Reserve for OMB approval of a reporting or recordkeeping requirement, a description of the report will be published in the **Federal Register**. This information will contain the name and telephone number of the Federal Reserve Board clearance officer (from whom a copy of the form and supporting documents is available). The entries will be grouped by type of submission—i.e., new forms, revisions, extensions (burden change), extensions (no change), and reinstatements. Each report description contains the following information:

—The title of the form.

—The Federal Reserve report form number, if applicable.

—How often the form must be filled out.

—Who will be required or asked to report.

—The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected.

—Whether small businesses or organizations are affected.

—A description of the Federal budget functional category that covers the information collection.

—An estimate of the number of responses.

—An estimate of the total number of hours needed to fillout the form on an annual basis.

—An estimate of the average number of hours per response.

—Respondent's obligation to reply.

—Confidentiality promised by agency.

—An estimate of the cost to the Federal Government.

—An estimate of the cost to the public.

—The number of forms in the request for approval.

—An indication of whether section 3504(h) of Pub. L. 96-511 applies.

—The name, address, and telephone number of the person or office responsible for OMB review, and

—An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the Federal Reserve Board clearance officer whose name, address, and telephone number appears below. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, transmittal

letters, and other documents that are submitted to OMB for review.

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer-Martha Bethea, Division of Research and Statistics, Board of Governors of the Federal reserve System, Washington, D.C. 20551 (202–452–3181))

OMB Reviewer—Richard Sheppard—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503 (202–395–6880)

Revised Forms Under Review

1. Report of Transaction Accounts, Other Deposits and Vault Cash; Report of Certain Eurocurrency Transactions; Advance Report of Deposits. FR 2900; FR 2950; FR 2951; FR 2000; FR 2001

Quarterly; Weekly; Daily-depending upon form filed.

Depository institutions; commercial banks-depending upon form filed.

SIC: 602, 603, 605, 612, 614

Small businesses.

General government: 895,916 responses; 4,217,282 hours; 50 minutes-5.13 hours depending upon form filed; mandatory (12 U.S.C. 248, 461, 3105); yes; $9,993,430 Federal cost; $63,259,230 public cost; 5 forms; not applicable under 3504(h).

Package of reports collects information on deposit data from depository institutions that have transaction accounts or nonpersonal time deposits (FR 2900); Eurocurrency deposits from depository institutions that obtain funds from foreign (non-U.S.) sources or that maintain foreign branches (FR 2950, 2951); and selected items on the FR 2900 in advance from large commercial banks and a sample of small commercial banks (FR 2000, 2001), to ensure compliance and for construction of the monetary aggregates.

2. Allocation of Low Reserve Tranche on Transaction Accounts; FR 2930.

On occasion.

Branches and agencies of foreign banks, and Edge Act and Agreement corporations that have offices located in more than one state or more than one Federal Reserve District.

SIC: 605.

Small businesses are not affected.

General government: 431 responses; 108 hours; 15 minutes; mandatory (12 U.S.C. 248(a) and 461); yes; $50,000 Federal cost; $1,620 public cost; 1 form; not applicable under 3504(h).

In calculating reserve requirements for transaction accounts which are reported on the FR 2900, the first $25 million of such deposits (the low reserve tranche) are reserved at a lower ratio than amounts in excess of $25 million. This report collects information on the allocation of this tranche from all U.S. branches and agencies of foreign banks and from Edge Act and Agreement corporations that have offices located in more than one state or Federal Reserve District.

Board of Governors of the Federal Reserve System, July 27, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-20719 Filed 7-30-82; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. D-82-679]

Redelegation of Authority With Respect to the Authority To Execute in the Name of the Secretary Legal Instruments

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice of Redelegation of Authority.

SUMMARY: The Assistant Secretary for Community Planning and Development is redelegating authority to execute in the name of the Secretary written instruments relating to Section 312 Rehabilitation loans, including deeds of release, substitutions of trustees, assignments, satisfactions of mortgages, deeds of trust and any other instruments relating to Section 312 loans which the Assistant Secretary for Community Planning and Development is authorized to execute. However this redelegation does not cover the execution of written instruments which relate to certain Section 312 loan-related property management and disposition functions which have been delegated to the Assistant Secretary for Housing (see 45 FR 54143, August 14, 1980).

EFFECTIVE DATE: July 26, 1982.

FOR FURTHER INFORMATION CONTACT: Harold J. Huecker, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755–6336. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: Pursuant to Section 312 of the Housing Act of 1964, as amended, 42 U.S.C. 1452b, the authority to execute legal instruments under the Section 312 loan program has been delegated to the Assistant Secretary for Community Planning and Development, except for those legal instruments which relate to property management and disposition functions delegated to the Assistant Secretary for Housing (see 45 FR 54143, August 14, 1980). In order to expedite property foreclosures and judgments against Section 312 borrowers in default, the Assistant Secretary has determined that his authority to execute legal instruments should be redelegated to the Deputy Assistant Secretary for Program Management, Office of Community Planning and Development; the Director, Office of Urban Rehabilitation and the Director, Relocation and Real Estate Division.

Accordingly, the Assistant Secretary redelegates as follows:

Section A. Authority Redelegated

The Deputy Assistant Secretary for Program Management, Office of Community Planning and Development; the Director of the Office of Urban Rehabilitation and the Director of the Relocation and Real Estate Division, are each hereby redelegated the authority to execute in the name of the Secretary written instruments relating to Section 312 Rehabilitation loans, including deeds of release, substitutions of trustees, assignments, satisfactions of mortgages and deeds of trust. However this redelegation does not cover the execution of written instruments which relate to certain Section 312 loan-related property management and disposition functions which have been delegated to the Assistant Secretary for Housing (see 45 FR 54143, August 14, 1980).

Section B. Supersedure

This redelegation is in addition to, and does not modify or supersede, the redelegation of authority to field officials at 46 FR 21244 (April 9, 1981).

Authority: Section 312 of the Housing Act of 1964, 42 U.S.C. 1452b.

Dated: July 26, 1982.

Stephen J. Bollinger,

Assistant Secretary for Community Planning and Development.

[FR Doc. 82-20732 Filed 7-30-82; 8:45 am]

BILLING CODE 4210-29-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. I-2836]

Idaho; Partial Termination of Classification for Multiple-Use Management

July 26, 1982.

1. Pursuant to authority delegated to me by Bureau Order No. 701, dated July 23, 1964 (29 FR 10526), I hereby terminate the Bureau of Land Management Multiple-Use Classification order dated October 27, 1970, (serial No. I-2836) published in the **Federal Register** October 28, 1970, (Vol. 35 No. 210) insofar as it affects the lands described below:

Boise Meridian, Idaho

T. 12 S., R. 19 E.,
All.
T. 12 S., R. 20 E.,
All.
T. 16 S., R. 20 E.,
All.
T. 11 S., R. 21 E.,
Sec. 1, SE¼SW¼;
Sec. 31, lots 3 and 4, E½SW¼;
Sec. 35, SE¼.
T. 12 S., R. 21 E.,
Sec. 2, SE¼;
Sec. 4, NW¼SW¼;
Sec. 5, NE¼SE¼;
Secs. 13 and 14;
Sec. 21, SE¼SE¼;
Sec. 26;
Sec. 30, lots 1, 2, 3, 4, E½W½;
Secs. 31 and 32.
T. 13 S., R. 21 E.,
Sec. 1, S½;
Secs. 2 and 3;
Sec. 4, lot 4, S½N½, E½SE¼;
Sec. 5 through 15 inclusive;
Sec. 17;
Secs. 22 through 27 inclusive;
Sec. 34;
Sec. 35.
T. 14 S., R. 21 E.,
All.
T. 15 S., R. 21 E.,
All.
T. 16 S., R. 21 E.,
All.
T. 10 S., R 22 E.,
Sec. 31, NE¼SW¼.
T. 12 S., R. 22 E.,
Sec. 6, lots 6 and 7, E½SW¼;
Sec. 31, lots 1 and 2.
T. 13 S., R. 22 E.,
Sec. 12, NE¼SW¼, S½SW¼, W½SE¼;
Secs. 13 and 14;
Secs. 22 through 26 inclusive;
Secs. 30, 31, and 35.
T. 14 S., R. 22 E.,
Secs. 1 and 2;
Secs. 6 through 15 inclusive;
Secs. 17 through 35 inclusive;
T. 15 S., R. 22 E.,
All.
T. 16 S., R. 22 E.,
All.
T. 10 S., R. 23 E.,
Sec. 32.
T. 13 S., R. 23 E.,
Sec. 8;
Secs. 17 and 18;
Secs. 30 and 31.
T. 14 S., R. 23 E.,
All.
T. 15 S., R. 23 E.,
All.
T. 16 S., R. 23 E.,
Secs. 1 through 3 inclusive;
Secs. 10 through 15 inclusive;
Secs. 22 through 27 inclusive;
Secs. 34 and 35.
T. 11 S., R. 24 E.,
All.
T. 12 S., R. 24 E.,
Secs. 1 through 5 inclusive;
Secs. 8 through 11 inclusive;
Secs. 15 through 22 inclusive.
T. 13 S., R. 24 E.,
All.
T. 14 S., R. 24 E.,
All.
T. 15 S., R. 24 E.,
All.
T. 16 S., R. 24 E.,
All.
T. 9 S., R. 25 E.,
Sec. 11;
Secs. 22 and 23.
T. 10 S., R. 25 E.,
Secs. 25 and 26;
Sec. 35.
T. 11 S., R. 25 E.,
Secs. 1 and 2;
Secs. 5 through 15 inclusive;
Secs. 18 through 26 inclusive;
Sec. 35.
T. 12 S., R. 25 E.,
Secs. 1 and 2;
Secs. 11 through 15 inclusive;
Secs. 22 through 26 inclusive;
Secs. 34 and 35.
T. 13 S., R. 25 E.,
All.
T. 14 S., R. 25 E.,
Secs. 1 through 3 inclusive;
Sec 4, lots 1 and 2, E½SE¼, SE¼NE¼;
Sec. 8;
Sec. 9, E½NE¼, S½S½;
Secs. 10 through 15 inclusive;
Sec. 17;
Secs. 21 through 28 inclusive;
Secs. 30 through 35 inclusive.
T. 15 S., R. 25 E.,
All.
T. 16 S., R. 25 E.,
All.
T. 9 S., R. 26 E.,
All.
T. 10 S., R. 26 E.,
Secs. 1 through 15 inclusive;
Secs. 17 and 18;
Secs. 23 through 25 inclusive;
Secs. 30 and 31.
T. 11 S., R. 26 E.,
Secs. 4 through 9 inclusive;
Secs. 18 and 19;
Secs. 30 and 31.
T. 12 S., R. 26 E.,
Secs. 5 through 9 inclusive;
Sec. 15, S½;
Secs. 17 through 23 inclusive;
Secs. 26 through 35 inclusive.
T. 13 S., R. 26 E.,
All.
T. 14 S., R. 26 E.,
All.
T. 15 S., R. 26 E.,
Secs. 1 through 15 inclusive;
Secs. 17 through 23 inclusive;
Secs. 27 through 35 inclusive.
T. 16 S., R. 26 E.,
All.
T. 9 S., R. 27 E.,
All.
T. 10 S., R. 27 E.,
All.
T. 12 S., R. 27 E.,
All.
T. 13 S., R. 27 E.,
Sec. 2, lot 2;
Secs. 4 through 6 inclusive;
Sec. 8;
Sec. 15;
Sec. 17;
Secs. 21 through 23 inclusive;
Secs. 25 through 29 inclusive;
Secs. 33 through 35 inclusive.
T. 14 S., R. 27 E.,
Secs. 1 through 4 inclusive;
Sec. 7;
Secs. 9 through 15 inclusive;
Secs. 18 and 19;
Secs. 21 through 28 inclusive;
Secs. 30 and 31;
Secs. 33, E½, E½W½;
Sec. 34 and 35.
T. 15 S., R. 27 E.,
Secs. 2 through 4 inclusive;
Secs. 6 through 15 inclusive;
Sec. 17;
Secs. 20 through 28 inclusive;
Secs. 34 and 35.
T. 16 S., R. 27 E.,
Sec. 5 W½W½;
Secs. 6 through 8 inclusive;
Secs. 18 and 19.
T. 9 S., R. 28 E.,
Secs. 20 and 21.
T. 12 S., R. 28 E.,
All.
T. 13 S., R. 28 E.,
Secs. 30 and 31.
T. 14 S., R. 28 E.,
All.
T. 15 S., R. 28 E.,
Secs. 5 through 7 inclusive;
Secs. 18 and 19;
Sec. 30.
T. 10 S., R. 29 E.,
All.
T. 11 S., R. 29 E.,
All.
T. 12 S., R. 29 E.,
All.
T. 13 S., R. 29 E.,
Secs. 3 through 5 inclusive;
Secs. 9 through 11 inclusive;
Secs. 14 and 15;
Secs. 21 through 23 inclusive;
Secs. 25 through 27 inclusive;
Secs. 34 and 35.
T 14 S., R. 29 E.,
Secs. 1 through 3 inclusive;
Sec. 7;
Secs. 10 through 15 inclusive;
Secs. 17 and 18;
Secs. 20 through 24 inclusive;

Sec. 27.
T 15 S., R. 29 E.,
All.
T 16 S., R. 29 E.,
All.

The area described above aggregates 439,200.96 acres in Cassia County.

2. The following described lands were further segregated from appropriation under the general mining laws.

Boise Meridian, Idaho

T. 14 S., R. 21 E.,
Sec. 24, S½SE¼ (Trapper Creek Boat Landing).
T 15 S., R. 21 E.,
Sec. 12, SE¼SE¼ (Lower Reservoir Campground).
T 16 S., R. 21 E.,
Sec. 1, lot 1.
T 15 S., R. 22 E.,
Sec. 31, lot 4 (Goose Creek Campground).
T 10 S., R. 23 E.,
Sec. 32, (BLM Administration Site).
T 15 S., R. 24 E.,
Sec. 28, NW¼SW¼ (Circle Campground).
T 16 S., R. 24 E.,
Sec. 19, SE¼SE¼ (Emigrant Canyon Campground).
T 15 S., R. 26 E.,
Sec. 23 NW¼ (Hot Well Campground).
T 13 S., R. 25 E.,
Sec. 22, SW¼SE¼ (Cassia Creek Campground).
T 9 S., R. 28 E.,
Sec. 20, SW¼, NE¼SE¼;
Sec. 21, NE¼SW¼ (Wildlife Area).

The area described above aggregates 726.04 acres in Cassia County.

3. The segregative effect on the land described in this order will terminate August 2, 1982, as provided by the regulations in 43 CFR 2641.5(c)(2).

4. At 9:00 a.m. on August 27, 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 laws. All valid applications received at or prior to 9:00 a.m. on August 27, 1982, shall be considered as simultaneously filed a the time. Those received thereafter shall be considered in the order of filing.

5. The lands in paragraphs one and two above have been and will continue to be open to applications and offers under the mineral leasing laws.

6. The lands in paragraph two above also will be open to location under the mining laws at 9:00 a.m. on August 27, 1982. Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Federal Building, Box 042, Boise, Idaho 83724.

Clair Whitlock,
State Director.

[FR Doc. 82-20772 Filed 7-30-82; 8:45 am]
BILLING CODE 4310-84-M

[Serial No. I-7322]

Idaho; Partial Termination of Proposed Withdrawal and Reservation of Lands

July 23, 1982.

Notice of an application, serial number I-7322, for withdrawal and reservation of lands was posted in the Land Office records October 1, 1973. A notice was not published in the **Federal Register.**

The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Subpart 2091, such lands will be at 9:00 a.m. on September 1, 1982, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are all public lands ¼ mile on either side of the St. Joe River in the following Townships and Ranges:

Boise Meridian

T. 46 N., R. 1 W.,
T. 46 N., R. 2 W.,
T. 46 N., R. 3 W.,
T. 46 N., R. 1 E.,
T. 46 N., R. 2 E.,
T. 45 N., R. 2 E.,
T. 45 N., R. 3 E.,
T. 45 N., R. 4 E.,

The area described aggregates 1,336,34 acres in Shoshone and Benewah Counties.

William E. Ireland,
Chief, Lands Section.

[FR Doc. 82-20767 Filed 7-30-82; 8:45 am]
BILLING CODE 4310-84-M

Livestock Grazing Environmental Impact Statements—Fiscal Year 1983

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: As required by the Court Order in *Natural Resources Defense Council, Inc., et al.,* v. *Watt, et al.,* Civil Action No. 1983-73, this notice identifies 13 livestock grazing environmental impact statements scheduled for completion by the Bureau of Land Management during Fiscal Year 1983.

FOR FURTHER INFORMATION CONTACT: Robert Papworth, Acting Chief, Division of Rangeland Resources, Bureau of Land Management, 1725 I Street NW., Washington, D.C. 20006 (202/653-9193).

SUPPLEMENTARY INFORMATION: In accordance with the Court Order in *Natural Resources Defense Council, Inc., et al.,* v. *Watt et al.,* Civil Action No. 1983-73, the following described grazing environmental impact statements, involving 16,324,000 acres of public land, are scheduled for completion during Fiscal Year 1983:

EIS name	Acres of public land (000s)	Description
South Sierra Foothills	246	An area in South Central California within the Bakersfield District and the Caliente Resource Area.
Pit River	401	An area in Northeastern California within the Susanville District and the Alturas Resource Area.
Redding	311	An area in North Central California within the Redding District and the Four Rivers Resource Area.
Yokayo	412	An area in Northeastern California within the Ukiah District and the Mendocino and North Coast Resource Areas.
Ohay	115	An area in Southwestern California within the California Desert District and the Escondido Resource Area.
Kremmling	388	An area in North Central Colorado within the Craig District and the Kremmling Resource Area.
Big Lost-Mackay	299	An area in Central Idaho within the Idaho Falls District and the Big Butte Resource Area.
Headwaters	309	An area in Southwestern Montana within the Butte District and the Headwaters Resource Area.
Wells	4,141	An area in Northeastern Nevada within the Elko District and the Wells Resource Area.
Southern Malheur	4,065	An Area in Southeastern Oregon within the Vale District and the Northern Malheur, and Southern Malheur Resource Areas.
Pony Express	1,710	An area in North Central Utah within the Salt Lake District and the Pony Express Resource Area.
Grand	1,826	An area in Eastern Utah within the Moab District and the Grand Resource Area.
Overland (Divide)	2,101	An area in South Central Wyoming within Rawlins District and the Divide Resource Area.

Dated: July 28, 1982.

David C. Williams,
Acting Deputy Director, Lands and Renewable Resources.

[FR Doc. 82-20768 Filed 7-30-82; 8:45 am]
BILLING CODE 4310-84-M

Nevada; Classification Vacated

July 26, 1982.

Pursuant to the authority designated by Bureau Order 701 and amendments thereto, small tract classification N–1878 is hereby vacated in its entirety. The following township is affected:

Mount Diablo Meridian, Nevada

T. 8 N., R. 27 E.
Sec. 33, W½SW¼SE¼NE¼.

The land affected comprises approximately 5 acres in Lyon County, Nevada.

The Small Tract Act was repealed by section 702 of the Federal Land Policy and Management Act of 1976. Accordingly, the classification is no longer applicable and is hereby terminated. The segregative effect of the classification order is removed upon publication of this notice in the **Federal Register.**

Edward F. Spang,

State Director, Nevada.

[FR Doc. 82–20771 Filed 7–30–82; 8:45 am]

BILLING CODE 4310–84–M

Nevada; Order Providing for Opening of Land

July 26, 1982.

The following described land was reconveyed to the United States under Exchange Nev–066583 and title was accepted July 25, 1968:

Mount Diablo Meridian, Nevada

T. 12 N., R. 21 E.
Sec. 11, SW¼SW¼, E½SW¼, SE¼;
Sec. 14, NE¼.

The area described comprises approximately 440 acres.

The land is located approximately 10 miles east of Gardnerville, in Douglas County, Nevada.

All minerals are in private ownership.

At 9:00 a.m. on September 1, 1982 subject to valid existing rights, and the provisions of existing classifications, the land described above is hereby restored to the operation of the public land laws.

All valid applications received from the date of this publication until and including 9:00 a.m. September 1, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. Inquiries concerning this land should be addressed to District Manager, Bureau of Land Management, Carson City District, Suite 335, Capitol Plaza, 1050 E. Williams Street, Carson City, Nevada 89701.

Wm. J. Malencik,

Acting Chief, Division of Operations.

[FR Doc. 82–20769 Filed 7–30–82; 8:45 am]

BILLING CODE 4310–84–M

[U–44833]

Realty Action, Private Exchange of Public Lands In Uintah County, Utah

The folllowing described lands have been determined to be suitable for a surface only private exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716. The Federal lands that have been identified to be suitable for disposal by exchange are:

Salt Lake Meridian, Utah

T. 2 S., R. 21 E.,
Sec. 25, lot 1
Sec. 36, lots 1, 2, 3, 4, 5, 6, S½NW¼, SW¼, W½SE¼, SE¼SE¼
T. 3 S., R. 21 E.,
Sec. 1, lots 1, 2, 3 comprising 619.85 acres

In exchange for these Federal lands, the United States will acquire the surface estate of the following non-Federal lands from Chevron Resources, Inc.:

Salt Lake Meridian, Utah

T3S, R22E,
Sec. 4, SW¼NW¼
Sec. 5, SE¼NE¼ comprising 76.42 acres

Upon publication of this notice, the Federal lands are hereby segregated from appropriation under the public land laws, including the mining laws.

Lands to be transferred from the United States will be subject to the following reservations:

1. A reservation of a right-of-way for ditches and canals constructed by the authority of the United States in accordance with 43 U.S.C. 945.

2. All minerals with the right to prospect for, mine and remove the same under applicable laws and such regulations as the Secretary may prescribe.

Until September 16, 1982, interested parties may submit comments to the District Manager, Vernal District, 170 South 500 East, Vernal, Utah 84078.

Lloyd Ferguson,

District Manager.

[FR Doc. 82–20770 Filed 7–30–82; 8:45 am]

BILLING CODE 4310–84–M

[U–S1083]

Utah; Invitation To Participate in Coal Exploration Program—Royal Land Company

July 26, 1982.

Royal Land Company is inviting all qualified parties to participate in a program for the exploration of coal reserves in the Muddy Creek area about four miles northwest of Emery, Utah. The lands are located in Sevier and Emery Counties, Utah, and are described as follows:

T. 21 S., R. 5 E., SLM, Utah;
Secs. 2, and 9–16, all;
Sec. 17, S½;
Sec. 20–25, all;
Sec. 26, E½;
Sec. 27, all;
Sec. 28, N½, N½S½, S½SE¼, SE¼SW¼;
Sec. 29, E½NE¼, NE¼SE¼;
Sec. 33, lots 2–4, NE¼, E½NW¼, NE¼SW¼, N½SE¼;
Sec. 34, all.
T. 21 S., R. 6 E., SLM, Utah,
Sec. 17, W½NW¼, NW¼SW¼;
Sec. 18, lots 1–4, SW¼NE¼, E½, SE¼;
Sec. 19, lots 1–4, E½SW¼, SE¼;
Sec. 20, SW¼;
Sec. 29, N½NW¼, SW¼NW¼;
Sec. 30 lots 1–4, NE¼, E½W½, SW¼SE¼.
Containing 14,400.48 acres.

Any party electing to participate in this exploration program must send written notice of such election to the Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111, and to Mr. Philip W. Mann, Area Land Manager, Royal Land Company, 925 South Niagara, Suite 600, Denver, Colorado 80224. Such written notice must be received within 30 days after the publication in the **Federal Register.**

Any party wishing to participate in this exploration program must be qualified to hold a lease under the provisions of 43 CFR 3472.1 and must share all cost on a pro rata basis. A copy of the exploration plan, as submitted by Royal Land Company is available for public review during normal business hours in the following office, under serial number U–51083: Bureau of Land Management, Room 1400, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Jens C. Jensen,

Chief, Division of Operations.

[FR Doc. 82–20788 Filed 7–30–82; 8:45 am]

BILLING CODE 4310–84–M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Pennzoil Exploration and Production Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3524, Block 573, West Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Minerals Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: July 26, 1982.

John L. Rankin,

Acting Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82–20774 Filed 7–30–82; 8:45 am]

BILLING CODE 4310–31–M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Chevron U.S.A. Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 1240, Block 51, South Timbalier Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OSC Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Minerals Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those Practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: July 23, 1982.

John L. Rankin,

Acting Minerals Manager, Gulf of Mexico OCS Region

[FR Doc. 82–20775 Filed 7–30–82; 8:45 am]

BILLING CODE 4310–31–M

National Park Service

Intention To Extend Concession Contract

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20 et seq.), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to extend a concession contract with Willow Beach Resort, Inc., authorizing it to continue to provide overnight accommodations, food and beverage service, trailer spaces, automobile service station, marina and boat rental facilities and services for the public at Lake Mead National Recreation Area, for a period of three (3) years from January 1, 1983, through December 31, 1985.

It has been determined that the proposed extension of this contract does not have potential for causing significant environmental impact and therefore preparation of an environmental assessment is not required.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expires by limitation of time on December 31, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. This provision, in effect, grants Willow Beach Resort, Inc., as the present satisfactory concessioner, the right to meet the term of responsive proposals for the proposed new contract and a preference in the award of the contract if, thereafter, the proposal of Willow Beach Resort, Inc., is substantially equal to others received. In the event a responsive proposal superior to that of Willow Beach Resort, Inc., (as determined by the Secretary) is submitted, Willow Beach Resort, Inc., will be given the opportunity to meet the terms and conditions of the superior proposal the Secretary considers desirable, and, if it does so, the new contract will be negotiated with Willow Beach Resort, Inc. The Secretary will consider and evaluate all proposals received as a result of this notice.

Any proposal, including that of the existing concessioner, must be postmarked or hand-delivered on or before September 1, 1982 to be considered and evaluated.

Interested parties should contact the Regional Director, Western Region, for information as to the requirements of the proposed contract.

Dated: July 15, 1982.

Howard H. Chapman,

Regional Director, Western Region.

[FR Doc. 82–20789 Filed 7–30–82; 8:45 am]

BILLING CODE 4310–70–M

Office of Surface Mining Reclamation and Enforcement

Abandoned Mine Lands Reclamation Program

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

ACTION: Notice of availability of Findings of No Significant Impact (FONSI) addressing Environmental Assessments (EAs) for development of two abandoned mine land projects under the State of Missouri Reclamation Plan.

SUMMARY: OSM has prepared EAs on projects submitted in the Federal Grant Application from the State of Missouri to the Office of Surface Mining.

A FONSI has been made on the two reclamation projects indicated below and included in the grant application developed under Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. 1231–1234.

ADDRESS: Copies of the EAs and FONSI are available for inspection or may be obtained at the following location between the hours of 8:00 a.m. and 4:00 p.m.: Office of Surface Mining Reclamation and Enforcement, Missouri Field Office, 818 Grand Avenue, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Richard Rieke, Director, Missouri Field Office, (816) 374–5527. Same address as above. Reclamation Projects included in FONSI, location and description:

Silver Fork Reclamation Project, Boone County, Missouri, Mine Shaft.

Tebo Creek Reclamation Project, Henry, Johnson, and Benton Counties, Missouri (5 sites), toxic spoil material, stream sedimentation, acid mine drainage.

Dated: July 28, 1982.

James R. Harris,

Director, Office of Surface Mining.

[FR Doc. 82-20838 Filed 7-30-82; 8:45 am]

BILLING CODE 4310-05-M

Abandoned Mine Lands Reclamation Program

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

ACTION: Notice of availability of Findings of No Significant Impact (FONSI) addressing Environmental Assessments (EAs) for development of ten abandoned mine land projects under the State of Oklahoma Reclamation Plan.

SUMMARY: OSM has prepared EAs on projects submitted in the Federal Grant Application from the State of Oklahoma to the Office of Surface Mining.

A FONSI has been made on the ten reclamation projects indicated below and included in the grant application developed under Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. 1231–1234.

ADDRESS: Copies of the EAs and FONSI are available for inspection or may be obtained at the following location between the hours of 8:00 a.m. and 4:00 p.m.: Office of Surface Mining Reclamation and Enforcement, Oklahoma Field Office, 333 West Fourth Street, Room 3432, Tulsa, Oklahoma.

FOR FURTHER INFORMATION CONTACT: Robert L. Markey, Director, Oklahoma Field Office, (918) 581–7927.

Reclamation Projects included in FONSI, location and description:

Title: Bryant 158
Location: Haskell County
Summary Description of Activities: Excavating and lowering road surface, installing drainage structures, seeding and vegetating.

Title: Callahan 096
Location: Sequoyah County
Summary Description of Activities: Raising county road and fencing of highwall.

Title: Cullum 090
Location: Sequoyah County
Summary Description of Activities: Draining water filled strip pit and filling it with existing spoil material, grading and shaping borrow and fill areas, and revegetating.

Title: Evans 007
Location: Haskell County
Summary Description of Activities: Stabilizing the roadways by the construction of berms and fill material, and seeding.

Title: Horsepen Creek—240 Phase I
Location: Tulsa County
Summary Description of Activities: Draining, grading and shaping the water filled pits for use as a sanitary landfill, and guardrailing the highwalls.

Title: Panther Mine—190
Location: Haskell County
Summary Description of Activities: Filling the opening and sealing the top of the open air shaft.

Title: Reeves 101
Location: Sequoyah County
Summary Description of Activities: Installing a guardrail over pit, and correcting the drainage problem.

Title: Rock Island—019
Location: Le Flore County
Summary Description of Activities: Filing the pit area, reestablishing a vegetative cover, and providing adequate drainage of surface runoff.

Title: Volks 151
Location: Latimer County
Summary Description of Activities: Widening roadbed, placing rip rap to parallel road, tin horn under the road for drainage and a concrete chute to direct the water into the pit.

Title: White Creek—214
Location: Craig County
Summary Description of activities: Reworking road slopes, installing culverts, shaping and stabilizing road embankments, establishing vegetative cover, fencing off site, and placing guardrails along highwall areas.

Dated: July 28, 1982.

James R. Harris,

Director, Office of Surface Mining.

[FR Doc. 82-20839 Filed 7-30-82; 8:45 am]

BILLING CODE 4310-05-M

Information Collection Submitted to OMB for Review

The Office of Surface Mining has submitted to the Office of Management and Budget a proposal for the collection of information, listed below, for approval under the the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Obtain copies of the proposed information collection requirement and explanatory material by contacting Darlene Grose at (202) 343–5447. Direct comments and suggestions, about the requirement, to the Bureau clearance officer and the Office of Management and Budget reviewing official, Mr. William T. Adams, at 202–395–7340.

Title: 30 CFR Part 740—General Requirements for Surface Coal Mining on Federal Lands.

Bureau Form Number: None.

Frequency: Every Five Years.

Description of Respondents: Coal Mining Companies.

Annual Responses: 70.

Annual Burden Hours: 70.

Bureau Clearance Officer: Darlene Grose (202) 343–5447.

Carson W. Culp,

Assistant Director, Management and Budget.

July 9, 1982.

[FR Doc. 82-20776 Filed 7-30-82; 8:45 am]

BILLING CODE 4310-05-M

INTERSTATE COMMERCE COMMISSION

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-189

The following applications were filed in Region 2. Send protests to: ICC Federal Reserve Bank Building, 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

This was first published in the **Federal Register** dated July 6, 1982. MC 152726 (Sub-II-2TA), filed June 21, 1982. Applicant: CENTRAL VALLEY TRANSPORTATION, INC., P.O. Box 125, Howard, PA 16841. Representative: Raymond A. Richards, 35 Curtice PK, Webster, NY 14580. *Scrap metals,* from points in NY to points in NJ and PA. Applicant intends to tack this authority with MC-152726 Sub 1. An underlying ETA seeks 120 days authority. Supporting shipper(s): Roth Steel Corp., 800 W. Hiawatha Blvd., Syracuse, NY 13204. The purpose of this republication is to show applicant intends to tack this authority.

MC 86690 (Sub-II-9TA), filed July 19, 1982. Applicant: BOND TRANSFER CO., INC., 1301 Towson St., Baltimore, MD 21230. Representative: Leonard W. Smith, III (same address as above). Contract, irregular: *Cleaning compounds and related products and materials, equipment and supplies used in the manufacture of the above commodities,* from Baltimore, MD, Bristol, PA and Patterson, NJ to points in CT, DE, ME, MA, MD, NH, NJ, NY, NC, OH, PA, RI, VA, VT, SC, WV and DC. Supporting shipper(s): Purex Corp., 1414 N. Radcliff St., Bristol, PA 19007.

MC 157608 (Sub-II-2TA), filed July 19, 1982. Applicant: DANIEL W. LANG, d.b.a. DANDY INTERMODAL SERVICE, 11444 Perry Hwy., Wexford, PA 15090. Representative: David W. Donley, 610 Smithfield St., Suite 400, Pittsburgh, PA 15222. Contract; irregular: *General commodities (except commodities in bulk and class A or B explosives)* between points in the U.S. (except AL & HI), under continuing contract with General Nutrition Corporation. Supporting shipper: General Nutrition Corporation, 3125 Preble Ave., Pittsburgh, PA 15233.

MC 161248 (Sub-II-2TA), filed July 20, 1982. Applicant: JAMES L. MANNING d.b.a. DIRECT EXPRESS, 1742 Lonna Dr. N.W., Roanoke, VA 24019. Representative: James L. Manning (same address as applicant). Contract, irregular: *Pulp, paper, and related products* between Big Island, VA on the one hand, and, on the other, Bristol, PA, under continuing contract(s) with Owens-Illinois, Inc. An underlying ETA seeks 120 days authority. Supporting shipper(s): Owens-Illinois, Inc., P.O. Box 28, Big Island, VA 24526.

MC 161158 (Sub-II-2TA), filed July 19, 1982. Applicant: FAUST TRAVEL SERVICE, INC., 1234 Market St. Philadelphia, PA 19107. Representative: David F. Itkoff, 1234 Market St., Suite 2050, Philadelphia, PA 19107. Common, regular: *Passengers in Special and Charter Operations,* originating at Baltimore Ave. and Church Lane, Philadelphia, PA, then East on Church Lane (South on RT. 13) to 700 Church Lane (2nd Stop), then East on 70th St. to East on Greenway Ave. to Kingsessing Ave., and East on 64th St. at Woodland Ave. (3rd Stop), then South at Woodland Ave. to 70th St., and East on 70th St. to 70th St. and Grovers Ave. (4th Stop), then west on Lindbergh Blvd. to 63rd St., East on 63rd St. to Passyunk Ave. and East to 20th St. and Passyunk Ave. (5th Stop), then South on Broad St. over Walt Whitman Bridge to N.S. Freeway (RT. 42) to Atlantic City Expressway to Arctic Ave., North on Arctic Ave. and East on Pennsylvania Ave., Atlantic City, NJ and return via the same route. An underying ETA seeks 120 days authority. Supporting shipper: Resorts International Hotel Casino, N. Carolina Ave., Atlantic City, NJ 08404.

MC 8535 (Sub-II-6TA), filed July 19, 1982. Applicant: GEORGE TRANSFER and RIGGING COMPANY, INCORPORATED, P.O. Box 550, Parkton, MD 21120. Representative: Charles J. McLaughlin (same address as applicant). *Meat, meat products, meat by-products and articles distributed by meat packinghouses* from points in NE to points in AL, FL, GA, NC and SC. An underlying ETA seeks 120 days authority. Supporting shipper(s): Beef Nebraska Inc., Omaha, NE 68107; Cagle's, Inc., 2000 Hills Ave., NW, Atlanta, GA 30302.

MC 150148 (Sub-II-3TA), filed July 19, 1982. Applicant: KANAWHA CARTAGE COMPANY, 85 E. Gay St., Columbus, OH 43215. Representative: Earl N. Merwin (same address as applicant). Contract, irregular: *General commodities (except commodities in bulk, household goods and Classes A & B explosives)* between points in WV, on the one hand, and, on the other, Cincinnati and Columbus, OH, under continuing contract(s) with Greater South Traffic Service, Inc. Restricted to traffic having a prior or subsequent movement by rail. An underlying ETA seeks 120 days authority. Supporting shipper(s): Greater South Traffic Service, Inc., 375 Glensprings Dr., Suite 155, Cincinnati, OH 45246.

MC 133009 (Sub-II-1TA), filed July 20, 1982. Applicant: MOORE TRUCKING, INC., 2160 Community Rd., Bath, PA 18014. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966. *Gypsom, in bulk, in dump vehicles,* from Stoney Point, NY to Lehigh and Northampton Counties, PA. An underlying ETA seeks 120-days authority. Supporting shipper: United States Gypsum Co, 110 S. Wacker Dr. Chicago, IL 60606.

MC 107012 (Sub-II-228TA), filed July 20, 1982. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West., P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (same as applicant). Contract irregular: *General commodities (except household goods, classes A & B explosives, and commodities in bulk)* between points in the U.S., under continuing contract(s) with Digital Equipment Corp., of Northborough, MA, for 270 days. Supporting shipper: Digital Equipment Corp., 450 Whitney St., Northborough, MA 01532.

MC 163046 (Sub-II-1TA), filed July 20, 1982. Applicant: VOYAGER II TRAVELS, INC., 3752 E. 127th St., Cleveland, OH 44105. Representitive: Christopher L. Gibbon, 1215 Terminal Tower, Cleveland, OH 44113. *Passengers and their baggage, in special and charter operations* between Cuyahoga County, OH, on the one hand, and, on the other, points on and east of ND, SD, NE, KS, OK and TX, for 180 days. Supporting shipper(s): Greenwich Street Club, 10921 Greenwich St, Cleveland, OH, Kinsman Ave. Church of God, 6902 Kinsman Rd, Cleveland, OH; Ward 2 Club, 3979 E. 116th St, Cleveland, OH.

The following applications were filed in Region 3. Send protests to: ICC, Regional Authority Center, Room 300, 1776 Peachtree Street, NE., Atlanta, GA 30309.

WC-63 (Sub-3-5TA), filed July 22, 1982. Applicant: BEARDSLEE LAUNCH & BARGE SERVICE, INC., P.O. Box 395, Foot of Government Street, Mobile, AL 36601. Representative: David Hilburn, Jr., (same as above). *Contract carrier, Bleached wood pulp,* from Monroeville, AL (Claiborne Port) by Alabama River to Mobile, AL (Mobile Port), under contract with Alabama River Pulp Mill, Inc. Supporting shipper: Alabama River Pulp Mill, Inc., P.O. Box 100, Perdue Hill, AL 36470.

MC 155314 (Sub-3-7 TA), filed July 23, 1982. Applicant: R.C. HOFFMAN ENTERPRISES, INC., P.O. Box 3927, Lake Wales, FL 33852. Representative: H. Barney Firestone, 180 N. Michigan Avenue, Chicago, IL 60601. *Meats, meat products and meat byproducts,* between points in IN, on the one hand, and, on the other, points in NY, MA, NJ, CT, RI, NH, VT, and ME. Supporting Shipper: Stadler Packing Co., P.O. Box 347 Columbus, IN 47201.

MC 156944 (Sub-3-4 TA), filed July 23, 1982. Applicant: LARRY EDISON MORGAN, d.b.a. MORGAN TRUCKING, Route 1, Box 419-D, Arden, NC 28704. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *Contract:* irregular: *Bottled juices,* from Bradenton, FL and its commercial zone to points in TN, KY, SC, VA and GA, and return, under continuing contract(s) with Biltmore Dairy Farms, Inc. and Flav-O-Rich. Supporting shipper(s): Biltmore Dairy Farms, Inc., 1 Vanderbilt Rd., Ashville, NC 28813 and Flav-O-Rich, Inc., 315 Erin Dr., P.O. Box 10607, Knoxville, TN 37919.

MC 163021 (Sub-3-1 TA), filed July 22, 1982. Applicant: NUSS TIMBER CO., INC., P.O. Box 427, (Hwy 5 So), Pine Hill, AL 36769. Representative: Ronald L. Stichweh, 727 Frank Nelson Bldg., Birmingham, AL 35203. Contract: Irregular: *General Commodities (except Classes A and B explosives, household goods, and bulk commodities)* between points in AL, MS, GA, TN, FL, LA, and TX to serve the following companies under continuing contracts with such companies: MacMillan Bloedel, Inc.; Forest Lumber Company; Metropolitan Lumber Company, Inc., Southeast Region; Georgia-Pacific Corporation; Stringfellow Lumber Co., Inc.; A. L. Sandlin Lumber Company, Inc.; Webb Lumber Company, Inc.; Magnolia Forest Products, Inc.; Dobbins Forest Products, Inc.; Dobbins Bros. Lumber Company; and, Scotch Lumber Company. There are 11 statements in support attached to this application.

The following applications were filed in region 4: Send protests to: ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 128920 (Sub-4-1), filed July 22, 1982. Applicant: CHARLSEN TRUCKING SERVICE, INC. 1030 4th Ave. South, Stillwater, MN 55082. Representative: Robert E. Swanson, 1211 South 6th Street, Stillwater, MN 55082. *Contract* irregular: *Materials and supplies used in the operation of a general store and sale of grocery products* between St. Paul, Minneapolis and Stillwater, MN and Green Bay, Neenah, Menasha, Appleton, WI and Chicago, IL restricted to traffic moving under continuing contract with Cub. Foods, Inc. supporting shipper: Cub Foods, Inc. 127 Water Street, Stillwater, MN 55082.

MC 148994 (Sub-4-4TA), filed July 22, 1982. Applicant: MICHAEL W. AMABILE, d.b.a. TRIPLE AAA TRUCKING, 29891 Red Arrow Highway, Paw Paw, MI 49079. Representative: Nancy J. Amabile (same as applicant). *Contract* irregular: *Food and Related Products from Tampa, FL to points in AL, AR, GA, IA, IL, IN, KY, LA, MI, MN, MO, MS, NC, OH, SC, TN, VA, WI, and WV under continuing contract(s) with Turbana Banana Co. Supporting shipper: Turbana Banana Co., 2701 LeJeune Road, Coral Gables, FL 33134. There is no underlying ETA filed.*

MC 150365 (Sub-4-3TA), filed July 22, 1982. Applicant: UNITED LIMO, INC., 12495 McKinley Highway, Mishawaka, IN 46545. Representative: James Robert Evans, 145 W. Wisconsin Avenue, Neenah, WI 54956. *Passengers and their baggage,* in special and charter operations, beginning and ending at points in Elkhart and St. Joseph Counties, IN, Berrien County, MI, and extending to Washington, DC, Chicago, IL, New Orleans, LA, St. Louis, MO, and their commercial zones, Atlanta, GA, Sandusky, OH, Knoxville and Nashville, TN. There are thirteen supporting shippers.

MC 163073 (Sub-4-1TA), filed July 21, 1982. Applicant: RONALD H. LANCASTER, d.b.a. LANCASTER TRUCKING, Route 2, Box 30, Kennebec, SD 57544. Representative: Thomas J. Simmons, P.O. Box 480, Sioux Falls, SD 57101. *Lumber and wood products,* from the facilities of Owen and Hurst Lumber Company, at or near Eureka, MT, to points in TA, KS, and NE. An underlying ETA seeks 90 days authority. Supporting Shipper: Owen and Hurst Lumber Company, Box 833, Eureka, MT 59917.

MC 163074 (Sub-4-1TA), filed July 22, 1982. Applicant: DONALD J. VAN WIEREN, d.b.a. D & J TRUCKING, 226 Golden Rain St., N.W., DeMotte, IN 46310. Representative: Richard D. Howe, Myers, Knox & Hart, 600 Hubbell Building, Des Moines IA 50309. *(1) Asphalt building or roofing materials, and (2) liquid asphalt,* (1) from Bedford Park, IL, to points in IN, IA, MI, OH, and WI and (2) from Whiting, Hammond, and Logansport, IN, to Bedford Park, IL. Supporting shipper: IKO Manufacturing, Inc., 6600 S. Central Avenue, Chicago, IL 60638.

MC 15735 (Sub-4-23TA), filed July 21, 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 Employee Transfer Corporation. Supporting shipper: Employee Transfer Corporation of Chicago, IL.

MC 44469 (Sub-4-1TA), filed July 16, 1982. Applicant: WEST BEND TRANSIT AND SERVICE COMPANY, 105 Forest Avenue, P.O. Box 477, West Bend, WI 53095. Representative: Richard D. Armstrong, 925 Hyland Drive, Stoughton, WI 53589. Transporting *General commodities* (except Classes A and B explosives) between Milwaukee, WI and points in its commerical zone and points in Dodge, Fond du Lac, Ozaukee, Sheboygan and Washington Counties, WI, Supporting shippers; Clipper Express Co. Milwaukee, WI; Express Freight Lines, Inc., Milwaukee, WI; and Advance United, West Allis, WI.

MC 51146 (Sub-No. 4-62TA), filed July 21, 1982. Applicant: SCHNEIDER TRANSPORT, INC. P.O. Box 2298, Green Bay, WI 54306. Representative: Thomas E. Vandenberg, P.O. Box 2545, Green Bay WI 54306. *Contract* irregular. *Paper, paper products and plastic products,* from Jackson, TN and Anderson, SC to Watertown, WI, under continuing contract(s) with the Menasha Corporation. Supporting shippers: Menasha Corporation, P.O. Box 367, Neenah, WI 54956.

MC 52793 (Sub-4-22TA), filed July 19, 1982. Applicant: BEKINS VAN LINES CO., 333 South Center Street, Hillside, IL 60162. Representative: David A Gallagher (same address as applicant). *Contract* irregular. *Small business computers* between points in the U.S., except AK and HI. Restricted to traffic moving under continuing contract with

Basic Four Corporation. Supporting shipper: Basic Four Corporation, 14101 Myford Road, Tustin, CA 92680.

MC 119936 (Sub-4–4TA), filed July 21, 1982. Applicant: FAIRFIELD MORTOR TRANSPORTATION COMPANY, 4350 W 123rd Street, Alsip, IL 60658. Representative: Stephen H Loeb, Suite 4, 2777 Finley Road, Downers Grove, IL 60515. *Food and related productions,* from the facilities of Joan of Arc Co., Inc., at Mayville, WI, and Hoopeston and Princeton, IL to points in IN, IL, KY, MI, MN, MO, OH, and WI. Supporting shipper: Joan of Arc Co., Inc., 2231 W. Altorfer Drive, Peoria, IL 61615.

MC 123263 (Sub-4–1TA), filed July 21, 1982. Applicant: FLOYD R. WANGERIN AND LORRAINE C. WANGERIN, a partnership, d.b.a. WANGERIN TRUCKING CO., Rural Route 2, Stephenson, MI 49887. Representative: Michael S. Varda, P.O. Box 2509, Madison, WI 53701. Transporting (1) *hydraulic hose fittings and components* from Menominee, MI, to points in the U.S. in and east of ND, SD, NE, CO, and NM, and, on return, (2) *steels* from points in the Chicago, IL, Commercial Zone to Menominee, MI, for 270 days. Supporting shipper: Hose Couplings Manufacturing, Inc., 5400 13th Street, Menominee, MI 49858.

MC 133189 (Sub-4–16TA), filed July 19, 1982. Applicant: VANT TRANSFER, INC., 1257 Osborne Road, Minneapolis, MN 55432. Representative: John B. Van de North, Jr., Briggs and Morgan, 2200 First National Bank Building, St. Paul, MN 55101. *Lumber and wood products,* between ports of entry on the international boundary between the United States and Canada in MI, MN and WA, on the one hand, and, on the other, points in MN, IA, WI, IL, MI, SD, NE, KS and MO. Supporting shipper: MacMillan Bloedel Limited, 10th Side Road South, Twp. of Paipoonge, Thunder Bay, Ontario CANADA P7C 4W6.

MC 142291 (Sub-4–2TA), filed July 21, 1982. Applicant: MDI, INC., 6202 Concord Blvd. E., Inver Grove Hts, MN 55075. Representative: Robert P. Sack, P.O. Box 21–307, Eagan, MN 55121. *Animal feed and feed ingredients,* from Waseca County, MN to points in the U.S. (except AK and HI). Applicant also has an underlying ETA seeking authority for 120 days. Supporting shipper: Heger Company, 2562 E. 7th Ave., North St. Paul, MN 55109.

MC 145246 (Sub-4–8TA), filed July 21, 1982. Applicant: A. E. SCHULTZ CORPORATION, 901 Lyndale Ave., Neenah, WI 54956. Representative: Frank M. Coyne, 25 W. Main St., Madison, WI 53703. *Paper and paper products,* from points in Marathon, Winnebego, Brown, Fond du Lac, Shawno and Outagamie Counties, WI to points in WY, MT, ID, UT, ND, SD, NE, MN, MI, IL, IN, and CO. Supporting shipper: Hoffmaster Company, Inc., 2920 N. Main St., Oshkosh, WI 54901, Riverside Paper Company, P.O. Box 179, Appleton, WI 54912.

MC 145246 (Sub-4–9TA), filed July 21, 1982. Applicant: A. E. SCHULTZ CORPORATION, 901 Lyndale Ave., Neenah, WI 54956. Representative: Frank M. Coyne, 25 West Main St., Madison, WI 53703. *Rough Iron Castings,* from Neenah, WI to points in the lower peninsula of MI. Supporting shipper: Neenah Foundry, 2121 Brooks Ave., Neenah, WI 54956.

MC 150497 (Sub-4–3TA), filed July 19, 1982. Applicant: D AND R TRUCKING CO., P.O. Box 38, Hoople, ND 58243. Representative: Richard P. Anderson, P.O. Box 2581, Fargo, ND 58108. *Contract* irregular. *Such commodities as are dealt in or used by wholesale distributors of alcoholic beverages,* from Franklin Park, IL; Cincinnati, OH; Frankfort, KY; Jacksonville, FL; Memphis, TN; and points in the Minneapolis, MN commercial zone to Fargo and Bismarck, ND under contract(s) with Ed. Phillips & Sons Company of North Dakota. Supporting shipper: Ed. Phillips & Sons Company of North Dakota, 323 North 5th Street, Fargo, ND 58102.

MC 163040 (Sub-4–1TA), filed July 19, 1982. Applicant: ROGER MATTOX d.b.a. MATTOX MOTOR SERVICE, 9638 South Harvard Ave., Chicago, IL 60628. Representative: Roger Mattox (same address as applicant). *Aluminum, Aluminum Scrap, Chemicals, Crucibles, Bantomite, Steel Shot Grit, 2 Flux, 103 Wet Flux, and other foundry supplies, parts, and related articles used in the manufacture, sales and distribution thereof,* between Chicago IL, on the one hand, AR, IL, IN, IA, KY, MI, MN, MO, OH, TN, and WI, on the other. Supporting shipper: Amcor Division Metal Chemical Corp., 3604 Morgan Street, Chicago, IL 60606, Donald Carroll Metal Inc., 201 N. Division Street, Bensenville IL 60106, Moniger Foundry Supply Inc., 2725 N. Thatcher, River Grove IL 60171, Hall Aluminum Co., 1751 State Street, Chicago Heights, IL 60411.

MC 163041 (Sub-4–1), filed July 19, 1982. Applicant: MONROE LEASING & TRANSPORTATION CO., R.R. 1 Box 28, Columbia, Illinois 62236. Representative: Joseph A. Christ (same address as above). Transporting *Household appliances and food and related products (except commodities in bulk),* between Points in St. Clair, Madison and Randolph Counties, IL., on the one hand, and, on the other, points in MI and WI. Supporting shippers: Peerless-Premier Appliance Company, P.O. Box 505, 331 So. 14th St. Belleville, IL 62222; Golden Dipt Company, 100 East Washington, Millstadt, IL 62260; Gateway Food Products Co., 1728 No. Main, P.O. Box 278, Dupo, IL 62239; Robert "Chick" Fritz, Inc., Box 270C R. No. 1, Belleville, IL 62221.

MC 163052 (Sub-4–1TA), filed July 20, 1982. Applicant: ALBERT R. MATHEY AND FRANCIS E. MATHEY, d.b.a. AM/FM TRUCKING, 650 Edward Street, Sycamore, IL 60178. Representative: Stephen H. Loeb, Suite 4, 2777 Finley Road, Downers Grove, IL 60515. *Contract, Irregular: Malt beverages and empty containers,* between Sycamore, IL, on the one hand, and, on the other, Memphis, TN, Longview, TX, Milwaukee and Monroe, WI, Winston-Salem, NC, and Chicago, IL, under contract with B.B. Distributors, Inc. Supporting shipper: B.B. Distributors, Inc., 321 Park Ave, Sycamore, IL 60178.

MC 163053 (Sub-4–1TA), filed July 20, 1982. Applicant: FRANCIS O. FRIEBE, an individual, 1825 Piedmont Avenue, Duluth, Minnesota 55811. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402. *Soybean oil* from Wellston, OH to Joliet, IL. Supporting shipper: G&R Enterprises, 325 University Dr., Thunder Bay, Ontario, P7C–2C5.

MC 163054 (Sub-4–1TA), filed July 19, 1982. Applicant: PETER B. McCONAHAY, d.b.a. McCONAHAY TRUCKING, P.O. Box 5722, Lafayette, IN 47903. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian Street, Indianapolis, IN 46204, (317) 635–2339; Brent E. Clary, P.O. Box 469, Lafayette, IN 47902, (219) 742–9066. *Contract:* irregular. *General commodities* (except classes A and B explosives, household goods and commodities in bulk), between the facilities of Aluminum Company of America (ALCOA) located at Lafayette, Newburgh and Richmond, IN and Alcoa Tech Center, PA, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, under continuing contract(s) with Aluminum Company of America (ALCOA), of Pittsburgh, PA. Supporting shipper: Aluminum Company of America (ALCOA), 1501 Alcoa Building, Pittsburgh, PA 15219. Underlying ETA seeks 120 days authority.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, P.O. Box 17150, Fort Worth, TX 76102.

MC 79658 (Sub-5–3TA), filed July 19, 1982. Applicant: ATLAS VAN LINES, INC., Post Office Box 509, Evansville, IN 47711. Representatives: Robert C. Mills, Michael L. Harvey, 1212 St. George Road, Evansville, IN 47711. *Data processing equipment and equipment, materials, parts and supplies used in the manufacture, repair and installation of computer equipment* between all points in the US (except AK and HI) under continuing contracts with Storage Technology Corporation, Louisville, CO.

MC 102546 (Sub-5–4TA), filed July 19, 1982. Applicant: BLUE FLASH EXPRESS, INC., Route 1 Box 233, Zachary, LA 70791. Representatives: L. F. Aguillard (same as applicant). Contract; Irregular. *Commodities (Ammonium Bisulfite)* between Houston, TX and Galliano, LA. Supporting shipper: Coco Resources Inc., I–12 at 3333 Drusilla, Baton Rouge, LA 70809.

MC 120633 (Sub-5–2TA), filed July 19, 1982. Applicant: SPECIALIZED CARRIERS, INC., P.O. Box 24279, Houston, TX 77013. Representatives: Josiah M. Daniel, III, P.O. Box 9158, Amarillo, TX 79105. *Lumber in bulk on flat-bed trailers,* from Bend and Klamath Falls, OR, on the one hand, to Amarillo, TX, on the other. Supporting shipper: Maywood, Inc., P.O. Box 30550, Amarillo, TX 79120.

MC 142288 (Sub-5–4TA), filed July 19, 1982. Applicant: HAMILTON TRUCKING COMPANY OF OKLAHOMA, INC., 12612 E. Admiral Place, Tulsa, OK 74116. Representatives: Fred Rahal, Jr., Suite 305 Reunion Center, 9 East Fourth Street, Tulsa, OK 74103. Contract, Irregular. (1) *Commodities in bulk and metal articles,* between points in the U.S., under continuing contract(s) with OK Grain, a Division of ConAgra, Inc., Port of Catoosa, OK; and (2) *Silica sand and cement clinker,* between points in the U.S., under continuing contract(s) with Martin Marietta Corporation, Bethesda, MD. Supporting shippers: OK Grain, a Division of ConAgra, Inc., P.O. Box N, Catoosa, OK 74015. Martin Marietta Corporation, 6801 Rockledge Drive, Bethesda, MD 20817.

MC 145925 (Sub-5–3TA), filed July 19, 1982. Applicant: TRANS CONTINENTAL LEASING, LTD., 8920 Pershall Road, Hazelwood, MO 63042. Representative: B. W. LaTourette, Jr. 11 South Meramec, Suite 1400, St. Louis, MO 63105. Contract, Irregular; *General Commodities (except Classes A and B explosives, household goods and commodities in bulk)* between pts in the US, except AK and HI, under continuing contract with Heimburger, Inc., Consolidated Flavor Corp., Golden Dipt Company, Division of DCA Food Industries, Inc., and Lever Brothers Company. Supporting shippers: Golden Dipt Company, Division of DCA Food Industries, Inc., Millstadt, IL 62260; Heimburger, Inc., St. Louis, MO 63104; Lever Brothers Company, St. Louis, MO 63133: Consolidated Flavor Corp., Bridgeton, MO 63044.

MC 158733 (Sub-5–3TA), filed July 19, 1982. Applicant: LEONARD FEED & GRAIN, INC., 5511 16th Ave., S.W., Cedar Rapids, IA 52404. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Fertilizers,* between points in Eddy County, NM; Whiteside County, IL; and Jasper County, MO, and Kansas City, MO, on the one hand, and, on the other, points in IA. Supporting shipper: Conrad Cooperative, P.O. Box 160, Conrad, IA 50621.

MC 162151 (Sub-5–2TA), filed July 19, 1982. Applicant: NORTH SIDE PRODUCE COMPANY, 6029 North 16 Street, Omaha, NE 68101. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Contract; Irregular. *Meat and meat products* from Sioux Falls, SD to Offutt Air Force Base, NE under continuing contract(s) with John Morrell & Co. Supporting shipper: John Morrell & Co., 208 South LaSalle Street, Chicago, IL 60604.

MC 163017 (Sub-5–1TA), filed July 19, 1982. Applicant: SUNRISE EXPRESS, INC., 2000 Des Moines St., Des Moines, IA 50317. Representative: Kenneth Gilliam, 2000 Des Moines St., Des Moines, IA 50317. Contract; Irregular. *Carpet, Padding, Floor Tile, display and advertising materials and other articles related to covering of floors.* Between points in the U.S. Supporting shipper: Iowa Carpet Movers Association, West Des Moines, IA 50265.

MC 163019 (Sub-5–1TA), filed July 19, 1982. Applicant: OLSON EXPLOSIVES, INC. d.b.a. OLSON TRUCKING, R.R. 6, Box 384, Decorah, IA 52101. Representative: Richard L. Gill, 1805 American National Bank Bldg., Saint Paul, MN 55101. Contract, Irregular *general commodities (except household goods)* between points in the U.S. under four continuing contracts with New Concepts Pre-Mix Co., Inc., Weise Farm Sales, Lang Dairy Supply, and Calumet Dairy Supply. Support shippers: New Concepts Pre-Mix Co., Inc., Highway 9 East, Box 32, Decorah, IA 52101; Wiese Farm Sales, Route 2, Box 94, Northfield, MN 55057; Lang Dairy Supply, Montgomery Street, Decorah, IA 52101; Calumet Dairy Supply, Route 1, Brillion, WI 54110.

MC 163020 (Sub-5–1TA), filed July 19, 1982. Applicant: BAGGETT TRUCKING, Rt. 1, Box 63, Warren, AR 71671. Representative: Richard L. Roper, P.O. Box 191, Warren, AR 71671. *Lumber and wood products* between Bradley County, AR and points in the U.S. Supporting shipper: Potlatch Corporation, Warren, AR 71671.

MC 115554 (Sub-5–7TA), filed July 23, 1982. Applicant: HEARTLAND EXPRESS, INC. of Iowa, P.O. Box 89B, RR6, Iowa City, IA 52240. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. *Paper and paper products,* from Savannah, GA and Montgomery, AL to points in and east of MN, IA, MO, AR, and LA. Supporting shipper: Union Camp Corporation, P.O. Box 570, Savannah, GA 31402.

MC 142463 (Sub-5–4TA), filed July 21, 1982. Applicant: SPECIALIZED HAULING, INC., 1500 Omaha St., Sioux City, IA 51103. Representative: D. Douglas Titus, 340 Insurance Exchange Building, Sioux City, IA 51101. *Contract;* irregular; *metal products and machinery,* between points in AZ, AR, CA, CO, GA, ID, IL, IN, IA, KS, KY, ME, MA, MI, MN, MO, MT, NE, NV, NH, NJ, NM, NY, ND, OH, OK, OR, PA, SD, TN, TX, UT, VT, WA, WI, and WY. Supporting shipper: 9.

MC 147648 (Sub-5–2TA), filed July 23, 1982. Applicant: ROBERT L. PERKINS AND JOYCE ANN PERKINS d.b.a. PERKINS TRANSPORT SERVICE, 4913 Maple Street, Omaha, NE 68104. Representative: James F. Crosby, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. *Recreational, travel, and mobile vehicles,* between points in St. Louis County, MN, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Bullyan Trailer Sales, Duluth, MN 55811.

MC 149172 (Sub-5–3TA), filed July 22, 1982. Applicant: HOFFMANN TRUCKING, INC., Route 1, Old Hwy. 81 North, Chickasha, OK 73018. Representative: Charles E. Munson, P.O. Box 1945, Austin, TX 78767. *Metal articles,* between Houston, TX, and the Port of Houston, TX, on the one hand, and, on the other, points in TX, OK, KS, NE and CO. Supporting shippers: Midwest Iron and Metal Co., Inc., Hutchinson, KS, D & L Tank Co., Inc., Rolla, KS; Heley Enterprises, Prairie Village, KS, Razien Metals Co., Woodward, OK.

MC 150422 (Sub-5–2TA), filed July 22, 1982. Applicant: CONAGRA TRANSPORTATION, INC., 5440 West Channel Road, Catoosa, OK 74015.

Representative: Peter A. Greene, 1920 N Street, N.W., Washington, D.C. 20036. Contract, Irr.; (1) *Farm products,* and (2) *food and related products,* between points in the U.S. (except AK and HI), under continuing contracts with Ralston Purina Co. Supporting shipper: Ralston Purina Co., Checkerboard Square, St. Louis, MO 63164.

MC 152277 (Sub-5–7TA), filed July 23, 1982. Applicant: LONG MILE RUBBER COMPANY, 155 South Court, Exchange Park, Dallas, TX 75245. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. *Food and related products* from points in IL and IA to points in TX. Supporting shipper(s): Texas Laboratories, Inc., P.O. Box 20838, Dallas, TX 75220.

MC 152277 (Sub-5–8TA), filed July 23, 1982. Applicant: LONG MILE RUBBER COMPANY, 155 South Court, Exchange Park, Dallas, TX 75245. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. *Food and related products* from points in CA, OR, WA, ID, MT, NE, ND, SD, WI, MN, UT, CO, WY, and IA to points in TX, LA and AR.

MC 161874 (Sub-5–2TA), filed July 23, 1982. Applicant: B & D TRANSPORTATION, INC., P.O. Box 37581, Omaha, NE 68137. Representative: James F. Crosby, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. Contract, irregular; *Food and related products,* between points in the U.S. (except AK and HI), under a continuing contract(s) with Cornnuts, Inc. of Oakland, CA. Supporting shipper: Cornnuts, Inc., Oakland, CA 94603.

MC 163061 (Sub-5–1TA), filed July 21, 1982. Applicant: HOWELL (MACK) TUBRE, d.b.a. BENGAL MOBILE HOME SERVICE, 19913 Hoo Shoo Too Road, Baton Rouge, LA 70816. Representative: Janet Boles Chambers, 8211 Goodwood Blvd., Suite C–1, Baton Rouge, LA 70806. *Mobile homes, mobile trailers or portable buildings* between all points in the states of LA, MS, and TX. Supporting shipper: Citicorp Acceptance Company, Inc., Post Office Box 14149, Baton Rouge, LA 70898.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, 211 Main St., Suite 501, San Francisco, CA 94105.

MC 133589 (Sub-6–2TA), filed July 19, 1982. Applicant: BCT, INC., P.O.B. 7219, Boise, ID 83707. Representative: James R. Daly (same as applicant). *Contract carrier,* irregular routes: *Kitchen cabinets, bathroom vanities, bookshelves, hutches, and parts, materials, supplies and equipment used in the manufacture and distribution thereof* between points in the U.S. (except AK & HI), under continuing contract with American Woodmark Corporation, for 270 days. Supporting shipper: American Woodmark Corp., P.O.B. 514, Berryville, VA 22611.

MC 123157 (Sub-6–4TA), filed July 19, 1982. Applicant: CTI, a corporation, P.O.B. 397, Rillito, AZ 85246. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. *Wallboard and plastering materials,* from Plaster City, CA to Tucson, AZ, for 270 days. An underlying ETA seeks 90 days authority. Supporting shipper: A & H Building Materials Co., Inc., P.O.B. 42227, Tucson, AZ 85733.

MC 144040 (Sub-6–3TA), filed July 19, 1982. Applicant: PINETREE TRANSPORTATION CO. d.b.a. CALIFORNIA CHARTER BUSES, INC., 6400 Westminster Ave., Westminster, CA 92683. Representative: Robert J. Corber, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. *Passengers and their baggage in the same vehicle with passengers* in charter operations: (1) in interstate and foreign commerce, beginning and ending at points in CA and extending to points in the U.S. (including AK but excluding HI), and (2) in foreign commerce only, beginning and ending in Whatcom County, WA and extending to points in the U.S. (including AK but excluding HI), for 180 days. Supporting shippers: There are six shippers. Their statements may be examined at the Regional Office listed above.

MC 163022 (Sub-6–1TA), filed July 19, 1982. Applicant: JOHN LEWIS, d.b.a. CASINO BUS LINES, INC., 313 Flint St., Reno, NV 89501. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108. *Passengers and their baggage, in the same vehicle with passengers, in special operations,* between points in Alameda County and San Francisco, CA, on the one hand, and Crystal Bay, NV, for 180 days. Supporting shipper: Cloud's Cal-Neva Hotel & Casino, P.O.B. 368, Crystal Bay, NV 89402.

MC 147470 (Sub-6–3TA), filed July 20, 1982. Applicant: RAY COBB TRANSPORTATION, 130 Railroad Avenue, Monrovia, CA 91016. Representative: Floyd L. Farano, 2555 E. Chapman Ave., Suite 415, Fullerton, CA 92631. *Contract Carrier,* Irregular Route: *new and used automobiles* between points in the U.S. except AK, under continuing contracts with Ship-Rite Transporters, Inc., Delorean Motor Cars of America and Auto Movers, Inc., for 270 days. An underlying ETA seeks 120 day authority. Supporting shippers: Ship Rite Transporters, Inc., 262 Adams Blvd., Farmingdale, NY 11735; Auto Movers, Inc., 13090 Park Street, Santa Fe Springs, CA 90670; Delorean Motor Cars of America, 2055 S.E. Main, Irvine, CA 92714.

MC 163043 (Sub-6–1TA), filed July 19, 1982. Applicant: JULIANA M. DIERS d.b.a. COMSTOCK TRANSPORTATION, P.O.B. 1162, Sparks, NV 89431. Representative: Dennis M. Perez, P.O.B. 28656, Sacramento, CA 95828. *Contract Carrier,* Irregular routes: *Steel valve and steel valve parts,* between points in NV on the one hand and on the other, points in CA, OR, WA, UT, CO, OK TX, LA, KS, NE, IA, IL, and OH, for the account of Grove Valve & Reg. Company, for 270 days. Supporting shipper: Grove Valve & Reg. Company, 625 Greg St., Sparks, NV 89503.

MC 41098 (Sub-6–7TA), filed July 20, 1982. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K Street, NW., Washington, DC 20006. *Contract Carrier,* irregular routes, *general commodities* (except commodities in bulk and classes A and B explosives) between points in the U.S. under continuing contracts with Burroughs Corporation for 270 days. Supporting shipper: Burroughs Corporation, 1 Burroughs Place, Detroit, MI 48232.

MC 121759 (Sub-6–3TA), filed July 19, 1982. Applicant: KIMKRIS TRUCKING CO., INC., 1101 Wright Ave., Richmond CA 94804. Representative: Ara Shirinian, 100 Pine St., No. 2550, San Francisco, CA 94111. *Contract Carrier,* irregular routes: *video software, cartridges, games, programs and related materials and supplies, semi-conductor chips; plastic, printed materials, manuals and booklets,* between points in Los Angeles, Santa Clara, Alameda and Santa Cruz Counties, CA; Lake, Cook and DuPage Counties, IL; El Paso County, TX and Maricopa County, AZ, under a continuing contract(s) with Atari, Inc., Sunnyvale, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Atari, Inc., 1265 Borregas Ave., Sunnyvale, CA 94086.

MC 123061 (Sub-6–4TA), filed July 20, 1982. Applicant: LEATHAM BROTHER INC., P.O.B. 16026, Salt Lake City, UT 84116. Representative: Harry D. Pugsley, 940 Donner Way #379, Salt Lake City, UT 84108. *Contract Carrier,* irregular routes: *packaging and packaging products; equipment, materials and supplies used in the manufacture, assembly, sales and distribution thereof for Boise Cascade Corporation.* Between points in CA and points in UT, for the

account of Boise Cascade Corporation for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Boise Cascade Corp., P.O.B. 7747, Boise, ID 83707.

MC 152600 (Sub-6–2TA), filed July 22, 1982. Applicant: ARIZONA SOUTHERN CHARTER COACHES, LTD., 1802 No. 27th Ave., Phoenix, AZ 85009. Representative: Richard J. Herbert, 934 W. McDowell Rd., Phoenix, AZ 85007. *Common,* regular route, *passengers* and their *baggage, express* and *newspapers* from Mesa, Tempe, Scottsdale, Phoenix, Glendale, Peoria, Sun City, Morristown, Wickenburg, Wickieup and Kingman, AZ to Laughlin, NV, over U.S. 60–89 to Arizona 93 to I–40 to Arizona 68 to Nevada 163 and return, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Edgewater Hotel & Casino, 2020 So. Casino Dr., Laughlin, NV 89046.

MC 162722 (Sub-6–1TA), filed July 21, 1982. Applicant: JAMES M. BAIMBRIDGE, d.b.a. BAIMBRIDGE TRANSPORT, INC., Rt. 1, Box 213 G2, Riverton, WY 82501. Representative: James M. Baimbridge (same as applicant). *Cement, in bulk,* from Casper, (Natrona County) WY, to points in Washakie and Fremont Counties, WY; and from Three Forks, (Gallatin County) & Montana City, (Jefferson County), MT, to points in WY, for 270 days. Supporting shipper: McCormac Redimix, Inc., Hiway 20 West, Box 805, Worland, WY 82401.

MC 162888 (Sub-6–1TA), filed July 22, 1982. Applicant: G & G CONTRACTORS, 1806 Cornwall Ave, Bellingham, WA 98225. Representative: Leonard O. Davis (same as applicant). *Contract Carrier* irregular routes: *panelized sections of houses and building materials* from Bellingham, WA to Ports of Entry on the international boundary line between the U.S. and Canada thence through Canada to Ports of Entry on the international boundary line between U.S. and Canada located in AK thence to points in AK including Fairbanks and Anchorage, AK for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Rocky Mountain Cascade Corp., 1806 Cornwall Ave., Bellingham, WA 98225.

MC 151990 (Sub-6–3TA), filed July 22, 1982. Applicant: HIGH COUNTRY EXPRESS, INC., 40 W. Alameda, Denver, CO 80223. Representative: Robert W. Wright, Jr., 5711 Ammons St., Arvada, CO 80002. *General Commodities,* except class A or B explosives, having prior or subsequent movement via trailer on rail flat car; Between Denver, CO, on the one hand, and, on the other, points in CO, NM and UT, for 270 days. An underlying ETA seeks 120 days authority. Supporting Shipper: Burlington Northern Railroad, 1405 Curtis, Denver, CO 80202.

MC 730 (Sub-6–18TA), filed July 22, 1982. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., P.O.B. 8004, Walnut Creek, CA 94596. Representative: James B. Harbuck (same as applicant). *Contract Carrier,* Irregular routes: *General commodities* (except Class A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with E.I. duPont de Nemours & Co., Inc., and subsidiaries, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: E.I. duPont de Nemours & Co., Inc., 1007 Market St., Wilmington, DE 19898.

MC 163100 (Sub-6–1TA), filed July 23, 1982. Applicant: ROBERT SCOTT d.b.a. SCOTT TRUCKING SERVICE, 7643 Shadyoak Dr., Downey, CA 90240. Representative: Milton W. Flack, 8484 Wilshire Blvd., No. 840, Beverly Hills, CA 90211. *Contract Carrier,* Irregular routes: (1) *fireplace airheaters and ventilators* and *barbeque grills, and parts and accessories thereof,* from the facilities of Superior Fireplace Co., Division of Mobex Corporation, of Fullerton, CA, to points in AZ, CO, ID, NM, OR, UT and WA, under continuing contract(s) with Superior Fireplace Co., Division of Mobex Corporation, of Fullerton, CA, and (2) (a) *computer machines and parts and accessories thereof,* from Gardena, CA, to Phoenix, AZ, Denver, CO, Chicago, IL, Las Vegas and Reno, NV, Portland, OR, and Seattle, WA, and (b) *such commodities as are used by musical and theatrical entertainers,* between points in the U.S. (except AK and HI), under continuing contract(s) with Logical Distribution Management, of Gardena, CA, for 270 days. Supporting shippers: Superior Fireplace Co., Division of Mobex Corporation, 4325 Artesia Ave., Fullerton, CA 92633; Logical Distribution Management, 1649 W. 132nd St., Gardena, CA 90249.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–20751 Filed 7–30–82; 8:45 am]

BILLING CODE 7035–01–M

Long- and Short-Haul Application for Relief (Formerly Fourth Section Application)

July 27, 1982.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. within 15 days from the date of publication of the notice.

No. 43972, Consolidated Rail Corporation, reduced and increased rates on grocery store commodities, in box cars, from points in the Official Territory and Canada, on the one hand, and points in the Official Territory, on the other hand, in Tariff ICC CR 4184 issued by Consolidated Rail Corporation.

Grounds for relief: Motor Carrier Competition.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–20758 Filed 7–30–82; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 C.F.R. 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to

exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OP3–116

Decided: July 23, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 148484 (Sub-3), filed July 19, 1982. Applicant: REID HOT SHOT SERVICE, INC., P.O. Box 662, Dana Point, CA 92629. Representative: I. Robert Reid, Jr., (same address as applicant), (714) 493–0192. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 149195 (Sub-22), filed July 12, 1982. Applicant: ARCADIAN MOTOR CARRIERS, 1100 Siera St., Kingsburg, CA 93631. Representative: James F. Hauenstein (same address as applicant) (209) 897–4122. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 160274 (Sub-1), filed July 19, 1982. Applicant: JEFFRIES TRUCKING COMPANY, INC., 748 West Old 422, Butler, PA 16001. Representative: David Jeffries, (same address as applicant), (412) 283–4715. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 162984, filed July 15, 1982. Applicant: GO 98 CO., 820 East "D" St., Wilmington, Ca 90744. Representative: Ronald L. Hartman, 777 Flower St., Glendale, CA 91201, (213) 507–1200. Transporting, for or on behalf of the U.S. Government, *general commodities* (except used household good, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 162985, filed July 15, 1982. Applicant: AARON D. BEHMAN, R.D. #1, Box 932, New Holland, PA 17557. Representative: Aaron D. Gehman (same address as applicant), (717) 354–9922. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 163025, filed July 19, 1982. Applicant: MILES DUNGAN, d.b.a. J.R.M. EXPRESS, Rt. 1, Box 87, Italy, TX 76651. Representative: A. William Brackett, 623 S. Henderson, 2nd Fl. Fort Worth, TX 76104, (817) 332–4415. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Volume No. OP4–282

Decided: July 27, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.)

MC 163016, filed July 16, 1982. Applicant: DENNIS HUBBARD d.b.a. DENNIS HUBBARD TRUCKING, 317 E Main St., Gillettt, WI 54124. Representative: Richard C. Alexander, 710 N Plankington Ave., Milwaukee, WI 53203, (414) 273–7410. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and ferterlizers, and other soil conditioners,* by the owner of the motor vehicle

Senator Quayles. in such vehicle, between points in the U.S. (except AK and HI).

MC 163036, filed July 20, 1982. Applicant: ANTHONY'S DELIVERY SERVICE, INC., 1196 W Broad St., Columbus, OH 43222. Representative: Earl N. Merwin, 85 E Gay St., Columbus, OH 43215, (614) 224–3161. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), and *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).

Volume No. OP4–285

Decided: July 27, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.)

MC 163027, filed July 19, 1982. Applicant: WILLIAM R. LAWRENCE, d.b.a. C. C. ENTERPRIISES, Rt. 1, Box 104, Billings, MO 65610. Representative: William R. Lawrence, (same address as applicant), (417) 744–2014. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 121227 (Sub-4), filed July 20, 1982. Applicant: CALIFORNIA RAPID TRANSFER, INC., 6750 Federa Blvd., Lemon Grove, CA 92045. Representative: Troyce E. Pepper, (Same address as applicant), (714) 287–4202. (1) As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI), and (2) transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, and *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S. (except AK and HI).

Volume No. OP5-152

Decided: July 20, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 5428 (Sub-12), filed July 9, 1982. Applicant: LYON VAN LINES, INC., P.O. Box 5011, Carrollton, TX 75006. Representative: J. B. Stuart, (same address as applicant) (214) 446-1500. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 162699, filed June 28, 1982. Applicant: DOUGLAS PEIKER d.b.a. PEIKER'S TRUCKING, Revillo, SD 57259. Representative: Lavi Peiker, 511 So. Grant, Milbank, SD 57252, (605) 432-4465. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 162858, filed July 7, 1982. Applicant: XYZ TRANSPORT CORPORATION, 927 15th St., N.W., Washington, DC 20005. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101, 703-893-4924. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (Except AK and HI).

MC 162859, filed July 7, 1982. Applicant: NUCORP TRANSPORTATION SYSTEMS, INC., 700 Larsen Lane, Bensenville, IL 60106. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602, 312-726-6525. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except HI).

MC 162879, filed July 9, 1982. Applicant: TRUCK-TRACK, LTD., 427 Commercial Federal Tower, 2120 So. 72nd St., Omaha, NE 68124. Representative: Arthur J. Cerra, 2100 Charter Bank Center, P.O. Box 19251, Kansas City, MO 64141 (816) 842-8600. To operate as a *broker* of *general commodities* (except household goods) between points in the U.S. (except AK and HI).

MC 162899, filed July 12, 1982. Applicant: MOBILE TRANSPORTATION, INC., 6000 Gum Springs Road, Longview, TX 75067. Representative: William Sheridan, P.O. Box 5049, Irving, TX 75062, (214) 255-6279. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 162929, filed July 12, 1982. Applicant: SUNSET MESSENGER SERVICE, INC., 200 South Service Rd., Roslyn Heights, NY 11577. Representative: Richard R. Nuzzolese, (same address as applicant), 516-484-3337. 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).

MC 162939 filed July 12, 1982. Applicant: ROVAN, INC., 6 Carole Place, Old Bridge, NJ 08857. Representative: A. David Millner, 7 Becker Farm Rd., P.O. Box Y, Roseland, NJ 07068, (201) 992-2200. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

Volume No. OP5-154

Decided: July 22, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 120199 (Sub-1(b)), filed July 12, 1982. Applicant: H & L MOTOR TRUCKING SERVICE, INC., 134 Railroad Street, Revere, MA 02151. Representative: Hughan R. H. Smith, 26 Kenwood Place, Lawrence, MA 01841, (617) 657-6071. 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 or HI).

Note.—Balance of this application is shown under MC 120199 Sub 1(a).

MC 162958 filed July 13, 1982. Applicant: BRIAN PERKINS, d.b.a., B.P. & T TRUCKING, 129 Fogplain Rd., Waterford, CT 06385. Representative: Hughan R. H. Smith, 26 Kenwood Pl., Lawrence, MA 01841, 617-657-6071. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 162959 filed July 12, 1982. Applicant: EDWARD E. FISHER, d.b.a. P.C.T., 3340 Potter St., Eugene, OR 97405. Representative: Irene Gebe, 2629 S. E. 166th, Portland, OR 97236, (503) 233-5766. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 162979, filed July 15, 1982. Applicant: CROSSROADS TRUCKING CORP. P.O Box 693, 16 West Palisade Ave., Englewood, NJ 07631. Representative: Robert J. Gallagher 1000 Connecticut Ave., NW, Suite 1200, Washington, DC 20036, (202) 785-0024.Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

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Decided: July 26, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 151058 (Sub-1), filed July 7, 1982. Applicant: TRADEWIND ENTERPRISES, INC., P.O. Box 6611, Portland, OR 97228. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205, (503) 224-4840. 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).

MC 162878, filed July 9, 1982. Applicant: SUN COAST TRUCK BROKERS, INC. 2955 NW 75th St., Miami, FL 33147. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 NW 53rd St., Miami, FL 33166, (305) 592-0036. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 163009, filed July 16, 1982. Applicant: K & B INVESTMENT, INC., 52 Spring Creek Drive, Eugene, OR 97404. Representative: Barry Weintraub, Suite 510, 8133 Leesburg Pike, Vienna, VA 22180, (703) 442-8330. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-20761 Filed 7-30-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, See 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. One this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent any of the authority granted may dublicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OP5–151

Decided: July 20, 1982.

MC 149029 (Sub-6), filed July 1, 1982. Applicant: VANWORMER TRUCKING, INC., Star Route, Cranberry, PA 16319. Representative: Dwight L. Koerber, Jr., 110 No. Second St., P.O. Box 1320, Clearfield, PA 16830, (814) 765–9611. Transporting (1) *general commodies* (except classes A and B explosives, household goods, and commodities in bulk), between points in Mercer and Venango Counties, PA, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) *paper and paper products* between points in Crawford, Butler, Forest, and Warren Counties, PA, on the one hand, and, on the other, those points in the U.S. in and east of WI, IL, KY, TN, and MS.

MC 151819 (Sub-13), filed July 6, 1982. Applicant: CARGO-MASTER, INC., 2815 Gaston Ave., Dallas, TX 75226. Representative: Jackson Salasky (same address as applicant), (214) 824–6170. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in TX, OK, AR, LA, MS, AL, GA, FL, SC, NC, and TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 154349 (Sub-1), filed July 6, 1982. Applicant: VERNON MILLING COMPANY, INC., Hwy 18 West, P.O. Drawer R, Vernon, AL 35592. Representative: James W. Porter II, 1725–28 City Federal Bldg., Birmingham, AL 35203, (205) 322–1744. Transporting *clay* between points in the U.S. under continuing contract(s) with International Minerals & Chemicals Corporation, of Mundelein, IL.

MC 159008 (Sub-4), filed July 9, 1982. Applicant: NORTHERN CARRIERS, INC., 3814 11th St., Rockford, IL 61110. Representative: William D. Brejcha, 180 No. Michigan, Suite 1700, Chicago, IL 60601, (312) 263–1600. Transporting *such commodities* as are dealt in or used by manufacturers of paint and paint products, between points in the U.S. (except AK and HI), under continuing contract(s) with Valspar Corporation of Minneapolis, MN.

MC 160279 (Sub-2), filed June 25, 1982. Applicant: MBPXL TRANSPORTATION, INC., P.O. Box 2519, Wichita, KS 67201. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *pulp, paper and related products, wood products, and lumber,* between points in the U.S. (except AK and HI), under continuing contract(s) with Love Company, Inc., of Wichita, KS, and Westvaco Corporation of Kansas City, KS.

MC 160568 filed July 6, 1982. Applicant: COMMERCIAL STEEL ERECTION, INC., Route 7, Box 193, Ragland Road, Madison Heights, VA 24572. Representative: Terrell . Clark, P.O. Box 25, Stanleytown, VA 24168–0025, (703) 629–2818. Transporting *commodities which because of size or weight require the use of special equipment,* between Bedford and Lynchburg, VA and points in Amhurst, Bedford, and Campbell Counties, VA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 162579, filed June 21, 1982. Applicant: GOMEZ AND CO., INC., 161 Prescott Street, East Boston, MA 02128. Representative: Roger Gomez (same address as applicant), (617) 569–4020. Transporting *general commodities* (except household goods, classes A and B explosives, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 162669, filed June 25, 1982. Applicant: L. B. RYAN TRUCKING CO., 1209 S. Vivian (P.O. Box 355), Crane, TX 79731. Representative: L. B. Ryan (same address as applicant), 915–558–2942. Transporting *Mercer commodities* between points in TX, AR, LA, OK, KS, NM, SD, ND, AZ, CO, NE, MT, ID, NV, CA, OR, WA, UT, WY, MS, AL, GA, FL, SC, TN, KY, IL, IA, MN, WI, MI, IN, and MO.

MC 162799, filed July 6, 1982. Applicant: MISSOURI COMMERCIAL TRANSPORTATION CO., 1948 Northwest Bypass, Springfield, MO 65803. Representative: Bruce McCurry, 910 Plaza Towers, Springfield, MO 65804, (417) 883–7311. Transporting *clay, concrete, glass or stone products* between points in Crawford and Sebastian Counties, AR, Allen, Neosho and Wilson Counties, KS, and Mayes and Tulsa Counties, OK, on the one

hand, and, on the other, points in Christian, Greene, Lawrence, Polk, Stone, Taney, Webster and Wright Counties, MO.

MC 162839, filed July 7, 1982. Applicant: INFLATION FIGHTERS GROUP TOURS, INC., 5601 Slauson Ave., Bldg. A-1, No. 176, Culver City, CA 90230. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702, (714) 667-8107. Transporting *passengers and their baggage,* in the same vehicle with passengers, in charter operations, beginning and ending at points in Los Angeles, San Bernardino, and Kern Counties, CA, and extending to points in NV.

MC 162848, filed July 7, 1982. Applicant: DALE L. AND CHRISTINE M. O'NEILL, d.b.a. CHRISDAL TRANSPORTATION SERVICES, 1960 S.W. 187th, Aloha, OR 97006. Representative: Dale L. O'Neill (same address as applicant), (503) 649-2191. Transporting (1) *malt beverages and wine* between points in Los Angeles County, CA, on the one hand, and, on the other, Hood River and points in Multnomah County, OR, (2) *building materials, fertilizers, pesticides and herbicides,* between Portland, OR, on the one hand, and, on the other, points in WA, OR, CA, ID, MT, CO, WY, UT, NV, AZ, and NM, (3) *auto parts and accessories* between points in Fresno County, CA, on the one hand, and, on the other, Seattle, WA, and Portland, OR, and (4) *electronic equipment, supplies, and displays,* between points in Washington County, OR, on the one hand, and, on the other, points in WA, CA, NV, and ID.

MC 162918, filed July 12, 1982. Applicant: KSP TRUCK LINES, INC., 1728 14th St., Boone, IA 50036. Representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50307, (515) 243-4191. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in Boone County, IA, on the one hand, and, on the other, points in IL, IA, KS, MN, MO, NE, and WI.

MC 162919, filed July 12, 1982. Applicant: BEST DELIVERY SYSTEMS, INC., P.O. Box 111233, Houston, TX 77016. Representative: Joe G. Fender, 9601 Katy Freeway, Suite 320, Houston, TX 77024, 713-827-1407. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in TX on the one hand, and, on the other, points in AR, LA, NM, OK, and TX.

MC 162938, filed July 12, 1982. Applicant: AMBER TRANSPORT SYSTEMS, INC., 205 U.S. Hwy. No. 46, Totowa, NJ 07511. Representative: Arthur Amditis, (same address as applicant), 201-785-9163. Transporting (1) *aluminum foil and paper and paper products,* between points in NJ, on the one hand, and, on the other, points in the U.S. under continuing contract(s) with Unifoil Corp., of Fairlawn, NJ; (2) *printed matter,* between points in NJ, on the one hand, and, on the other, points in the U.S. under continuing contract(s) with Weibel Associates of Franklin, NJ; (3) *chemicals and related products,* between points in NJ on the one hand, and, on the other, points in the U.S. under continuing contract(s) with Reliable Delivery System Inc. of Paterson, NJ, and (4) *rubber and plastic products,* between points in Fairfield County, CT and NJ, on the one hand, and, on the other, points in the U.S. under continuing contract(s) with Polycast Technology Corp. of Stamford, CT.

MC 162948, filed July 13, 1982. Applicant: RAYBURN AND TUCKER TRUCK SERVICE, 519 East Walnut Street, Blytheville, AR 72315. Representative: Chester Rayburn, 713 East Main St., Blytheville, AR 72315, (501) 763-0698. Transporting *pulp, paper, and related products,* between points in the U.S., under continuing contract(s) with Jim Walter Papers, Inc., of Jacksonville, FL.

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Decided: July 22, 1982.

MC 41098 (Sub-80), filed July 15, 1982. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., N.W., Washington, DC 20006, 202-833-8884. Transporting *machinery,* between points in the U.S. under continuing contract(s) with Vulcan-Hart Corporation of Baltimore, MD.

MC 79658 (Sub-25), July 12, 1982. Applicant: ATLAS VAN LINES, INC., 1212 St. George Rd., P.O. Box 509, Evansville, IN 47711. Representatives: Robert C. Mills (same address as applicant), (812) 424-2222. Transporting (1) *medical and scientific instruments* and (2) *component parts, accessories, and supplies* for commodities in (1), between points in CA, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Beckman Instruments, Inc., of Fullerton, CA.

MC 79658 (Sub-27), July 12, 1982. Applicant: ATLAS VAN LINES, INC., 1212 St. George Rd., P.O. Box 509, Evansville, IN 47711. Representative: Robert C. Mills (same address as applicant), (812) 424-2222. Transporting (1) *data processing equipment* and (2) *equipment, materials, parts, and supplies* used in the repair and installation of the commodities in (1), between points in the U.S. (except AK and HI), under continuing contract(s) with Storage Technology Corporation of Louisville, CO.

MC 79658 (Sub-28), July 12, 1982. Applicant: ATLAS VAN LINES, INC., 1212 St. George Rd., P.O. Box 509, Evansville, IN 47711. Representative: Robert C. Mills (same address as applicant), (812) 424-2222. Transporting *household goods, electronic parts and electronic equipment,* between points in the U.S. (except AK and HI), under continuing contract(s) with American Television and Communications Corp., of Englewood, CO.

MC 99749 (Sub-9), June 28, 1982. Applicant: BOURNE'S INC., 1029 Pearl St., Brockton, MA 02401. Representative: Jon F. Hollengreen, 1020 Pennsylvania Bldg., Pennsylvania Ave and 13th St., N.W., Washington, DC 20004, 202-628-4600. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk) between points in CT, ME, MA, NH, RI, and VT, on the one hand, and, on the other, points in Gordon and Fulton Counties, GA, AR, KY, OH, PA, and TN.

MC 118178 (Sub-25), June 28, 1982. Applicant: RED LINE, INC., 2805 Belaire Drive, Emporia, KS 66801. Representatives: Larry E. Gregg, 641 Harrison P.O. Box 1979, Topeka, KS 66601, 913-234-0565. Transporting *food and related products* and *such commodities as are dealt in or used by grocery and food houses,* (a) between Omaha, NE, Sioux City, IA and points in Sioux County, IA, on the one hand, and, on the other, points in CA, KS, OR, and WA, and (b) between points in Lyon County, KS, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 118838 (Sub-99), filed July 7, 1982. Applicant: GABOR TRUCKING, INC., P.O. Box 687, Detroit Lakes, MN 56501. Representative: Robert D. Gisvold, 1600 TCF Tower, 121 South 8th St., Minneapolis, MN 55402, (612) 333-1341. Transporting (1) *forest products,* (2) *lumber and wood products,* and (3) *pulp, paper and related products,* between points in the U.S., under continuing contract(s) with Potlatch Corporation, of Lewiston, ID.

MC 120199 (Sub-1(a)), filed July 12, 1982. Applicant: H & L MOTOR TRUCKING SERVICE, INC., 134 Railroad Street, Revere, MA 02151. Representative: Hughan R. H. Smith, 26 Kenwood Place, Lawrence, MA 01841,

(617) 657–6071. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in MA, on the one hand, and, on the other, points in RI and NH.

Note.—Balance of this application is shown under MC 120199 Sub-1 (b).

MC 141318 (Sub-24), filed July 6, 1982. Applicant: WEATHER SHIELD TRANSPORTATION, LTD., Box LTD, Medford, WI 54451. Representative: Robert S. Lee, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402, 612–333–1341. Transporting (1) *scrap metals,* between points in WI, on the one hand, and, on the other, points in IL and MN, (2) *oyster shells,* between points in AL, NC, GA, and CO, on the one hand, and, on the other, points in WI, (3) *salt and salt products,* between points in MN, MI, IA, KS, and IL on the one hand, and, on the other, points in WI, (4) *flour,* between points in MN, on the one hand, and, on the other, points in WI, (5) *farm supplies,* between points in IL and MN, on the one hand, on the other, points in WI, (6) *clay and stone products,* between ports of entry on the international boundary line between the U.S. and Canada located in MI, MN, ND and MT, and points in NC, AL, GA, and CO, on the one hand, and, on the other, points in WI, and (7) *such commodities* as are used by maple syrup processors and distributors between points in WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 146758 (Sub-25), filed July 12, 1982. Applicant: LADLIE TRANSPORTATION, INC., 1701 Margareta St., Albert Lea, MN 56007. Representative: Phillip H. Ladlie (same address as applicant), 800–533–6038. Transporting *video games, video game programs* and *component parts,* between points in the U.S. (except AK and HI), under continuing contract(s) with Imagic, Inc. of Los Gatos, CA.

MC 150148 (Sub-2), filed July 15, 1982. Applicant: KANAWHA CARTAGE COMPANY, 85 East Gay Street, Columbus, OH 43215. Representative: Earl N. Merwin, (same address as applicant), (614) 224–3161. Transporting *general commodities* (except commodities in bulk, household goods and classes A and B explosives), between points in IN, KY, MI, OH, PA, and WV.

MC 150829 (Sub-2), filed July 14, 1982. Applicant: AMERICAN TRUCKING COMPANY, INC., P.O. Box 286, Montgomery, AL 36101. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203, 205–251–2881. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. under continuing contract(s) with Union Camp Corporation of Wayne, NJ.

MC 155258 (Sub-3), filed July 14, 1982. Applicant: ALTON DELIVERY SERVICE, INC., 100 West 43rd St., New York, NY 10036. Representative: John D. Heffner, 1776 K St., NW, Suite 700, Washington, DC 20006, (202) 296–0600. Transporting *textile mill products,* between points in NC, PA, and SC, on the one hand, and, on the other, points in CT, MA, NJ, NY, PA, RI, and VA.

MC 155688 (Sub-1), filed July 12, 1982. Applicant: JONH B. ROUNDTREE, JR., TRUCKING, INC., Route 1, Box 100, Gatesville, NC 27938. Representative: Robert C. Jenkins, 111 W. Main Street, P.O. Box 188, Ahoskie, NC 27910, (919) 332–4730. Transporting *lumber,* between points in Gates and Hertford Counties, NC, on the one hand, and, on the other, points in VA, SC, MD, PA, DE, NJ, NY, and DC.

MC 156949 (Sub-1), filed July 14, 1982. Applicant: SHAW BUS SERVICE, INC., 6523 Baltimore National Pike, Baltimore, MD 21228. Representative: Steven L. Weiman, 444 N. Frederick Ave., Gaithersburg, MD 20877, (301) 840–8565. Transporting *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, beginning and ending at points in MD and DC, and extending to points in the U.S. (except AK and HI).

MC 157238, filed July 14, 1982. Applicant: JUNIOUS O'NEAL TRAFTON, Route 1, Box 35–A, Scotchland Rd., Camden, NC 27921. Representative: Junious O'Neal Trafton, (Same address as applicant), 919–338–3753. Transporting *passengers and their baggage* in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Camden, Currituck, Chowan, Pasquotank, and Perquimans Counties, NC and extending to points in AL, AZ, CA, CT, DE, FL, GA, KY, LA, MD, NY, MA, MI, NJ, OH, PA, SC, TN, TX, VA, WV and DC.

MC 158129 (Sub–6), filed July 12, 1982. Applicant: REGAL TRANSPORTATION, INC., P.O. Box 310, Niles, OH 44446. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Copperweld Corporation of Pittsburgh, PA.

MC 158859 (Sub–6), filed July 15, 1982. Applicant: O. DEAN TRANSPORTATION, INC., 406 W. Williamsburg Rd., Sandston, VA 23150. Representative: P. Owen Dean (same address as applicant), 804–737–7838. Transporting *food and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Anheuser Bush Companies, Inc. of St. Louis, MO.

MC 160039 (Sub–1), filed July 13, 1982. Applicant: WEX ENTERPRISES, INC., 118 Hall St., P.O. Box 2009, Concord, NH 03301. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108, (617) 742–3530. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Western Electric Companay, Inc., of North Andover, MA.

MC 160088 (Sub–2), filed July 15, 1982. Applicant: TRAILER TRANSIT, INC., 719 Wabash St., P.O. Box 9066, Michigan City, IN 46360. Representative: Brian R. Bush, Sr., (same address as applicant), (219) 879–8547. Transporting *trailers* between points in the U.S. (except AK and HI), under continuing contract(s) with Union Carbide Corporation of Danbury, CT.

MC 160879 (Sub–1), filed July 14, 1982. Applicant: MILLER SPECIALTY TRUCKING, INC., P.O. Box 414, 5 A St., S.W., Ardmore, OK 73401. Representative: Herbert H. Thomas, 2222 South Tower Plaza of the Americas, Dallas, TX 75201, (214) 748–2278. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Grayson County, TX, on the one hand, and, on the other, points in TX and OK.

MC 160978, filed July 15, 1982. Applicant: LEROY D. PARRIS, d.b.a. PARRIS TRUCKING, 305 Grant Walden, CO 80480. Representative: Leroy D. Parris, (same address as applicant), (303) 723–8402. Transporting *petroleum products,* between points in Natrona, Carbon, and Laramie Counties, WY, on the one hand, and, on the other, points in CO.

MC 161449, filed July 15, 1982. Applicant: GEORGE LOGAN, d.b.a. GEORGE LOGAN'S TOWING SERVICE, Route 130—P.O. Box 1941, North Brunswick, NJ 08902. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, 201–575–5551. Transporting *disabled motor vehicles,* in wrecker service, between points in NJ on the one hand, and, on the other, points in CT, DE, ME, MD, MA, NH, NY, NC, OH, PA, RI, VT, VA, WV and DC.

MC 161638 (Sub-1), filed July 12, 1982. Applicant: BLAKLEY AND SONS., INC, 3031 Isleta Blvd., S.W., Albuquerque, NM 87105. Representative: Larry D. Lucas, 3208 Pan American Frwy, N.E., Albuquerque, NM 87107, 505–883–5573. Transporting *building materials*, between points in the U.S. under continuing contract(s) with Dry Wall Supply, Inc. of Denver, CO.

MC 162459 (Sub-1), filed July 12, 1982. Applicant: GREAT WESTERN TRANSPORT, INC., 400 Logan Rd., Alderwood Manor, WA 98036. Representative: David W. Wiley, 1100 Norton Bldg., Seattle, WA 98104, (206) 622–4067. Transporting *building materials* between points in Kootenai County, ID, and points in WA, on the one hand, and, on the other, points in OR, CA, UT, NV, AZ, NM, MT, WY, and CO.

MC 162968, filed July 14, 1982. Applicant: LEE TRANSPORT, INC., R.D. 1, Box 520, Elmer, NJ 08318. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., NW., Washington, DC 20005, (202) 296–3555. Transporting *petroleum and petroleum products* between points in NY, NJ, PA, and DE.

MC 162989, filed July 15, 1982. Applicant: LEWIS E. ZEIGENBEIN, P.O. Box 173, Campbellsburg, IN 47108. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting *lumber and wood products* between points in the U.S. (except AK and HI), under continuing contract(s) with Kerr-McGee Corporation, of Oklahoma City, OK.

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Decided: July 26, 1982.

MC 15859 (Sub-15), filed July 16, 1982. Applicant: THE HINE LINE, P.O. Box 68, Burket, IN 46506. Representative: Michael D. McCormick, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638–1301. Transporting *chemicals* between points in MA, NJ, and WI, on the one hand, and, on the other, points in AL, IL, MA, MD, ME, NJ, NY, OH, PA, VT, WI, and WV.

MC 41098 (Sub-81), filed July 20, 1982. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, DC 20006, 202–833–8884. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S. under continuing contract(s) with Burroughs Corporation of Detroit, MI.

MC 108248 (Sub-16), filed July 16, 1982. Applicant: SHAW TRUCKING, INC., P.O. Box E, Brockway, PA 15824. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107, 215–735–3090. Transporting *charcoal*, between points in Jefferson County, PA, on the one hand, on the other, points in CT, DE, MD, NJ, NY, OH, PA, VA, WV and DC.

MC 120419 (Sub-15), filed July 19, 1982. Applicant: SERVICE TRANSFER, INC., P.O. Box 460, Henryetta, OK 74437. Representative: Wilburn L. Williamson, Suite 107, 50 Classen Center, 5101 North Classen Blvd., Oklahoma City, OK 73118, 405–848–7946. Transporting *food and related products*, between points in Bexar and Harris Counties, TX; Shelby County, TN; Houston County, GA; Hamilton County, OH; Mercer County, NJ; Saint Clair County, IL; Douglas, County NE; on the one hand, and, on the other, points in OK.

MC 128989 (Sub-2), filed July 19, 1982. Applicant: JEROME KOENIG, RR Box 112, Fairfax, SD 57335. Representative: Dale Benson, P.O. Box 331, Burke, SD 57523, 605–775–2656. Transporting *fertilizer*, between points in Eddy County, NM and Nacogdoches County, TX, on the one hand, and, on the other, points in NE, SD, and ND.

MC 129189 (Sub-13), filed July 15, 1982. Applicant: WING CARTAGE COMPANY, 4141 George Place, Schiller Park, IL 60176. Representative: Arnold L. Burke, 1800 North LaSalle Street, Room 3520, Chicago, IL 60601, (312) 332–5106. Transporting (1) *clay, concrete, glass, or stone products*, (2) *lumber and wood products*, and (3) *building materials*, between points in Cook County, IL, Franklin County, OH, and Denver County, CO, on the one hand, and, on the other, points in AL, AR, CO, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, ND, OH, OK, SD, TN, TX, and WI.

MC 134349 (Sub-38), filed July 16, 1982. Applicant: B.L.T. CORPORATION, 405 Third Ave., Brooklyn, NY 11215. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048, (212) 466–0220. Transporting *chemicals and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Hempel's Marine Paints, Inc., of Wallington, NJ.

MC 135989 (Sub-39), filed July 16, 1982. Applicant: COAST EXPRESS, INC., 14280 Monte Vista Avenue, Chino, CA 91710. Representative: William J. Lippman, P.O. Box 6060, Snowmass Village, CO 81615, (303) 923–4565. Transporting *charcoal briquets*, between points in the U.S. under continuing contract(s) with Imperial Products Corporation, of St. Louis, MO.

MC 144678 (Sub-43), filed July 16, 1982. Applicant: AMERICAN FREIGHT SYSTEM, INC., 9393 West 110th St., Overland Park, KS 66210. Representative: Harold H. Clokey, (Same address as applicant), (913) 648–5540. Transporting *general commodities* (except household goods, classes A and B explosives, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with K Mart Corporation, of Troy, MI.

MC 151098 (Sub-3), filed July 16, 1982. Applicant: JEN CHARTER, INC., Box 999, Route 25, Middle Island, NY 11953. Representative: Harold O. Orlofske, P.O. Box 368, Neenah, WI 54956, (414) 722–2848. Transporting (1) *such commodities* as are dealt in or used by marketing agents of building materials, under continuing contract(s) with Mitco Marketing, of Westbury, NY, (2) *such commodities* as are dealt in or used by retail home furnishing stores, under continuing contract(s) with Nanrich Furniture Corp., of Medford, NY, and (3) *such commodities* as are dealt in or used by chain grocery houses, food business houses and agricultural and feed businesses, under continuing contract(s) with Ralston Purina Company, of St. Louis, MO, between points in the U.S.

MC 161068, filed July 19, 1982. Applicant: TOWNS CHARTER, INC., 2245 Redbud Trail So., Niles, MI 49120. Representative: Paul D. Borghesani, 300 Communicana Bldg., 421 So. Second St., Elkhart, IN 46516, (219) 293–3597. Transporting *passengers and their baggage* in the same vehicle with passengers, in special and charter operations, beginning and ending at points in St. Joseph County, IN and Berrien County, MI, and extending to points in the U.S. (except AK and HI).

MC 161139 (Sub-1), filed July 16, 1982. Applicant: REDER LTD., 1817 Winter Street, Superior, WI 54880. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705–0086, (608) 238–3119. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Douglas County, WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 161528, filed July 16, 1982. Applicant: T.O.S.M. TRUCKING, INC., 306 Lone Pine Drive, Navajo, NM 87328. Representative: Steve Maynerich, 305 Valentina Drive, Gallup, NM 87301, (505) 863–5967. Transporting *lumber and wood products*, between points in the U.S. under continuing contract(s) with

Navajo Forest Products Industries, of Navajo, NM.

MC 163028, filed July 19, 1982. Applicant: JASON ENTERPRISES, INC., P.O. Box 116, Vinton, VA 24179. Representative: Michael S. Ferguson, 1919 Electric Road, SW, Roanoke, VA 24018, (703) 774–1197. Transporting (1) *construction, mining and industrial equipment and machinery*, and (2) *parts and components* of the commodities in (1), between points in the U.S. (except AK and HI), under continuing contract(s) with Shelton-Witt Equipment Corporation, of Salem, VA.

MC 163029, filed July 19, 1982. Applicant: DRILLING HOTSHOT SERVICE, INC., Route 5, Box 587, Fort Smith, AR 72901. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Ft. Smith, AR 72902, (501) 782–1001. Transporting *Mercer commodities*, between points in AR and OK, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–20752 Filed 7–30–82; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 387 (Sub-190)]

Rail Carriers; Burlington Northern Railroad Co.; Exemption for Contract Tariff ICC–BN–C–0082

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Provisional Exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The contract tariffs to be filed may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register**. Protective Order granted.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway, (202) 275–7278.

SUPPLEMENTARY INFORMATION: The Burlington Northern Railroad Company (BN) filed a petition on July 14, 1982, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we permit its contract ICC–BN–C–0082 to become effective on one day's notice. The contract was filed to become effective on August 13, 1982, and involves the movement of coal.

The BN also requested an order protecting confidential information. It requests that Appendix A to its petition not be made part of the public record in this proceeding since disclosure of the information contained there would seriously injure BN and the shipper.

We shall grant the request that the information contained in Appendix A not be disclosed publicly. The information is confidential business information and falls within the category of activities warranting protection under Rule 55 (49 CFR 1100.55(c)). Although Rule 55 pertains to protective conditions in connection with discovery, we shall grant the petition under 49 CFR 1100.99, which allows petitions for relief not otherwise provided by the Commission's General Rules of Practice.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 days' notice. There is no provision for waiving this requirement. However, the Commission has granted relief under our section 10505 exemption authority.

Petitioner's contract ICC–BN–C–0082 may become effective on one day's notice. We will apply the following conditions which have been imposed in similar exemption proceedings:

Although the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(e) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Under 49 U.S.C. 10505(a) we find that the 30-day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101(a) and is not needed to protect shippers from abuse on market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(d) if protests are filed within 15 days of publication in the **Federal Register**.

This action will not significantly affect either the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Dated: July 26, 1982.

By the Commission, Division 2, Commissioners Andre, Gilliam, and Taylor. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–20753 Filed 7–30–82; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–6 (Sub-120)]

Rail Carriers; Burlington Northern Railroad Co.; Abandonment, in Ramsey and Washington Counties, MN; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that the Commission, Review Board Number 3, has issued a certificate authorizing the Burlington Northern Railroad Company to abandon its rail line of railroad known as the White Bear Lake to Stillwater Branch Line extending from railroad milepost 0.04, near White Bear Lake, MN, to milepost 11.81, at the end of the line near Stillwater, MN, a distance of 11.77 miles in Ramsey and Washington Counties, MN, subject to certain conditions. Since no investigation was instituted, the requirement of § 1121.38(b) of the regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, D.C. 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to Section 11121.38(b)(2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–20759 Filed 7–30–82; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–43 (Sub-87]

Rail Carriers; Illinois Central Gulf Railroad Co.; Abandonment—Between Mattoon and Newton, IL; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that the Commission, Review Board Number 3, has issued a certificate authorizing the Illinois

Central Gulf Railroad Company to abandon its rail line known as the Mattoon District extending from railroad milepost 119.27 at Mattoon, IL (excluding Mattoon) to milepost 160.27 at Newton, IL (excluding Newton), a distance of 41.00 miles, in Coles, Cumberland and Jasper Counties, IL, subject to certain conditions. Since no investigation was instituted, the requirement of Section 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§1121.45 of the regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to Section 1121.38(b)(2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-20760 Filed 7-30-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-193)]

Southern Pacific Transportation Co., Exemption for Contract Tariff ICC-SP-C-0131

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Provisional Exemption.

SUMMARY: A provisional exemption is granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e) and the above-noted contract tariff may become effective on one day's notice. This exemption may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Tom Smerdon, (202) 275-7278.

SUPPLEMENTARY INFORMATION: The petition requests exemption for a limited transportation movement over a limited period of time which will further the transportation policy of 49 U.S.C. 10101a and (1) is of limited scope, and (2) will not subject shippers to an abuse of market power. Therefore, we find that the exemption request meets the requirements of 49 U.S.C. 10505(a) and is granted subject to the following conditions:

This grant neither shall be construed to mean that the Commission has approved the contract for purposes of 49 U.S.C. 10713(g) nor that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to determine its lawfulness.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Decided: July 27, 1982.

By the Commission, Division 1, Commissioners Sterrett, Simmons, and Gradison,

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-20754 Filed 7-30-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-184)]

Southern Pacific Transportation Co.; Exemption for Contract Tariff ICC-SP-C-0117

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Provisional Exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The contract tariffs to be filed may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Douglas Galloway, (202) 275-7278.

SUPPLEMENTARY INFORMATION: The Southern Pacific Transportation Company (SP) filed a petition on July 7, 1982, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). If requests that we permit its contract ICC-SP-C-0117 to become effective on one day's notice to allow the movements to start on July 18, 1982. The contract was filed to become effective on August 7, 1982 and involves the movement of iron an steel plate. The SP also filed a petition for order protecting the confidentiality on a proffered Appendix 1.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 days' notice. There is no provision for waiving this requirement. However, the Commission has granted relief under our section 10505 exemption authority.

The SP's contract may become effective on one day's notice. We will apply the following conditions which have been imposed in similar exemption proceedings:

Although the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(e) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

The petition shall be granted. Under 49 U.S.C. 10505(a) we find that the 30-day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101(a) and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(d) if protests are filed within 15 days of publication in the **Federal Register.**

In considering this petition, no need was found to open the sealed evidence, referred to by petitioner as Appendix 1. Sufficient information to grant the petition was found in the body of the petition. Accordingly, we have returned this seal material to petitioner and deny the accompanying petition for an order to protect confidential information. The carrier requested that such a order be issued prior to opening the confidential information. However, such requests can only be considered after our examination of the material. If the petition so stated, we would return any information denied protective conditions and insure that it not be made part of the public record. Such information, of course, would not be given any weight in the proceeding on the merits.

This action will not significantly affect either the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Dated: July 20, 1982.

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[1] Because of the lateness in filing the petition, the July 18th date could not be met.

By the Commission, Division 2, Commissioners Andre, Gilliam, and Taylor. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-20757 Filed 7-30-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 436]

Railroad Cost of Capital—1982

AGENCY: Interstate Commerce Commission.

ACTION: Notice of institution of limited revenue adequacy proceeding.

SUMMARY: A proceeding will be conducted to make a determination of the railroads' cost of capital for 1982.

DATES: Notices of intent to participate due 10 days from **Federal Register** publication; statements of railroads due 35 days thereafter; statements of other interested parties due 30 days thereafter; rebuttal statements by railroads due 20 days later. A Commission decision will be issued as soon as possible after the record is closed.

ADDRESSES: Send an original and 15 copies of comments to: Office of Proceedings, Room 5355, Interstate Commerce Commission, Washington, D.C. 20423. Only an original and one copy of the notice of intent to participate need be sent (to this address).

FOR FURTHER INFORMATION CONTACT: Ward L. Ginn, Jr., (202) 275-7489.

SUPPLEMENTARY INFORMATION: By this notice, we are instituting a proceeding to estimate the railroad industry's cost of capital rate for 1982. The most recent estimates regarding the railroads' cost of capital were made in Ex Parte No. 415, *Railroad Cost of Capital—1981,* served June 24, 1982, (47 FR 26938, June 22, 1982), which determined the industry's 1981 cost of capital. The instant proceeding will be similar in scope to Ex Parte No. 415, *supra.*

Specifically, we are soliciting comments on: (1) The railroads' current cost of debt (i.e., the cost of raising capital via debt issuance during 1982); (2) the railroads' cost of equity capital; and (3) the 1982 capital structure of the railroad industry. With respect to (3), in the past four cost of capital proceedings,[1] we have used a capital structure composed of 40 percent debt and 60 percent equity capital based on the value of the debt and equity as shown on the books of the railroads. We are seeking comments on whether the 40 percent debt and 60 percent equity book value capital structure is still appropiate or whether a different book value capital structure should be used. Further, the parties should also address the appropriateness of using a market value capital structure in determining the composite cost of capital. Our conclusions regarding these issues will be used in our computation of the 1982 cost of capital.

We emphasize that for purposes of this proceeding, comments should focus on the various cost of capital components developed in Ex Parte No. 415, *supra,* and the underlying techniques and methodoligies applied in their development. The scope of this proceeding is confined to determining a specific cost of capital.

All Class I railroads shall be respondents in this proceeding. They shall, and other interested parties may, submit evidence that will enable the Commission to update the cost of capital findings of Ex Parte No 415, *supra,* in the light of current conditions in the capital markets.

Any person intending to participarte in the proceeding shall file an original and one copy of a notice of intent to participate. To conserve time, avoid unnecessary expense, and limit the service of statements in this proceeding to persons who intend actively to participate, each notice of intent to participate shall include a detailed statement of: (1) Whether the person's interest extends merely to receiving Commission releases in this proceeding; (2) whether the person wishes to participate by the filing and receiving statements; (3) whether, if the person wishes to file statements, his interests can be consolidated with those of other persons by filing of joint statements; and (4) any other pertinent information to aid in limiting the service list to be issued in this proceeding. The Commission will prepare and make available to all persons submitting notices of intent to participate, a service list containing the names and addresses of all participants.

Evidentiary statements of the parties are due on or before the dates set forth in the preamble to this notice. An original and 15 copies (if possible) of each statement shall be filed with the Commission, and one copy shall be served upon each person on the service list.

Copies of this notice shall be available to the public at the Office of the Secretary, and the notice shall be published in the **Federal Register.**

This action does not appear to affect significantly the quality of the human environment or conservation of energy resources. However, comments are invited.

Dated: July 16, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-20756 Filed 7-30-82; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29966]

Ralph E. Hallock—Exemption From 49 U.S.C. 11322

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Commission exempts from the requirements for prior approval under 49 U.S.C. 11322 the proposed holding by Ralph E. Hallock of positions as director of Batten Kill Railroad Company and New York, Susquehanna & Western Railway COrporation.

DATES: Exemption effective on September 1, 1982. Petitions for reconsideration must be filed by August 23, 1982. Petitions for stay must be filed by August 12, 1982.

ADDRESSES: Send pleadings to: (1) Section of Finance, Room 5349, Interstate Commerce Commission, Washington, D.C. 20423; (2) Petitioner Ralph E. Hallock, Director of Transportation, Agway, Inc., Box 4933, Syracuse, NY 13221.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th & Constitution Ave., NW., Washington, DC 20423, (202) 289-4357—DC metropolitan area, (800) 424-5403—Toll-free for outside the DC area.

Decided: July 26, 1982.

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[1] Ex Parte No. 415, *Railroad Cost of Capital—1981* served June 24, 1982. Ex Parte No. 381, *Adequacy of Railroad Revenue (1980 Determination),* 364 ICC 311 (1980) (45 FR 29139, May 1, 1980. Ex Parte No. 363, *Adequacy of Railroad Revenue (1979 Determination),* 362 ICC 344 (1979) (44 FR 27538, May 10, 1979). Ex Parte No. 353, *Adequacy of Railroad Revenue (1978 Determination),* 361 ICC 79 (1978) (43 FR 25776, June 14, 1978), modified March 27, 1979, 362 ICC 198 (1979), 362 ICC 794 (1980).

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-20755 Filed 7-30-82; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29964 (Sub-1)]

St. Louis Southwestern Railway Company-Purchase (Portion)—Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Application accepted for consideration.

SUMMARY: The Commission is accepting for consideration the application of the St. Louis Southwestern Railway Company to acquire seven separate segments of railroad line presently owned by the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee).

DATES: Verified statements supporting or opposing the application must be received at the Commission by August 9, 1982.

ADDRESS: An original and 10 copies of all statements should refer to Finance Docket No. 29964 (Sub-No. 1) and should be sent to: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, DC 20423, Attention: Rock Island Purchase (Portion).

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: St Louis Southwestern Railway Company (Cotton Belt), Southern Pacific Transportation Company (SP), Northwestern Pacific Railroad Company (NWP), Petaluma and Santa Rosa Railroad Company (P&SR), Holton Inter-Urban Railway Company (HI) and Pacific Fruit Express Company (PFE) jointly filed an application on July 22, 1982 under Section 17(b) of the Milwaukee Railroad Restructuring Act, 45 U.S.C. 915(b), as amended by Section 111(b) of the Rock Island Transition and Employee Assistance Act, 45 U.S.C. 1009, for authority to acquire seven separate line segments presently owned by the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) (Rock Island). The application will be handled under the rules adopted in Ex Parte No. 282 (Sub-No. 4), *Acquisition Procedures for Lines of Railroads*, 360 I.C.C. 632 (1980), 49 CFR 1111.20, et seq. On July 29, 1982, the Commission determined that Cotton Belt's proposed acquisition is a minor transaction under 49 CFR 1111.20(b) and 1111.26(c) [1]

The line segments to be acquired are described as follows:

Segment No. 1 is a 65.1 mile line of railroad between Briark and Brinkley, AR. Cotton Belt has operated over this line to gain access to Memphis, TN, since 1921 under a trackage rights agreement with the Rock Island.

Segment No. 2 consists of the Arkansas and Memphis Railway Bridge and Terminal Company (Bridge Company). Cotton Belt, Rock Island, and the Missouri Pacific Railroad Company are presently each one-third owners of the Bridge Company. Cotton Belt seeks to acquire all of the Rock Island's interest.

Segment No. 3 involves the 82.75 mile line of railroad between Herington and Topeka, KS. Rock Island and Cotton Belt each hold a one-half interest in the Herington-Topeka line. Cotton intends to obtain Rock Island's interest.

Segment No. 4 involves Rock Island's industrial and switching track in Topeka, KS, on the Cotton Belt's main line.

Segment No. 5 is the 2.8 mile line of railroad from St. Joseph's Junction in Topeka to milepost 86.5 in North Topeka, KS. This line served a plant of the Goodyear Tire and Rubber Company.

Segment No. 6 is industrial and switching trackage in Stuttgart, AR. Stuttgart is located on Cotton Belt's main line.

Segment No. 7 is connecting trackage located on Cotton Belt's property at Tucumcari, NM. Tucumcari is located on Cotton Belt's main line to Kansas City.

Preliminary approval of the proposed purchase transaction by the Court overseeing the reorganization of the Rock Island *In the Matter of Chicago, Rock Island and Pacific Railroad Company, Debtor*, in No. 75 B 2697 (U.S. Dist. Court, N.D. Ill.), was obtained on June 16, 1982, in Order No. 479. The Court has directed the Commission to issue a decision on this application on or before August 22, 1982.

Comments on the proposals must be filed by August 9, 1982, with replies by applicants by August 11, 1982. A copy of comments should be served upon the Attorney General of the United States and the United States Secretary of Transportation, and upon applicant's representative, Herbert A. Waterman, Southern Pacific Building, One Market Plaza, San Francisco, CA 94105.

[1] See Finance Docket No. 29964, *St. Louis Southwestern Railway Company-Major Market Determination* (not printed), decided August ——, 1982.

It is ordered:

1. The application in Finance Docket No. 29964 (Sub-No. 1) is accepted for consideration.

2. The parties shall comply with all provisions as stated above.

3. This decision is effective on the date served.

Dated: July 29, 1982.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-20988 Filed 7-30-82; 11:52 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731-TA-97 through 731-TA-99 (Preliminary) and Investigation No. 701-TA-186 (Preliminary)]

Steel Rails

AGENCY: International Trade Commission.

ACTION: Institution of preliminary countervailing duty and antidumping investigations and the scheduling of a conference to be held in connection with the investigations.

SUMMARY: The U.S. International Trade Commission hereby gives notice of the institution of investigation No. 701-TA-186 (Preliminary) under section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with materially material injury, or the establishment of an industry in the United States is retarded, by reason of imports from the European Community of steel rails, provided for in items 610.2010, 610.2020, and 610.2100 of the Tariff Schedules of the United States Annotated (1982), upon which bounties of grants are alleged to be paid.

The Commission also gives notice of the institution of investigations Nos. 731-TA-97 throuth 99 (Preliminary) under section 733(a) of the Tariff Act (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from the Federal Republic of Germany, France, and the United Kingdom, of steel rails, provided for in items 610.2010, 610.2020, and 610.2100 of the Tariff Schedules, which are alleged to be sold at less than fair value.

EFFECTIVE DATE: July 22, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Bruce Cates, Office of Investigations, U.S. International Trade Commission; telephone 202-523-0369.

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted in response to a petition filed July 22, 1982, on behalf of CF & I Steel Corporation, Pueblo, Colorado. The Commission must make its determinations in these investigations within 45 days after the date of the filing of the petition or by September 7, 1982 (19 CFR 207.17). The investigations will be subject to the provisions of part 207 of the Commission's Rules of Practice and Procedure (19 CFR Part 207, 44 FR 76457), and particularly subpart B thereof.

Written submissions.—Any person may submit to the Commission on or before August 18, 1982, a written statement of, information pertinent to the subject matter of the investigations. A signed original and fourteen copies of such statements must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data". Confidential submissions must conform with the requirements of section 201.6 of the Commission's rules of practice and procedure (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Service of documents.—The Secretary will compile a service list from the entries of appearance filed in this investigation. Any party submitting a document in connection with the investigation shall, in addition to complying with § 201.8 of the Commission's rules (19 CFR 201.8), serve a copy of each document on all other parties to the investigation. Such service shall conform with the requirements set forth in § 201.16(b) of the rules (19 CFR 201.16(b)).

In addition to the foregoing, each document filed with the Commission in the course of this investigation must include a certificate of service setting forth the manner and date of such service. This certificate will be deemed proof of service of the document. Documents not accompanied by a certificate of service will not be accepted by the Secretary.

Conference.—The Director of Operations of the Commission has scheduled a conference in connection with the investigation for 9:30 a.m., on August 13, 1982, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact the investigator for the investigations, Mr. Bruce Cates, telephone 202-523-0369, not later than August 9, 1982, to arrange for their appearance. The conference in these investigations will be held concurrently with that for countervailing duty investigation No. 701-TA-186 (Preliminary) and antidumping investigations Nos. 701-TA-97 through 701-TA-99 (Preliminary).

For further information concerning the conduct of the investigations and rules of general application, consult the Commission's rules of practice and procedure, Part 207, subparts A and B (19 CFR Parts 207 and 201, subparts A through E (19 CFR Part 201). Further information concerning the conduct of the conference will be provided by Mr. Cates.

This notice is published pursuant to § 207.12 of the Commission's rules of practice and procedure (19 CFR 207.12)

By order of the Commission.

Issued: July 28, 182.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-20808 Filed 7-30-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-115]

Certain Woodworking Tools, Their Parts, Accessories and Special Purpose Tools; Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference will be held in this case at 9:00 a.m. on August 3, 1982, in the Waterfront Center, Room 201, 1010 Wisconsin Avenue, NW., Washington, D.C., and the hearing will commence immediately thereafter.

The Secretary shall publish this notice in the **Federal Register.**

Issued: July 30, 1982.

Janet D. Saxon,

Administrative Law Judge.

[FR Doc. 82-20874 Filed 7-30-82; 8:45 am]

BILLING CODE 7020-02-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel; Meeting

AGENCY: National Endowment for the Humanities.

ACTION: Notice of Meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meeting of the Humanities Panel will be held at 806 15th Street, NW., Washington, D.C. 20506:

Date: August 26-27, 1982
Time: 9:00 a.m. to 5:30 p.m. each day
Room : 1023
Program: this meeting will review applications submitted for Program Development, Division of General Programs, for projects beginning after February 1, 1983.

The proposed meeting is for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of the information given in confidence to the agency by grant applicants. Because the proposed meeting will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (3) information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that this meeting 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 this meeting 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. 82-20783 Filed 7-30-82; 8:45 am]

BILLING CODE 7536-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-18889; File No. SR-MSTC-82-12]

Self-Regulatory Organizations; Proposed Rule Change by Midwest Securities Trust Co.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 14, 1982 the Midwest

Securities Trust Company filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

See attached Exhibit A.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Bases for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.* The proposed rule change enables MSTC participants to submit a money adjustement ticket in order to charge the position of the receiving participant for any reason that results from or is in conjunction with transactions in securities. This procedure would eliminate the inconvenience and inefficiency of requiring the physical delivery between partiicpants of a check for due bill payments, option premium payments, etc. Participants would benefit from having these and other money adjustments incorporated into a participant's daily money settlement figure.

The proposed money adjustment capability is consistent with section 17A of the Act in that this capability will facilitate the prompt and accurate clearance and settlement of securities transactions, and the safeguarding of securities and funds related thereto, as are necessary for the protection of investors.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.* The Midwest Securities Trust Company does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others.* Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before September 7, 1982 or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before August 23, 1982.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: July 14, 1982.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-20781 Filed 7-30-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18916; File No. SR-NASD-81-19]

Self-Regulatory Organizations; Amended Proposed Rule Change by National Association of Securities Dealers, Inc.

In the Matter relating to proposed Appendix F under Article III, Section 34 of the Rules of Fair Practice. Comments requested on or before August 23, 1982.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on July 19, 1982, the National Association of Securities Dealers, Inc. ("Association") filed with the Securities and Exchange Commission ("Commission") the amended proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change and amendments thereto from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Association proposes to adopt Appendix F to Article III, section 34 of its Rules of Fair Practice ("Section 34") to prescribe standards of fairness and reasonableness for direct participation programs underwritten by members or persons associated with members or in which members or associated persons participate in the distribution thereof.

II. Self-Regulatory Organization's Statement Regarding the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included amended statements concerning the purpose of and the basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(a) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.* Appendix F is intended to implement the authority vested in the Board of Governors of the Association under Section 34 to prescribe standards of fairness and reasonableness relating to the distribution of direct participation programs. More specifically, Appendix F

prescribes certain requirements relating to suitability, disclosure, and organization and offering expenses in connection with the distribution of direct participation programs as well as definitions of relevant terms. Each such provision is based upon specific authority contained in Section 34.

The statutory basis for Appendix F is found in section 15A(b)(6) of the Securities Exchange Act of 1934, as amended.

The following amendments to Appendix F, as originally filed with the Commission, have been made as a result of comments received by the Association. The amended text of proposed Appendix F, marked to show additions and deletions from the original filing, is attached as Exhibit A.

Section 2—Definitions

Section 2 of proposed Appendix F contains definitions of words commonly used in connection with direct participation programs. This section has been amended to delete the definitions of "taxable income" and "tax bracket" as unnecessary as a result of amendments to Section 3 of the proposed rule change.

Section 3—Suitability

Section 3 of proposed Appendix F specifies factors to be considered by a member in making a determination of the suitability of investors. Subsection 3(b) has been amended to incorporate the Association's traditional concepts of suitability found in Article III, Section 2 of the Rules of Fair Practice. Subsection 3(b) would apply not only to the initial purchase of a direct participation program interest, but also to any subsequent sale or exchange of such interest.

Subsection 3(d) and the second part of Subsection 3(b)(1) have been deleted to reflect concerns regarding the ability of the broker/dealer to render detailed tax advice and in light of the detailed explanation of tax consequences and valuation methods normally included in the prospectus. The first part of Subsection 3(b)(1) requiring members to inform prospective participants of facts related to the liquidity and marketability of the program has been redesignated as Subsection 4(d). Subsection 3(b)(2), requiring that members determine whether a participant is in an appropriate tax bracket, has been deleted in response to comments that this may not be an appropriate measure of suitability.

The first part of Subsection 3(b)(3), requiring that a member have reasonable grounds to believe that the participant has a fair market net worth sufficient to sustain the risks inherent in the program, has been redesignated as Subsection 3(b)(1)(ii). Both the second part of Subsection 3(b)(3), requiring an evaluation of all of the participant's investments in direct participation programs as compared to his fair market net value, and Subsection 3(b)(4), containing the general requirement of a finding of suitability, have been deleted and are considered incorporated into Subsection 3(b)(1) as part of the member's finding of overall suitability.

Subsection 3(b)(5) has been redesignated as Subsection 3(b)(2) and has been modified to clarify that the member's responsibility to maintain in its files documents disclosing the basis on which a statement of suitability was made is only applicable as to each participant, rather than as to each "prospective" participant. Subsection 3(c), which permitted a member to recommend a direct participation program under certain conditions where the suitability standards of Subsections 3(a) and (b) are not met, has been deleted in response to concerns of commentators that the provisions may permit circumvention of the suitability standards. Subsection 3(e) has been redesignated as Subsection 3(c) with clarifying amendments.

Section 4—Disclosure

Section 4 of proposed Appendix F requires that a member or person associated with a member insure that all material facts are accurately and adequately disclosed in order that the program can be evaluated.

Reference to evaluation of the economic merits of the program has been deleted from Subsection 4(a) as potentially confusing in blind pools and certain speculative ventures. Subsection 4(b) has been amended to clarify that members are required to obtain information, if relevant in view of the nature of the program, at a minimum as to the enumerated items in Subsections 4(b)(1)–(6). In addition, as described above, new Subsection 4(d) has been added to include the requirement formerly contained in the first part of Subsection 3(b)(1).

Section 5—Organization and Offering Expenses

Section 5 of proposed Appendix F addresses the area of reasonable underwriting compensation and arrangements. Subsections 5(b)(1) and 5(b)(2) have been amended to provide that the fairness and reasonableness of organization and offering expenses shall be determined with reference to currently effective guidelines published by the Association.

In addition, Subsection 5(b)(1) has been amended to clarify that the subsection only applies to compensation in connection with the "distribution" of public offerings and would not include sponsor reimbursement for organization expenses where the program sponsor is an affiliate of the underwriter.

Subsection 5(b)(4) has been amended to clarify that payments may be made to an investment advisor not registered as a broker/dealer only if such person is associated with a registered broker/dealer.

A technical change has been made to the language of Subsection 5(c) to clarify that it is aggregate compensation which is being computed, not just the amount of sales commissions.

Clarifying amendments have been made to Subsections 5(e) and 5(f) to alleviate confusion with regard to their applicability and to delete the requirement that disclosure of incentive programs in the prospectus be detailed.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.* The proposed rule change will have an impact on competition to the extent that members or affiliates of members who participate in the distribution of or who sponsor direct participation programs will be subject to the requirements of Appendix F while other members of the Association and non-members will not be subject to such constraints. However, the Association believes the burden imposed is not unduly burdensome or inappropriate in light of the regulatory objectives sought to be achieved in furtherance of the Association's obligations under the Securities Exchange Act of 1934.

(C) *Self-Regulatory Organization's Statement of Comments on the Proposed Rule Change Received from Members, Participants, or Others.* The current version of Appendix F was filed with the Commission on August 7, 1981, along with a summary of comments received in response to Notice to Members 78–12 (March 10, 1978) which solicited comments on an earlier revised version of Appendix F. The proposed rule change was published for comment by publication in Securities Exchange Act Release 18038 (August 14, 1981), by publication in the Federal Register (46 FR 42392, August 20, 1981), and by publication in Notice to Members 81–34 (August 25, 1981). The Association received a total of three comments relating to that rule proposal.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before September 7, 1982 or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before August 23, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

July 26, 1982.

[FR Doc. 82-20780 Filed 7-30-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18886; File No. SR-OCC-82-12]

Self-Regulatory Organization, Proposed Rule Change by The Options Clearing Corp.

In the matter relating to the issuance of options on foreign currencies, the clearance and settlement of transactions therein, and the processing and settlement of exercises thereof.

Comments requested on or before August 23, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. Sec. 78s(b)(1), notice is hereby given that on June 11, 1982, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by OCC. The Commission is publishing this notice to solicit comments in the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Proposed Rule Change

The proposed rule change would provide for the issuance of options on various foreign currencies, including British pounds, Canadian dollars, West German Deutsche marks, Swiss francs and Japanese yen, (Such options are hereafter referred to as "foreign currency options.") The proposed rules provide for the clearance and settlement of foreign currency options transactions and the processing and settlement of foreign currency options exercises. In general, the OCC rules applicable to stock options will apply to foreign currency options as well, with such exceptions as are specified in the proposed rule change. The format of the proposed foreign currency options rules is similar to that of OCC's existing rules pertaining to GNMA options and the proposed rules pertaining to Treasury securities and certificate of deposit ("CD") options. Foreign currency options, GNMA options, Treasury securities options and CD options are collectively referred to as non-equity securities options.

The proposed rule change would establish definitions applicable to foreign currency options, establish margin requirement for foreign currency options necessary to accommodate certain peculiarities of foreign currency options, and establish procedures for the settlement of foreign currency options exercises.

Under the proposed rule change, exercises of foreign currency options will be settled daily on the third business day which is also a business day in the country of origin of the foreign currency to be delivered. Deliveries of foreign currency pursuant to exercise settlements of foreign currency options will be effected in the country of origin of the foreign currency on a member to member basis. Payment for foreign currencies upon exercise, however, will be made in the United States through the facilities of OCC.

II. Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of, and basis for, the proposed rule change. The text of these statements may be examined at the places specified below. OCC has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) *Purpose of, and Statutory Basis for, the Proposed Rule Change.* The purpose of the proposed rule change is to permit the trading of foregin currency options as heretofore proposed by the Philadelphia Stock Exchange, Inc. ("Phlx"). Foreign currency options and debt securities options, including options on GNMA's, Treasury securities, and CD's are all considered non-equity options. The proposed rule change would expand the existing Debt Securities Clearing Fund to include foreign currency options and would change the name of that fund to the Non-Equity Securities Clearing Fund. This fund and the margin rules applicable to foreign currency options are designed to protect OCC against losses sustained in connection with foreign currency options.

The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 because it would apply to foreign currency options substantially the same procedures and safeguards that have been used sucessfully by OCC in connection with stock options and which have been approved by the Commission for GNMA options.

(B) *Burden of Competition.* OCC does not believe that the proposed rule change would have any material impact on competition.

(C) *Comments on the Proposed Rule Change Received from Members, Participants or Others.* Comments were not and are not intended to be solicited by OCC with respect to the proposed rule change, and no written comments have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before September 7, 1982 or within such longer period (i) as the Commission may designate up to 90 days if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. Sec. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentiond self-regulatory organization. All submissions should refer to the file number in the above and should be submitted on or before August 23, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: July 14, 1982.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-20783 Filed 7-30-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12563; 811-1898]

Equitable Life Insuance Co. of Iowa and Equitable of Iowa Variable Annuity Account A; Filing of an Application for an Order Declaring That Applicant has Ceased To Be an Investment Company

July 26, 1982.

Notice is hereby given that Equitable of Iowa Variable Annuity Account A ("Separate Account") and Equitable Life Insurance Company of Iowa ("Equitable") 604 Locust Street, P.O. Box 1635, Des Moines, Iowa 50306 (hereinafter collectively referred to as "Applicants") filed an application on June 15, 1982, and an amendment thereto on July 6, 1982, pursuant to Section 8(f) of the Investment Company Act of 1940 ("Act") for an order declaring that the Separate Account, registered under the Act as an open-end, diversified, management investment company, has ceased to be an investment company as defined by the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicants state that on August 5, 1969, the Separate Account registered under the Act, and that on the same date it filed a registration statement pursuant to the Securities Act of 1933 with respect to $10,000,000 of variable annuity contracts. Applicants further state that the Separate Account commenced the initial public offering of the contracts on March 25, 1970, the effective date of the registration statement.

The Separate Account's contract owners and Equitable's Board of Directors have approved a Plan of Liquidation ("Plan") pursuant to which, as of June 1, 1982, all outstanding securities of the Separate Account had been exchanged for cash or other contracts not issued by the Separate Account, as elected by contract owners. As a result of adoption of the Plan, and the fact that the Separate Account is not making and does not plan to make a public offering of its securities, Applicants assert that the Separate Account has ceased to be an investment company as defined by the Act. Applicants also state that the Separate Account's legal existence under relevant state law has terminated.

Section 8(f) of the Act provides, in part, that when the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested party may, not later than August 20, 1982 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following August 20, 1982 unless the Commission thereafter orders a hearing upon request or upon the Commission's motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing, if ordered, and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-20828 Filed 7-30-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18919; SR-NASD-82-8]

National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change

July 26, 1982.

The National Association of Securities Dealers, Inc. ("NASD") 1735 K Street, NW., Washington, D.C. 20006, submitted on May 21, 1982, a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchanges Act of 1934 ("Act"), and Rule 19b-4 thereunder, to include locked as well as crossed markets in Section C.3.a. of Part I of Schedule D of the NASD By-Laws. The rule change requires a market maker who wishes to enter a quote on the NASDAQ system which would result in a locked market for a particular security to make reasonable efforts, prior to entering such quotation, to avoid creating a locked market by first executing transactions with each market maker whose quotation would be locked. A locked market occurs when a bid quotation is made which is equal to the ask quotation of another market maker in the same security or an ask quotation is made which is equal to the bid quotation of another market maker in the same security. The NASD believes that the proposed amendment is the most efficient method by which to prevent locked markets in the NASDAQ system.

Notice of the proposed rule change, together with the terms of substance of the proposed rule change, was given by the issuance of a Commission release (Securities Exchange Act Release No. 18785, dated June 2, 1982) and by publication in the **Federal Register** (47 FR 28196, dated June 29, 1982). No comments were received with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder

applicable to the NSAD and, in particular, the requirements of Section 11A and 15A and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-20831 Filed 7-30-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18921; File Nos. SR-NSCC-80-35 and SR-NSCC-82-13]

National Securities Clearing Corp. and Order Granting Withdrawal of Proposed Rule Change by National Securities Clearing Corp.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on July 2, 1982, the National Securities Clearing Corporation ("NSCC") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change would establish under NSCC Rules 2 and 15 standards and procedures for bank membership in NSCC, as well as standards to monitor those participants' financial and operational capabilities. More specifically, the proposed standards and procedures would impose on bank participants (i) minimum capital and other financial requirements; and (ii) monthly, quarterly and annual reporting requirements relating to adverse financial or operational developments. In addition, the proposed rule change sets forth NSCC's guidelines for determining when bank participants may be placed by NSCC on closer than normal surveillance. NSCC believes that the proposed rule change is consistent with Section 17A of the Act in that it will enhance its ability to protect itself and participants from unreasonable financial and operational risks and therefore will safeguard funds and securites in its custody and control.

In order to assist the Commission in determining whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register.** Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, Washington, DC 20549. Reference should be made to File No. SR-NSCC-82-13.

Copies of the submission, all subsequent amendments all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

The proposed rule change replaces NSCC's proposed rule changes previously filed with the Commission on July 13, 1981, and January 29, 1982, as Amendment Nos. One and Two, respectively, of File No. SR-NSCC-80-35. On August 24, 1981, notice of Amendment No. One, together with the terms of substance of that proposed rule change, was given by publication in Securities Exchange Act Release No. 18056, 46 FR 46860 (September 24, 1981). Because File No. SR-NSCC-82-13 replace the Amendments to File No. SR-NSCC-80-35, NSCC was to be filed presently by NSCC, Amendment No. Two was not published by the Commission. Since File No. SR-NSCC-82-13 has requested that the Commission consent to the withdrawal of the Amendments. Accordingly, the Commission has considered NSCC's request for consent to the withdrawal of Amendment Nos. One and Two of File No. SR-NSCC-80-5, and IT IS THEREFORE ORDERED, pursuant to Section 19(b) of the Act, that those Amendments to File No. SR-NSCC-80-35 referenced above be, and hereby are, withdrawn.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-20830 Filed 7-30-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18922 (SR-OCC-82-5)]

Options Clearing Corp. ("OCC"); Order Approving Proposed Rule Change

On February 24, 1982, OCC filed with the Commission pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act") and Rule 19b-4 thereunder, a proposed rule change that would amend OCC Rule 602(d) to permit OCC to release on the exercise settlement date margin deposited with OCC by its members in respect of assigned short positions or exercised long positions in equity options in cases where settlement will be effected through the facilities of a correspondent clearing corporation. At present, such margin is not released until the business day following the exercise settlement date.

In addition, the proposed rule change would provide for the release of margin deposited in respect of debt securities options in cases where exercise settlement is effected through the netting of a clearing member's delivery and receipt obligations to OCC. In those circumstances, the proposed rule change would permit the release of margin on the date on which settlement is deemed to have been made.

Notice of the proposed rule change, together with the terms of substance of the proposed rule change, was given by publication of a Commission Release (Securities Exchange Act Release No. 18775 (May 28, 1982)) and by publication in the **Federal Register** (47 FR 24900, June 8, 1982). No letters of comment were received by the Commission.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies, and in particular, the requirements of Section 17A of the Act.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-20829 Filed 7-30-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18888; File No. SR-NSCC-82-11]

National Securities Clearing Corp.; Self-Regulatory Organizations

In the matter relating to a change in National Securities Clearing

Corporation's ("NSCC") Fee Structure. Comments requested on or before August 23, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 11, 1982, the NSCC filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NSCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Amend the last paragraph of National Securities Clearing Corporation's ("NSCC") Fee Structure as follows: (Arrows indicate additions to NSCC's pricing policy. Brackets indicate deletions to NSCC's pricing policy.)

NSCC Pricing Policy

NSCC's policy is to retain only those revenues which are required to support its operations. Since October of 1978, the date that NSCC installed its original Consolidated Rate Structure, gross billable revenues >before adjustment< (i.e. revenues before discount) have exceeded costs. In order to [reduce] >match actual< revenues >received< to the approximate level of costs, NSCC has >adjusted downward (i.e.< discounted)>>participants' invoices every month since October 1978. >If NSCC's gross billable revenues before adjustment do not equal the approximate level of costs, gross billable revenues will be adjusted upward (i.e. surcharged). Both the discount and the surcharge will be reflected on participants' monthly invoices.< It is NSCC's existing policy to continue matching revenues to costs >in the above manner.<

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of The Purpose of, and Statutory Basis for, the Proposed Rule Change

For the years 1979, 1980 and 1981, NSCC operated with a fee structure that, without adjustment, would have generated some $62,343,000 in excess revenue. Since it has been NSCC's policy to only bill participants an amount equal to NSCC's costs and not to retain earnings other than those considered by NSCC's Board of Directors to be essential, a downward adjustment, (i.e. discount) was made to NSCC's monthly billing to the appropriate amount. During the 1979 through 1981 period, this adjustment procedure resulted in an average discount of 48%.

In January of this year, NSCC instituted a revised fee structure. The new fees, overall, contained a 32% reduction from those of previous years. This action was expected to reduce unadjusted revenues closer to anticipated costs, thereby significantly reducing the planned discount at anticipated volume levels.

Concurrent with the adoption of the new fee structure, NSCC, and the industry in general, experienced a substantial reduction in trading activity. The combined effects of lower prices and reduced volume have resulted in a situation where NSCC has operated during the first four months of 1982 without any discount, but with revenues equaling costs.

Anticipating that volume levels could further contract, the NSCC Board of Directors determined to retain the new fee structure, but allow for an upward adjustment to the billing (i.e. a surcharge) at low activity levels. If volume fell below a point where generated revenues would be less than costs, the actual prices would be adjusted upward in the same, but opposite, manner as they are adjusted downward when otherwise generated revenues would be greater than costs.

The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934, as amended, ("Act") and the rules and regulations thereunder applicable to NSCC in that it provides for the equitable allocation of fees and other charges among NSCC's participants. The proposed rule change clarifies how NSCC will implement its existing policy of matching actual revenues received to the approximate level of costs when costs exceed revenues.

The proposed rule change does not relate to the safeguarding of securities and funds in NSCC's custody or control or for which it is responsible.

(B) Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not perceive that the proposed rule change will have an impact or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No comments on the proposed rule change have been solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of the Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before August 23, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: July 14, 1982.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-20826 Filed 7-30-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18885; File No. SR-OCC-82-7]

Options Clearing Corp.; Self-Regulatory Organizations

In the matter Relating to the issuance of options on bank certificates of deposit, the clearance and settlement of transactions therein, and the processing and settlement of exercises thereof. Comments requested on or before August 23, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 9, 1982, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by OCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Proposed Rule Change

The proposed rule change would provide for the issuance of options on certificates of deposit issued by "top tier" U.S. domiciled banks. (Such options are hereafter referred to as "CD options.") The proposed rules provide for the clearance and settlement of CD options transaction and the processing and settlement of CD options exercises. In general, the OCC rules applicable to stock options will apply to CD options as well, with such exceptions as are specified in the proposed rule change. The format of the proposed CD options rules is similar to that of OCC's existing rules pertaining to GNMA options and the proposed rules pertaining to Treasury securities options. CD options, GNMA options, and Treasury securities options are collectively referred to as debt securities options.

The proposed rule change would establish definitions applicable to CD options, make adjustments in the margin requirements for debt securities options to accommodate certain peculiarities of CD options, and establish procedures for the settlement of CD options exercises.

The underlying security in the case of a single CD put or call option is a "90-day" certificate of deposit in a principal amount of $1 million issued by any one of a small number of highly creditworthy banks known in the underlying market as "top tier" banks. The proposed rules contemplate the delivery, in settlement of the exercise of a CD option, of a certificate of deposit that was issued not more than 185 days prior to the exercise settlement date and that will mature in the same half of the month in which the exercise settlement date occurs, but in the third month following such exercise settlement date. The aggregate exercise price would be adjusted to reflect the original maturity period and the exact number of days remaining to maturity of the certificate that is actually delivered in settlment of an exercise.

Under the proposed rule change, exercises of CD options will be settled daily on the second business day following the date of exercise as OCC has proposed with respect to Treasury note and Treasury bond options. Exercise settlements for CD options will be on a member-to-member basis nearly identical to the settlement system applicable to GNMA options.

II. Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of, and basis for, the proposed rule change. The text of these statements may be examined at the places specified below. OCC has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Purpose of, and Statuory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to permit the trading of CD options as heretofore proposed by the American Stock Exchange (the "AMEX"). The basic rules pertaining to margin on debt securities options and the Debt Securities Clearing Fund, which are designed to protect OCC against losses sustained in connection with options on such securities, have previously been approved by the Commission.

The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 because it would apply to CD options substantially the same procedures and safeguards that have been used successfully by OCC in connection with stock options and which have been approved by the Commission for GNMA options.

(B) *Burden on Competition.* OCC does not believe that the proposed rule change would have any material impact on competition.

(C) *Comments on the Proposed Rule Change Received from Members, Participants or Others.* Comments were not and are not intended to be solicited by OCC with respect to the proposed rule change, and no written comments have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before September 7, 1982 or within such longer period (i) as the Commission may designate up to 90 days if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before August 21, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: July 14, 1982.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-20827 Filed 7-30-82; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-11767]

Union Carbide Corp., (a New York Corporation); Application and Opportunity for Hearing

July 27, 1982.

Notice is hereby given that Union Carbide Corporation (a New York Corporation) ("Union Carbide") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeships of Manufacturers Hanover Trust Company ("Manufacturers") under the two indentures referred to in paragraph 1 below, which have been qualified under the Act, and as successor trustee under the trust indenture referred to in paragraph 2 below, which has also been qualified under the Act, are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Manufacturers from acting as Trustee under any of such indentures.

Section 310(b) of the Act provides, inter alia, that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the Section), it shall, within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of this Section provides, with certain exceptions, that a trustee under a qualified indenture is deemed to have a conflicting interest if it is acting as trustee under another indenture of the same obligor. However, pursuant to clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture or indentures under which other securities of such obligor are outstanding, if the issuer shall have sustained the burden of proving on application to the Commission, and after opportunity for hearing thereon, that trusteeships under the indentures are not so likely to invlove a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under any such indentures.

Union Carbide alleges that:

1. As of June 15, 1982, Union Carbide had issued and outstanding the following described securities issued under the following indentures (the "Indentures"), each of which was qualified under the Act in connection with the registration under the Securities Act of 1933, as amended, of the securities issued thereunder, the file number of each Registration Statement being set forth in parenthesis below:

(a) $100,000,000 principal amount 9.125% Notes Due 1986, issued under an Indenture, dated as of August 15, 1979 between Union Carbide and Manufacturers, Trustee (File No. 2-65114); and

(b) $200,000,000 principal amount 9.35% Debentures Due 2009, issued under an Indenture, dated as of August 15, 1979 between Union Carbide and Manufacturers, Trustee (File No. 2-65114).

2. Union Carbide had also entered into an Indenture dated as of January 15, 1975 (the "Third Indenture"), with Morgan Guaranty Trust Company of New York ("Morgan Guaranty") as Trustee, which was qualified under the Trust Indenture Act of 1939 in connection with the registration under the Securities Act of 1833, as amended, of the $300,000,000 principal amount 8½% Debenture Due 2005 issued thereunder, some of which are presently outstanding (Registration Statement File No. 2-52546). Morgan Guaranty will resign as Trustee under the Third Indenture as of July 15, 1982 at which time Manufacturers will be appointed by Union Carbide as the successor Trustee under the Third Indenture.

3. Each of the Indentures referred to in paragraphs 1 and 2 above contains the provisions required by Section 310(b) of the Act.

4. The obligations of Union Carbide in respect of its $100,000,000 9.125% Notes Due 1986, its $200,000,000 9.35% Debentures Due 2009, and its $300,000,000 8½% Debentures Due 2005 are unsecured and rank in *pari passu*.

Union Carbide respectfully requests that the Securities and Exchange Commission find and declare by order that the continued trusteeship of Manufacturers under the Indentures, and as successor trustee under the Third Indenture would not be so likely to involve any material conflict of interest as to make it necessary in the public interest or for the protection of investors that Manufacturers be disqualified from acting as Trustee under any of the Indentures, if Manufacturers were to act as successor trustee under the Third Indenture.

Union Carbide has waived notice of hearing, and waives hearing, in connection with the matter referred to herein.

For a more detailed account of the matters of fact and law asserted, all persons referred to said application, which is a public document on file in the office of the Commission at the Public Reference Room, 450 Fifth Street, NW., Washington D.C. 20549, Room 1024.

Notice is further given that any interested person may, not later than August 23, 1982, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-20832 Filed 7-30-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18924]

Notice Concerning Proposed Rule Change To Amend NYSE Rules 382 and 405.

AGENCY: Securities and Exchange Commission.

ACTION: Notice concerning staff position.

SUMMARY: The Commission has authorized the issuance of a release clarifying proposed amendments to New York Stock Exchange ("NYSE") Rules 382 and 405.

FOR FURTHER INFORMATION CONTACT: Elizabeth S. York (202) 272-2377, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: In Securities Exchange Act Release No. 18497 (February 19, 1982),[1] the Commission published an order approving a proposed rule change to amend NYSE rules 382 and 405. This rule change sets forth the responsibilities of member broker-dealers relative to the handling of customer accounts that are introduced on a fully disclosed basis by one broker-dealer to another under a carrying agreement.

[1] 47 FR 8284 (February 25, 1982).

The purpose of this release is to clarify a footnote which appears in the above-noted order. Footnote number 2 of that order states:

The Commission notes that no contractural arrangement for the allocation of functions between an introducing and carrying organization can operate to relieve either organization from their respective responsibilities under Federal securities laws and applicable SRO Rules.

The phrase "applicable SRO Rules" was not intended to preclude the NYSE, or any other SRO, under appropriate circumstances and pursuant to the amended rules, from relieving a party to a carrying agreement from certain responsibilities which would accrue to that party absent the agreement. However, one SRO may not unilaterally exempt a member from the rules of another SRO to which the parties (party) to a carrying agreement belong(s).

Dated: July 26, 1982.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-20825 Filed 7-30-82; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice 816]

International Bridge Permit; Application for International Road Bridge Between Vanceboro, Maine and St. Croix, New Brunswick

The Department of State has issued a permit, effective as of July 7, 1982, authorizing the Georgia-Pacific Corporation to construct a private road bridge across the St. Croix River approximately one and one-half miles south of Vanceboro, Maine and St. Croix, New Brunswick. The Department's jurisdiction in the matter is based on Executive Order 11423, dated April 16, 1968, and the International Bridge Act of 1972 (33 U.S.C. 535). Prior notice of the pending application appeared in the **Federal Register** (47 FR 23064) May 26, 1982. Copies of the permit may be obtained from the Office of the Assistant Legal Adviser for European Affairs, Department of State, Room 5417A, Washington, D.C., 20520 (Phone: 202-632-9500).

Dated: July 8, 1982.

Geoffrey M. Levitt,

Attorney Adviser for European Affairs.

[FR Doc. 82-20777 Filed 7-30-82; 8:45 am]

BILLING CODE 4710-23-M

[Public Notice CM-8/532]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea; Meeting

The SOLAS Working Group on the Carriage of Dangerous Goods will conduct an open meeting at 9:30 a.m. on August 17, 1982 in Room 3201 of the Coast Guard Headquarters Building, 2100 2nd St., SW., Wash., D.C. 20593. The purpose of the meeting is to the discuss the following:

—US positions on matters to be considered at the 34th Session of the IMO Subcommittee on the Carriage of Dangerous Goods.

—The report of the second meeting (33/34) of the Editorial and Technical Group of the Subcommittee on the Carriage of Dangerous Goods.

—IMO activities of a continuing nature re carriage of dangerous goods.

Members of the public may attend up to the seating capacity of the room.

Requests for further information on the meeting should be directed to: Lt. John P. Aherne, US Coast Guard (G-MTH-3), 2100 Second St., SW., Washington, D.C. 20593. Telephone (202) 426-1577.

Gordon S. Brown,

Chairman, Shipping Coordinating Committee.

July 20, 1982.

[FR Doc. 82-20787 Filed 7-30-82; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Advisory Circular for Aircraft Major Repairs, Request for Comments on a Proposed Advisory Circular; Withdrawal

Cross Reference: For a document that withdraws a proposed advisory circular, for aircraft major repairs published in the **Federal Register** on July 23, 1981 (46 FR 38056), see FR Doc. 82-20717 in the Proposed Rules section of this issue.

Refer to the table of contents for the appropriate page number.

BILLING CODE 4910-13-M

[Summary Notice No. PE-82-14]

Petitions for Exemptions; Summary of Petitions Received Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before August 23, 1982.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ——, 800 INdependence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of section 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on July 26, 1982.

Richard C. Beitel,

Acting Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemption

Docket No.	Petitioner	Regulations affected	Description of relief sought
23189	Pilatus Aircraft Ltd.	14 CFR 23.49(b)(1)	To allow the Pilatus Model PC-7 to be certificated in the USA with a maximum weight stalling speed of 63.5 knots; i.e., 2.5 knots over the required regulatory limit.
23175	Air Transport Assn.	14 CFR 121.433 and 121.441 and Part 121, Appendix F.	To permit qualifying Part 121 carriers to combine recurrent training and proficiency checks for pilots in command into one annual training and proficiency check program. In addition, the line check required by Section 121.440 would be administered 6 months subsequent to the annual training and proficiency check sessions in lieu of the recurrent training presently required.
23183	California Business-jets, Inc.	14 CFR 135.89(b)(3)	To permit petitioner to operate its Citation C-550 aircraft above flight level (FL) 350 (35,000 feet) up to and including FL 410, without one pilot being required to wear and use an oxygen mask, secured and sealed, if each flight crewmember on flight deck duty has a quick-donning type of oxygen mask.
22633	Virgin Islands Seaplane Shuttle, Inc.	14 CFR 135.175(a)	To amend Exemption No. 3487 to permit petitioner to operate its three Gruman G-73 Mallard airplanes in passenger-carrying operations without approved airborne weather radar equipment installed in the airplanes with less restricted conditions and limitations.
23176	Tenneco, Inc.	14 CFR 91.169	To permit petitioner and its affiliated companies to operate an inspection program for its helicopters in accordance with § 91.217.
22462	Parks College of St. Louis University	14 CFR Part 141	To amend Exemption No. 3495 to permit the general public who do not wish to receive college credit to graduate from the appropriate courses when they have been trained to a performance standard in lieu of meeting the minimum flight-time requirement, including the minimum solo cross-country, flight time requirements.
22528	Eugen Armbruster	14 CFR 61.187(a)	To permit petitioner to apply for a flight instructor certificate without meeting certain flight instruction requirements.
23153	Starwood Ari Services, Inc.	14 CFR 121.333(c)	To permit petitioner to operate its Sabreliner 75A aircraft above flight level (FL) 350 (35,000 feet) up to and including FL 410 without one pilot having to wear and use an oxygen mask.
23148	Boeing Commercial Airplane Co.	14 CFR 91.70(a)	To allow petitioner to conduct flight testing of aircraft at speeds in excess of 250 knots when operating at altitudes below 10,000 feet.
22562	Steve's Aircraft	14 CFR 45.29	Reconsideration of a Denial of Exemption to permit petitioner to display small nationality and registration marks on two Piper L-21B, U.S. Government surplus PA-18 military aircraft in place of the 12-inch N/numbers now required.

Dispositions of Petitions for Exemption

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
23066	Venezolana Internacional de Aviacion, S.A.	14 CFR Portions of Parts 21 and 91	To permit petitioner to operate a Boeing 747 aircraft of U.S. registry utilizing an FAA-approved continuous airworthiness maintenance and inspection program and a Master Minimum Equipment List (MMEL). *Granted 7/6/82.*
22435	New York Air	14 CFR 43.3 & 43.7	To permit petitioner to borrow parts from or exchange parts with Air Canada for installation on its DC-9 aircraft in the United States. *Granted 6/22/82.*
22791	Mooney Aircraft Corp.	14 CFR 45.29(b)(1)	To allow petitioner to use 10-inch high registration marks on Mooney Models M20J and M20K airplanes. *Denied 7/9/82.*
22344	Pilots Rights Assoc	14 CFR 121.383(c)	To allow Captain Hazelwood to continue to be employed as a pilot for Pan American Airways beyond the date of his 60th birthday. *Denied 7/1/82.*
22996	Western Commander, Inc	14 CFR 25.1321(b)(3)	To permit type certification of two Gulfstream III airplanes, which are to to be used in Part 91 operation, with the vertical scale, vertical speed indicator installed between the altimeter and the attitude indicator on the pilot's instrument panel only. *Granted 6/25/82.*
22270	Executive Air Fleet Corp	14 CFR 135.25(b)(c)	To allow petitioner to operate without having the exclusive use of at least one aircraft that meets the requirements for at least one kind of operation authorized in the certificate holder's operations specifications. *Granted 7/7/82.*
22198	Pilgrim Airlines	14 CFR 121.503(e)	Reconsideration of the Denial of Exemption No. 3428 to allow petitioner's pilot's to fly as crewmembers more than 1,000 hours during any calendar year. *Denied 7/13/82.*
21444	Flying Tiger Line	14 CFR 121.391(a)	Reconsideration of a Denial of Exemption to allow petitioner to transport up to nine passengers without the presence of a flight attendant on the upper deck of B-747-245F and 249F series cargo-only aircraft when the aircraft are in a 12 to 20-seat configuration. *Partial grant 7/14/82.*
22770	Helicopter Charter, Inc	14 CFR 43.3(h)	To permit petitioner's pilots to remove, check, reinstall, and safety wire magnetic chip detector plugs on Allison 250C series engines. *Granted 7/2/82.*
22833	Altair Airlines, Inc	14 CFR 121.417(c)(1)	To allow for crewmember recurrent training on the operation of emergency exists by using pictorial presentations. *Denied 7/7/82.*
22641	ERA Helicopters, Inc	14 CFR 121.391(a)	To allow Jet Alaska, a division of petitioner, to conduct medevac flights using Convair 580 aircraft configured for fewer than nine passengers without a flight attendant. *Granted 7/7/82.*
23037	Delta Air Lines, Inc.	14 CFR 121.349(a)	To permit petitioner to substitute an Omega navigation system for one of two required automatic direction finder navigation systems required for operation. *Granted 7/1/82.*
22999	American Trans Air	14 CFR 121.371(a) and 121.378	To permit petitioner to utilize the facilities of a foreign repair station to overhaul its aircraft engines. *Granted 7/1/82.*
23124	Eagle Air of Iceland	14 CFR 61.77(a)	To permit petitioner's pilots to perform pilot duties on a civil airplane without that airplane meeting the passenger seating and payload capacity requirements. *Granted 7/1/82.*

DISPOSITIONS OF PETITIONS FOR EXEMPTION—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
23141	ICB International Airlines	14 CFR 121.3	To permit petitioner to operate as a domestic air carrier, a flag carrier, and a supplemental carrier without having its own air carrier operating certificate when using wet-leased aircraft or alternatively for the issuance of an air carrier operating certificate to ICB or an authorization or certificate in lieu of an air carrier operating certificate limited to operations performed under a wet-lease without ICB itself having to comply. *Granted 7/1/82.*
23077	Trinidad & Tobago (BWIA International) Airway Corp.	14 CFR Portions of Parts 21 and 91	To permit petitioner to operate certain Lockheed L1011 aircraft using a minimum equipment list. *Granted 7/12/82.*
22565	Mr. Kamran Moghadam	14 CFR 61.73(c)	To permit petitioner to qualify for the commercial pilot certificate with ratings for Lockheed 382 and Boeing 707/720 types under the written test provisions for former military pilots even though he has not been on active military flying status within the past 12 months. *Denied 7/12/82.*
21818	Military Airlift Command	14 CFR 91.119(a)(2) and 91.121(b)(1)	To permit petitioner to conduct specialized low altitude operations when using Adverse Weather Aerial Delivery System (AWADS) and Station Keeping Equipment/Inertial Navigation System/Zone Marker (SKE/INS/ZM) systems under all weather conditions. *Partial grant 6/25/82.*
22507	The City of New York	14 CFR 93.185(c) and 93.187	Amendment to Exemption No. 3456 to permit additional operators to use Flushing Airport. *Granted 6/25/82.*
22819	Liberty Airlines	14 CFR 121.61(d)(2)	To allow Mr. McBride to serve as chief inspector even though he does not meet the 1-year experience requirement as maintenance inspector on large aircraft with an air carrier, commercial operator, or certificated repair station. *Withdrawn 6/16/82.*
23133	Aerovias Nacionales de Colombia, S.A	14 CFR Portions of Parts 21, 43, 91, and 125.	To permit petitioner to operate a U.S.-registered B-747-100SF aircraft pursuant to a lease agreement between AVIANCA and World Airways (World) using the FAA-approved Master Minimum Equipment List (MMEL) and to have aircraft maintenance performed by Pan American World Airways (Pan American) in accordance with World's FAA-approved continuous airworthiness maintenance and inspection program. *Withdrawn 7/1/82.*
22567	Altair Airlines	14 CFR 121.311(f)	To permit petitioner to operate six DC-9-32 airplanes without each flight attendant having a seat for takeoff and landing in the passenger compartment that meets the seat requirements. *Partial grant 7/21/82.*
23065	Altair Airlines, Inc	14 CFR 121.371(a) and 121.378	To permit petitioner to use on its DC-9 aircraft certain engines and parts that have been built, repaired, overhauled, or inspected by persons outside the United States who do not hold U.S. airmen certificates. *Granted 7/22/82.*
21255	Midway Airlines	14 CFR 91.307	Amendment to Exemption No. 3111 to allow operation in the United States under a service to small communities exemption specified two-engine airplanes identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits as follows: Until not later than January 1, 1985; 8 DC-9-31s: and until not later than January 1, 1988; 9 DC-9-15s. *Granted 7/12/82.*
23115	IMCO Services	14 CFR 91.307	To allow operation in the United States under a service to small communities exemption specified two-engine airplanes identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits as follows: Until not later than January 1, 1988: 1 BAC-1-11; N117MRs. *Granted 6/23/82.*
23114	Western Airlines	14 CFR 91.307	To allow operation in the United States under a service to small communities exemption specified two-engine airplanes identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits as follows: Until not later than January 1, 1988; 12 B-737s. *Granted 6/23/82.*

[FR Doc. 82-20654 Filed 7-30-82; 8:45 am]

BILLING CODE 4910-13-M

Research and Special Programs Administration

[Inconsistency Ruling, IR-4]

State of Washington House Bill No. 1970 Requirements for Red or Red Bordered Shipping Papers for Hazardous Materials

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration (RSPA), Department of Transportation (DOT).

SUMMARY: This Notice of Supplementary Proceedings is the opinion of the MTB concerning whether the State of Washington's law requiring the red bordered bill of lading for all intrastate shipments of hazardous materials is inconsistent with the Hazardous Materials Transportation ACT (HMTA) or regulations issued thereunder and, thus, prempted as set forth in Section 112(a) of the HMTA.

DATE: Effective July 22, 1982.

FOR FURTHER INFORMATION CONTACT: Vita A Simon, Attorney, Office of the Chief Counsel, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590 (telephone (202) 755-4972).

Issued in Washington, D.C. on July 22, 1982.

William Driscoll,

Chief Counsel.

[FR Doc. 82-20702 Filed 7-30-82; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Department Circular—Public Debt Series—No. 20-82]

13¾ Percent Treasury Notes of August 15, 1992; Series B-1992

July 29, 1982.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $5,000,000,000 of United States securities, designated 13¾% Treasury Notes of May 15, 1992, Series B-1992 (CUSIP No. 912827 NE 8). The securities will be sold at auction,

with bidding on the basis of price. Payment will be required at the bid price of each accepted tender in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be issued August 16, 1982, and are offered as an additional amount of 13¾% Treasury Notes of May 15, 1992, Series B–1992 (CUSIP No. 912827 NE 8) dated May 17, 1982. Payment for the securities will be calculated on the basis of the auction price determined in accordance with this circular, plus accrued interest from May 17, 1982, to August 16, 1982. Interest on the securities offered as an additional issue is payable on a semiannual basis on November 15, 1982, and each subsequent 6 months on May 15 and November 15, until the principal becomes payable. They will mature May 15, 1992, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Wednesday, August 4, 1982. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, August 3, 1982, and received no later than Monday, August 16, 1982.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the price offered, expressed on the basis of 100 with two decimals, e.g., 100.00. Common fractions may not be used. Only tenders at a price more than the original issue discount limit of 97.750 will be accepted. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified price. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking insitutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and price range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the highest prices, through successively lower prices to the extent required to attain the amount offered. Tenders at the lowest accepted price will be prorated if necessary. Successful competitive bidders will be required to pay the price that they bid. Those submitting noncompetitive tenders will pay the weighted average price in two decimals of accepted competitive tenders. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the price. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the weighted average price of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressely reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted, and must include accrued interest from May 17, 1982, to August 16, 1982, in the amount of $34.00136 per $1,000 of securities allotted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Monday, August 16, 1982. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the

settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Thursday, August 12, 1982. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

[FR Doc. 82-20947 Filed 7-30-82; 8:45 am]

BILLING CODE 4810-40-M

[Department Circular—Public Debt Series—No. 19-82]

Treasury Notes of August 15, 1985, Series N-1985

July 29, 1982.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $6,000,000,000 of United States securities, designated Treasury Notes of August 15, 1985, Series N-1985 (CUSIP No. 912827 NM 0). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated August 16, 1982, and will bear interest from that date, payable on a semiannual basis on February 15, 1982, and each subsequent 6 months on August 15 and February 15 until the principal becomes payable. They will mature August 15, 1985, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be used in denominations of $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m.,

Eastern Daylight Saving time, Tuesday, August 3, 1982. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, August 2, 1982, and received no later than Monday, August 16, 1982.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $5,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve banks; and Government accounts. Tenders from others must be accompanied by full payment for the account of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successfully higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in section 3.4., must be made or completed on or before Monday, August 16, 1982. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order ot the institution to which the tender was submitted, which must be received from institutional investors no later than Thursday, August 12, 1982. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

[FR Doc. 82-20948 Filed 7-30-82; 8:45 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 148
Monday, August 2, 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

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

July 28, 1982.

TIME AND DATE: 10 a.m., August 4, 1982.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. William A. Haro, v. Magma Copper Company, Docket No. WEST 79–49–DM and WEST 80–116–DM. (Issues include whether the operator discriminated against the miner in violation of Section 105(c)(1) of the Mine Act.)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653–5632.

[S–1111–82 Filed 7–29–82; 3:00 pm]

BILLING CODE 6735–01–M

2

INTERSTATE COMMERCE COMMISSION

TIME AND DATE: 9:30 a.m., Tuesday, August 10, 1982.

PLACE: Hearing Room A, Interstate Commerce Commission, 12th Street and Constitution Avenue, N.W., Washington, D.C. 20423.

STATUS: Open special conference.

MATTER TO BE DISCUSSED: FY 1984 Budget.

CONTACT PERSON FOR MORE INFORMATION: Robert R. Dahlgren, Director, Office of Communications; Telephone: (202) 275–7252.

[S–1110–82 Filed 7–29–82; 2:59 pm]

BILLING CODE 7035–01–M

3

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

TIME AND DATE: 10 a.m., Monday September 13, 1982.

PLACE: Board Room, 712 Jackson Place NW., Washington, D.C. 20006.

STATUS: The meeting will be open to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Call meeting to order. Check quorum.
2. Adoption of proposed agenda.
3. Approval of minutes of April 5, 1982 meeting.
4. Report of Chairman.
5. Report of the President.
6. Report of Executive Secretary.
7. New Business.
8. Set date for next meeting in April, 1983.

CONTACT PERSON FOR MORE INFORMATION: Malcolm C. McCormack, Executive Secretary; telephone, 202–395–4831.

Malcolm C. McCormack,

Executive Secretary.

[S–1109–82 Filed 7–29–82; 11:33 am]

BILLING CODE 9500–01–M

federal register

Monday
August 2, 1982

Part II

Department of Transportation

Federal Aviation Administration

Operations Review Program; Amendment No. 11

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 121 and 145

[Docket No. 21269; Amdt. Nos. 121-179 and 145-19; Amdt. No. 11]

Operations Review Program

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These amendments to Parts 121 and 145 relieve, clarify, or simplify requirements applicable to the certification and operation of domestic, flag, and supplemental air carriers and commercial operators of large aircraft and to repair stations. They are part of the Operations Review Program and are based on a compilation of proposals discussed at the Operations Review Conference. These amendments permit a fuel jettisoning allowance when determining landing weight for an alternate airport for departure; require consideration of all passenger cabin occupants when carrying cargo and simplify requirements concerning the carriage of such cargo; make the qualifications required of an en route rest period relief pilot commensurate with that phase of flight; clarify that certain emergency drills can be accomplished on approved training devices; and set new standards regarding recent experience requirements for pilots. These amendments further require that public address systems be audible in lower lobe galleys, and that the pilot in command ensure that all mechanical irregularities that occur during flight time are entered in the aircraft's maintenance log at the end of that flight time. They clarify requirements concerning persons to be certificated as repairmen, provide uniform standards to which test inspection equipment must be calibrated, and eliminate requirements concerning fabrication of alloy members and components by repair stations.

EFFECTIVE DATE: October 1, 1982.

FOR FURTHER INFORMATION CONTACT: Fred Laird, Regulatory Review Branch, ASF-410, Safety Regulations Division, Office of Aviation Safety, Federal Aviation Administration, 800 Independence Ave., SW., Washington, D.C.20591; Telephone (202) 755-8714.

SUPPLEMENTARY INFORMATION:

History

This amendment is issued as part of the Operations Review Program. The following amendments have previously been issued as part of this program:

Title and Federal Register (FR) Citation
Amendment No. 1: Clarifying and Editorial Changes (41 FR 47227; October 28, 1976).
Amendment No. 2: Rotorcraft External-Load Operations (42 FR 24196; May 12, 1977, and 42 FR 32531; June 27, 1977).
Amendment No. 2A: Special Federal Aviation Regulation No. 36, Development of Major Repair Data (43 FR 3084; January 23, 1978).
Amendment No. 3: Airspace, Air Traffic, and General Operating Rules (44 FR 15654; March 15, 1979).
Amendment No. 4: Miscellaneous Amendments (43 FR 22636; May 25, 1978).
Amendment No. 5: Certification and Operations: Domestic, Flag, and Supplemental Air Carriers and Commercial Operators of Large Aircraft (43 FR 22643, May 25, 1978; 43 FR 28403, June 29, 1978; and 44 FR 25201, April 20, 1979).
Amendment No. 6: General Operating and Flight Rules and Related Airworthiness Standards and Crewmember Training (43 FR 46230; October 5, 1978).
Amendment No. 8: Certification and Operations: Domestic, Flag, and Supplemental Air Carriers and Commercial Operators of Large Aircraft; Operation of Scheduled Air Carriers with Helicopters; and Airworthiness Standards for Transport Category Airplanes (45 FR 41586; June 19, 1980)
Amendment No. 9: Operations Review Program: Amendment No. 9 (45 FR 46736; July 10, 1980)
Amendment No. 10: Airworthiness, Equipment, and Operating Rules (44 FR 61323; October 25, 1979).

These amendments are based on Notice of Proposed Rulemaking No. 81-1 published in the **Federal Register** January 19, 1981 (46 FR 5484). Interested persons have been given an opportunity to participate in the making of these amendments and due consideration has been given to all comments presented. A number of changes have been made to the proposed rules based on relevant comments received and upon further consideration by the FAA. Except for these changes, the amendments and the reasons for their adoption are the same as those contained in Notice No. 81-1. Some comments received made recommendations for changes which are beyond the scope of the notice and cannot be considered without further notice and public consideration.

Discussion of Comments

Proposals Which Are Adopted

The following discussions are keyed to like-numbered proposals contained in Notice No. 81-1:

Proposal 11-1. An alternate airport for departure, as provided in § 121.617, is an airport to which an airplane may proceed, in the event of an emergency occurring during or shortly after takeoff, instead of returning to a departure airport where the weather conditions are below the landing minimums in the certificate holder's operations specifications for that airport. Fuel jettisoning is allowed in certain circumstances under §§ 121.191 and 121.193 in determining the anticipated weight of an aircraft at the time of arrival at a departure airport. This amendment to § 121.197 permits an allowance to be made for fuel jettisoning in addition to normal consumption of fuel and oil when determining the anticipated landing weight of an aircraft at the alternate airport for departure.

No unfavorable comments were received on this proposal and it is adopted as proposed.

Proposal 11-2. This amendment to § 121.285 provides the same level of safety to flight attendants as is afforded to passengers where the carriage of cargo in passenger compartments is concerned. This is accomplished by changing the word "passengers" in the rule to the words "passengers and passenger compartment occupants." The amendment further simplifies and clarifies requirements concerning how cargo may be carried.

All commenters support the intent to protect flight attendants. However, one commenter suggests that the proposed language of § 121.285 (c) and (d) is confusing, misleading, unnecessarily restrictive, and cannot be supported. The commenter recommends deleting proposed paragraph (d) and provides a suggested rewrite of paragraph (c) to clarify the rule's intent.

In reevaluating Proposal 11-2 in light of the comments, the FAA finds it both confusing and unnecessary to refer to "carry-on baggage" in current and proposed § 121.285. Requirements concerning carry-on baggage are covered separately in § 121.589, which references § 121.285(c) as an acceptable way to restrain carry-on baggage. Furthermore, carry-on baggage is also considered cargo. This being the case, it is unnecessary to make specific reference to "carry-on baggage" in § 121.285. Accordingly, § 121.285 is

amended to remove any specific reference to carry-on baggage.

The amendment further changes § 121.285(c) to reflect that cargo can be carried aft of any bulkhead or divider in the passenger compartments when it is restrained to the emergency landing load factors in § 25.561(b)(3) and loaded in a specific manner. With this change in language, proposed § 121.285(d) becomes unnecessary and is deleted. As a consequence, Proposal 11–19 which would have added a reference to § 121.285(d) in § 121.589(a)(2), is no longer necessary and is withdrawn.

Proposal 11–7. The proposal to amend § 121.318(b)(4) would have provided that there be public address (PA) capability in all occupiable compartments of an aircraft, including lower lobe galleys when installed.

A number of commenters support the FAA proposed change to § 121.318(b)(4) stating that having an audible PA system in every compartment of the aircraft will be of great assistance to both passengers and flight attendants on board wide-body aircraft in an emergency.

One commenter recommends that the FAA change "in each occupiable compartment" in § 121.318(b)(4) to "each galley," since "occupiable compartment" might be misconstrued to include areas such as avionics compartments or certain cargo compartments. The commenter states that such a change would fulfill the FAA's intent by making the PA system audible in all areas where it needs to be audible. In light of the comments received, the language of the proposal has been changed and § 121.318 is amended to require that the PA system be audible at all passenger seats, lavatories, and flight attendant seats and work stations. This revision will adequately ensure that flight attendants who may be in lower lobe galleys receive information disseminated through the PA system.

No unfavorable comments were received concerning the proposed compliance time, therefore, a 2-year compliance time is adopted as proposed.

Proposal 11–7 also proposed to amend § 121.318(b)(5). That portion of the proposal is discussed later under Proposals Determined to be Burdensome.

Proposal 11–15. This amendment to § 121.417(c) clarifies the intent of the rule by allowing training "for each type aircraft" rather than "on each type aircraft." Section 121.417(c) presently requires that each flight crewmember perform certain emergency drills and operate certain equipment during initial training and once each 24 calendar months during recurrent training "on each type aircraft" in which he or she is to serve. However, as indicated by reference to training devices in § 121.417(c)(6)(vii), the intent of this rule is that initial and recurrent training can be accomplished in either an airplane or in a training device approved under the training program requirements of § 121.407.

All commenters concur in the proposal and the change to § 121.417 is adopted as proposed.

Proposal 11–16. This amendment to § 121.439 relaxes requirements concerning pilot qualification and recent experience. The change allows a pilot who reestablishes recency of experience in an advanced simulator to forego the present requirement of performing additional landings in the aircraft. The amendment further provides that when a simulator is used to meet recency of experience requirements, each required flight crewmember position must be occupied by a qualified person and the simulator must be operated as if in a normal in-flight environment without benefit of the slew or freeze features.

One commenter objects to four specifics of the amendment to § 121.439: First, the commenter objects, on grounds of flight safety, to the importance of the V_1 engine cut as a required maneuver when the airplane must be used for reestablishing recency of experience. The maneuver, it states, is not necessary to ensure requalification proficiency in the context of § 121.439. The commenter states that recurrent training/proficiency checking requirements in Part 121 are adequate to ensure proficiency of this asymmetric thrust maneuver. The engine cut at V_1 is necessary and important. The maneuver is one of the most critical that a pilot can be called upon to make. A slow or incorrect response to a failed engine can result in loss of aircraft and life. Performing an engine cut at V_1 is necessary to assure that a pilot who has gone 90 days or more without demonstrating proficiency is capable of conducting safe operations under Part 121.

Second, the commenter objects to the addition in proposed § 121.439(c) of a third landing (and takeoff) when the requirement of § 121.439(b)(2) is satisfied in a visual simulator not approved for the takeoff and landing maneuvers. Adding a third landing, argues this commenter, will only result in a nonproductive waste of check airman time. The FAA has reviewed the proposal in light of this comment and has determined that a satisfactory level of pilot proficiency is attained by retaining the present requirement for two landings in the airplane. A check airman is able to ensure that a pilot is proficient by observing the pilot perform two landings in the airplane. In light of this fact, and in keeping with the spirit of Executive Order 12291, which states that regulatory action shall not be taken unless the potential benefits outweigh the potential costs to society, the FAA has determined that visual simulator training, followed by two landings in the airplane, is sufficient to ensure satisfactory pilot proficiency. It must be noted that under § 121.439(d) a check airman retains responsibility and authority to require that a pilot perform additional maneuvers in the airplane when the check airman deems it necessary. The NTSB, in its comment, also supports the proposed addition of a third landing because it responds to Safety Board Recommendation No. A–74–104 which recommended that recency of pilot experience requirements be made more stringent. However, the FAA has already responded to the NTSB recommendation in Amendment No. 121–144 (43 FR 22648; May 25, 1978) which established stricter requirements for recency of experience than had existed previously.

Third, the commenter objects to the requirement in § 121.439(d) that each crewmember position must be occupied by an appropriately qualified person when requalification training for one pilot is conducted. The commenter contends that this would necessitate wasteful use of personnel. A check airman utilizing a modern digital simulator, it is asserted, can satisfactorily operate one of the pilot positions and the flight engineer position. Crew coordination is an integral part of the safe operation of an aircraft. A pilot must coordinate his duties with those of the other required crewmembers, especially during an emergency. For this reason, § 121.439(d) requires that each crewmember position be occupied by an appropriately qualified person when requalification training for one pilot is conducted.

Fourth, the commenter objects that the amendment to § 121.439(d), restricting use of the simulator's "slew or freeze" features, is wasteful of simulator and crewmember time, time which can be used for more productive training purposes. An integral part of regaining currency in the operation of an aircraft is conducting configuration changes and checklist completion. A pilot must regain the feel of the aircraft as flaps and gear are positioned. The pilot must also become reaccustomed to the routine of checklist completion. When, for example, the simulator is accelerated

or "slewed" to a final approach position and then stopped or "frozen," the pilot completes his or her responsibilities in an unrealistic time frame. The pilot is then not challenged to pace checklist and configuration changes as if operating in a normal in-flight environment. As a result, valuable training objectives are not met, and the pilot is prevented from being thoroughly trained to operate the aircraft. Section 121.439 is, therefore, amended to require that the simulator must be operated as if in a normal in-flight environment without use of the repositioning features of the simulator.

Proposal 11–17. This amendment to § 121.543 allows the assigned pilot in command to be relieved for a rest period during the en route cruise portion of a flight by a pilot who is currently qualified as a second in command and is also qualified as pilot in command of the aircraft during the en route cruise phase. In addition, this relief pilot must hold an airline transport pilot certificate and an appropriate type rating, as is currently required.

Operations Review Program Amendment No. 5 (43 FR 22643; May 25, 1978) provided procedures which allow an assigned pilot in command to leave that pilot's assigned duty station for a rest period if relieved by a pilot qualified to act as pilot in command who holds an airline transport pilot certificate and appropriate type rating. However, since this amendment became effective, exemptions have been issued which allow the pilot in command to be relieved, under certain conditions, by a pilot who is fully qualified as a second in command and fully qualified as a pilot in command during the en route cruise portion of the flight. (Such an individual is currently qualified to serve as pilot in command except that he has not met the 6-month recurrent flight training required by § 121.433(c)(1)(iii), the operating experience required by § 121.434, the takeoffs and landings required by § 121.439, the line check required by § 121.440, and the 6-month proficiency check or simulator training required by § 121.441(a)(1).) The granting of such exemptions does not adversely affect safety since the airplane is operated at all times during the en route phase by a pilot who is fully qualified for that phase of flight. This amendment to § 121.543 eliminates the need for any further exemptions of this type, thereby reducing the paperwork burden on the public and the FAA, and satisfying the intent of Executive Order 12291. No commenters oppose this amendment and it is adopted as proposed.

Proposal 11–18. This amendment to § 121.563 requires that the pilot in command ensure that all mechanical irregularities occurring during flight time are entered in the maintenance log of the airplane. In revising § 121.563, in Operations Review Amendment No. 8, (45 FR 41586; June 19, 1980), the word "time" was inadvertently omitted from the first sentence of that rule, so that the pilot in command was only required to enter in the aircraft maintenance log mechanical irregularities occurring during flight. Section 1.1 defines "flight time" as the time from the moment the aircraft first moves under its own power for the purpose of flight until the moment it comes to rest at the next point of landing ("block-to-block" time), while "flight" is defined in § 121.703 as being only the period from the moment the aircraft leaves the surface of the earth on takeoff until it touches down on landing. Since the FAA in Operations Review Amendment No. 8 never intended to change the period over which mechanical irregularities must be reported, this amendment corrects the mistake. Additionally, the phrase "next place of landing" at the end of the first sentence of § 121.563 is changed to "end of that flight time" so that the pilot in command is required to ensure that all mechanical irregularities are logged at the end of flight time. This change is clarifying in nature and helps achieve consistency with the term "flight time" which appears earlier in the revised sentence.

All comments support this change to § 121.563, and the amendment is adopted as proposed.

Proposal 11–24. This amendment to § 145.41 clarifies that an applicant for a domestic repair staton certificate and rating, or for an additional rating, must recommend at least one person for certification as a repairman and certify to the Administrator that the person recommended meets the requirements of § 65.101 and that he or she is able to perform and supervise the assigned work. No adverse comments were received in response to this proposal. Accordingly, the amendment to § 145.41 is adopted as proposed.

Proposal 11–25. This amendment to § 145.47 identifies uniform standards to which test and inspection equipment must be calibrated. The amendment further retains an existing provision that such equipment be tested at regular intervals.

Several commenters state the belief that requiring "calibration to a standarad of the National Bureau of Standards" means that only a Bureau standard can be used. Such is not the case. It has been longstanding FAA policy that only a standard derived from the National Bureau of Standards is required and such is the intent of this rule change. To clarify this intent, the phrase "derived from" is substituted for the word "of" in the second sentence of proposed § 145.47(b) so that inspection and test equipment must be calibrated "to a standard derived from the National Bureau of Standards."

One commenter objects to the proposal stating it would not allow repair stations or air carriers to contract the calibration of inspection and test equipment and, therefore, compliance would be impractical. Contracting the calibration of precision test and inspection equipment is a longstanding industry practice and is normally approved by the FAA in repair station and air carrier manuals. The prohibition of such contracting is not intended. Therefore, the rule language is clarified to reflect that the repair station need only ensure the testing of such equipment.

Another commenter states that requiring calibration at "regular intervals" is too vague. A specific interval for calibration is approved by the FAA in the repair station or air carrier manual. To require that equipment be tested "at regular intervals" provides the flexibility needed to make the calibration period appropriate to both the equipment involved and the air carrier or repair station's needs. Furthermore, the term "at regular intervals" is currently contained in § 145.47 and has not presented an interpretation problem.

One commenter objects to the proposal on the grounds that if a U.S. domestic repair station were using foreign equipment, it appears that the standard of the foreign country must be used. The FAA, however, intends that a U.S. domestic repair station using foreign equipment could use a standard derived from the National Bureau of Standards or the standard of the country of manufacture if such a standard is approved by the Administrator. The amendment, as adopted, reflects this intent.

Proposal 11–26. This amendment to Appendix A of Part 145 eliminates the current requirement in paragraph (a)(3) that repair stations must be able to fabricate alloy members and components. This amendment also relaxes certain requirements of paragraphs (b)(1)(i) and (iii) by providing that repair stations need not have the equipment and material on the premises for performing the job functions of replacing valve guides and

seats, precision drilling, tapping, boring, milling, and cutting if they contract that particular type of work to an outside agency having such equipment and material. No adverse comments were received in response to the proposal. Accordingly, this change to Appendix A of Part 145 is adopted as proposed.

Proposals Determined To Be Burdensome

On February 17, 1981, the President issued Executive Order 12291 on "Federal Regulations" (46 FR 13193; February 19, 1981). Section 2 of the Executive Order specifies five general requirements for rulemaking conducted by the Federal Government, requirements which will guide FAA rulemaking activity over the coming years. Executive Order 12291 states that regulatory action: (1) Must be based on adequate information on the need for and consequence of proposed government action, (2) shall not be undertaken unless the potential benefits to society for the regulation outweigh the potential cost to society, (3) must have objectives that maximize these benefits, (4) shall consider all alternative approaches, and (5) shall consider regulatory priorities, taking into account the condition of the particular industries affected by regulations and the condition of the national economy. What follows is a discussion of proposals for which the anticipated costs to society for the regulation outweigh the anticipated benefits and which are, therefore, removed from consideration. Removing these proposals from consideration is not inconsistent with the Federal Aviation Act of 1958, as amended.

Proposals 11–5, 11–8, 11–9, and 11–21. These proposals to amend §§ 121.305, 121.323, 121.325, and 135.149, would have required the use of an altimeter that meets the performance and environmental standards of the applicable technical standard order or the equivalent for airplanes operating under Parts 121 and 135. All commenters oppose this change in the use of three-pointer altimeters. These commenters object that evidence relied upon by the FAA to support the change is outdated and does not take into account the improvements which enhance altitude awareness, such as ground proximity warning systems, altitude alert systems, transponders, altitude reporting capability, and radio altimeters with an alert feature. One commenter estimates the total cost to replace the three-pointer altimeters in its aircraft to be $11 million. Another commenter states that FAA cost estimates are not accurate and do not appear to include the cost of standby altimeters as well as spares and test equipment. One commenter states that if the proposal were adopted, 534 air carrier aircraft would be affected at an estimated cost of $30 million. This commenter points out that there is a relatively small number of altimeter manufacturers and that if all three-pointer altimeters were required to be replaced in less than a 3-year period, the demand upon these manufacturers would be overwhelming.

The FAA has received the comments on proposals 11–5, 11–8, 11–9, and 11–21. That review has revealed that the problem of misreading altimeters is not limited to three-pointer altimeters and that replacement altimeters may pose a similar problem. Therefore, the FAA finds that the proposed rule change would not eliminate the problem. Additionally, the potential benefits to society which would result from adopting these proposed amendments do not outweigh the potential costs to society. Accordingly, the proposals to amend §§ 121.305, 121.323, 121.325, and 135.149 are removed from consideration to permit further research in defining the proper action to alleviate misreading altimeters.

Proposal 11–6. This proposal to amend § 121.309 would have increased the number of portable battery-powered megaphones required on passenger-carrying airplanes with a seating capacity of more than 199 passengers from two to three. The present rule requires one megaphone for airplanes with a seating capacity of 60–99 passengers and two for airplanes with a seating capacity of more than 99 passengers. A third, mid-fuselage megaphone was proposed for airplanes with a seating capacity of more than 199 passengers so that emergency information transmitted by megaphone might be more audible to passengers seated in the middle of the fuselage. This proposal would further have revised § 121.309(f) (1) and (2) to require megaphones to be readily accessible from required flight attendant seats.

Several commenters support the FAA's proposed revision of § 121.309 stating that the third megaphone would prove very advantageous in an emergency situation. Several such commenters emphasize their support for the proposed revised wording of § 121.309(f) (1) and (2) for the reasons cited in Notice 81–1.

One commenter opposes adoption of the proposal, stating that in an emergency the flight attendant's hands are otherwise occupied with opening exits and directing passengers to and through these exits. The commenter further states that it is not necessary that megaphones be accessible to seated flight attendants since the megaphones are not used until after the evacuation, and that the clear and unaugmented voice command has proven very effective in emergency evacuation situations. The commenter believes that it is reasonable to have one or two megaphones on board the aircraft which can be retrieved for use on the ground, if time permits and no fire exists, and that the location and storage of megaphones should be dictated by their normal use. Storage, states the commenter, should be near the fore and aft exits, and if only one megaphone is aboard, it should be located in the forward part of the cabin so that the cockpit crew may have access to it. Finally, the commenter states that if the rule is adopted as proposed, a decrease in safety could result since it would be difficult to develop a safe installation for a bulky item such as a megaphone at flight attendant seats—particularly at the forward bulkhead. The commenter further states that theft of the units will become a problem if they are stowed in an obvious location.

Upon further review, the FAA has determined that to require an additional megaphone or to require that megaphones be readily accessible from required flight attendant seats, would not provide a higher level of safety in operations under Part 121. The safety benefits to be gained by such requirements would not outweigh the potential cost to society. Accordingly, the proposal to amend § 121.309 is removed from consideration.

Proposal 11–7. Proposed § 121.318(b)(5) would have required power to be supplied to the PA system from a power source independent of the main electrical generating system.

A number of commenters support adoption of § 121.318(b)(5) because they believe that the capability to use the PA system during emergencies, when the main aircraft power may be interrupted, is vital for initiating and directing emergency evacuations, and for providing preimpact instructions to passengers. One commenter points out that situations have occurred where flight attendants have had to use megaphones to prepare passengers for evacuations because the PA system was not functioning.

One commenter opposes adoption of proposed § 121.318(b)(5), labeling the proposal as being vague and ambiguous. This commenter argues that the regulation would require the PA system to be capable of operation from a power source independent of the main

electrical generating system without jeopardizing the in-flight emergency electrical power system, but that neither "main electrical generating system" nor "in-flight emergency electrical power system" are defined. The commenter further objects that the proposal could result in a substantial economic burden. Its estimate exceeds $100,000 to install a separate battery for the PA systems in its fleet of airplanes.

The FAA has reviewed the proposed requirement that PA systems be capable of operation from a power source independent of the main electrical generating system and has determined that the cost of compliance with such a rule would outweigh any identifiable safety benefits. In light of the comments and in keeping with Executive Order 12291, the proposal to amend § 121.318(b)(5) is removed from consideration. However, implementing this proposal for new aircraft designs will be considered in the future.

Proposal 11–11. This proposal would have amended § 121.333(f) to require that demonstration oxygen masks be identical in appearance to those used aboard the airplane. It would also have provided specific requirements regarding the demonstration of proper donning of such masks. The proposal further would have replaced the phrase "cabin attendant" with the phrase "flight attendant" in § 121.333(d) and (e)(3).

A number of commenters concur in the suggested revision to § 121.333. These commenters contend that current announcements on the use of oxygen do not always include complete information, and demonstration equipment is not always similar to actual systems installed on the aircraft. The commenters state that this situation can contribute to confusion and misuse of equipment during a decompression, when immediate and proper life-sustaining equipment use is vital. In this connection, the NTSB emphasizes that to prevent confusion among passengers, it is particularly important that the demonstration masks be identical in external appearance to those used aboard the airplane.

One commenter objects to the requirement that demonstration masks be identical to those used aboard the aircraft. This commenter asserts that mock demonstration masks, costing one-third the price of standard masks, are sufficient in that they are designed to look realistic, can be sanitized very easily, and do not require periodic overhaul/testing as do standard operational masks.

The FAA is unaware of any reports of passenger injuries which have occurred as a result of improper briefing on the use of oxygen equipment or because the demonstration masks were not identical to those used aboard the airplane. Additionally, the FAA has determined that the economic burden to be imposed on society by requiring that demonstration masks be identical to those used aboard the airplane outweighs any additional safety benefit to be gained by adoption of this requirement. Also, the phrase "cabin attendant" in § 121.333 (d) and (e)(3) clearly conveys who is encompassed by the rule and there is no need to change the wording. Furthermore, current requirements provide for adequate instruction of passengers on the proper donning of oxygen masks. Therefore, in light of the comments received and guidelines of Executive Order 12291, the proposal to amend § 121.333 is removed from consideration.

Proposals 11–20 and 11–22. These proposals would have amended §§ 121.703 and 135.415 to require each certificate holder to report the occurrence or detection of each failure, malfunction, or defect concerning:

(1) Doors and exits designated as emergency exits, including automatic or manual operating systems and components;

(2) Emergency escape slides and components and systems or hardware for manual or automatic deployment; and

(3) Galley or passenger service equipment and crewmember or passenger accommodations which could result in injury to a crewmember or passenger, restrict the emergency egress of either, or adversely affect the airworthiness of the aircraft.

Several commenters support the FAA's proposed changes to §§ 121.703 and 135.415, stating that accurate reporting of problems in the cabin environment will help ensure the safety of passengers and crewmembers. One commenter states that numerous instances of inoperative or malfunctioning equipment not previously required to be reported and repaired have resulted in aircraft continuing to operate in a condition adverse to the safety of its occupants.

One commenter objects to the proposal on the grounds that the maintenance reliability reports currently required by § 121.703 are more than adequate in assuring maintenance of the airplane.

The FAA has reconsidered the proposal in light of the comments and has determined that the maintenance reliability reports currently required are adequate in assuring maintenance of the airplane and that additional reporting requirements would place an economic burden on society without yielding a corresponding increase in benefits, thereby violating the intent of Executive Order 12291. Accordingly, the proposals to amend §§ 121.703 and 135.415 are removed from consideration.

Proposal 11–23. This proposal would have amended § 145.11 to require that an application for a repair station certificate and rating, or for an additional rating, be submitted with duplicate copies of a list by type, make, or model, as appropriate, of the airframe, aircraft engine, propeller, appliance, or part thereof, for which the applicant seeks approval.

One comment was received in response to the proposal. It states that including the term "appliance" would cause an extraordinary amount of work on the part of the repair station.

Upon reconsideration, the FAA has determined that the information sought by this proposal is, in practice, already part of applications for repair station certificates and ratings. Under the current rule, the Administrator may prescribe that such information be provided and the applicant is often required to do so. Therefore, it is not necessary to amend § 145.11 to specifically require the additional information and the proposal is removed from consideration.

Proposal 11–27. This proposal would have amended § 147.35 to require that each transcript issued to a student who graduates from an aviation maintenance technician school or who leaves before graduation contain the hours spent in each subject of instruction. All commenters oppose this change chiefly on the grounds that a costly and burdensome change in a school's computer system would be necessary to change the format of a school's transcript to comply with the proposal.

Upon reconsideration the FAA has determined that the proposal would not be beneficial since it would only be of use to a small number of students desiring to transfer partial credit for uncompleted courses to another school. Accordingly, the proposal to amend § 147.35 is removed from consideration.

Proposals Handled By Separate Rulemaking

Proposal 11–3 would amend § 121.291 to allow a Part 121 certificate holder to use the results of a successful full-scale emergency evacuation demonstration conducted by a manufacturer under Part 25, or by another Part 121 certificate holder, rather than conduct its own full-scale emergency evacuation demonstration provided certain

additional conditions are met. The proposal would also clarify requirements concerning successful demonstration of ditching procedures for those certificate holders who are operating a type and model of aircraft for which successful ditching procedures previously have been conducted by other certificate holders. Additionally, the proposal would provide for the inflation of one life raft to provide a sufficient test of safety procedures.

Proposal 11–14 would amend § 121.391 to allow an aircraft operator to reduce the passenger-carrying capacity of its aircraft in specified situations by blocking passenger seats, thereby reducing the number of flight attendants required to be aboard the aircraft.

The FAA processed Proposal 11–3 (46 FR 61450; December 17, 1981) and Proposal 11–14 (46 FR 61489; December 17, 1981) separately from the others contained in Notice No. 81–1 due to the public interest they generated.

Proposal 11–13 concerning erasure of cockpit voice recorder information, was substantially modified in light of comments received, thus placing it beyond the scope of the original notice. This modified proposal will be published for public comment in a future rulemaking action.

Other Proposals Withdrawn

Proposal 11–4. This proposal would have revised the applicability statement of § 121.301 to prescribe instrument and equipment requirements for operators and persons on board the airplane, as well as for certificate holders.

One comment was received and it was in support of the proposal. However upon further review the FAA has determined that the wording of current § 121.301 is correct especially when this subpart is considered in the larger context of Part 121. The rules contained in the other subparts of Part 121 do not apply to operators and persons on board the airplane. Therefore, it is inappropriate and inconsistent to place requirements for instruments and equipment on such persons.

Proposal 11–10. This proposal would have inserted commas before and after the phrase "and must be provided for other crewmembers" in § 121.329(b)(1) so that the rule would read: "At cabin pressure altitudes above 10,000 feet, up to and including 12,000 feet, oxygen must be provided for and used by each flight crewmember on flight deck duty, and must be provided for other crewmembers for that part of the flight at those altitudes that is of more than 30 minutes duration." The proposal was intended to clarify that the part of the rule which stipulates "for that part of the flight at those altitudes that is of more than 30 minutes duration" applies to the flightcrew on flight deck duty as well as to other crewmembers.

Two comments were received, both of which support the proposal. However, the FAA, upon further study, has determined that current § 121.329 is clear and requires no further change. Accordingly, the proposal to amend § 121.329 is removed from consideration.

Proposal 11–12. This proposal would have amended § 121.351, dealing with extended overwater operations, to clarify the fact that two independent radio communication systems are required by the rule. The clarification would have been accomplished through the following language: "No person may conduct extended overwater operations unless the airplane is equipped with equipment necessary to comply with § 121.349 and an additional and independent radio system that complies with § 121.351(a)(1)."

One comment was received in response to the proposal and it supports the suggested change. However, upon further consideration, the FAA has determined that the proposed clarifying language is unnecessary. The current rule indicates clearly the need for two independent radio systems. Accordingly, the proposal to amend § 121.351 is withdrawn.

Proposal 11–19. This proposal to amend § 121.589(a)(2), which would have added a reference to new paragraph (d) of § 121.285, is unnecessary because § 121.285, as adopted, does not include paragraph (d). Two comments were received in response to the proposal, both of which incorporate by reference the remarks made by the same commenters regarding Proposal 11–2 to amend § 121.285. These remarks and a discussion of the reason for withdrawing paragraph (d) are addressed in the discussion of Proposal 11–2.

Regulatory Evaluation

The following discussion relates to those rule changes which are being adopted:

Proposal 11–1 Fuel Jettisoning. This rule change provides operational flexibility to operators by allowing jettisoning of fuel in calculating anticipated weight at the time of arrival at alternate airports. The rule is permissive and adds no new requirement. Thus, there is no cost. The rule allows dispatching flexibility and is beneficial.

Proposal 11–2—Definition of Passenger Cabin Occupants. This rule change is a no-cost simplification of an existing rule.

Proposal 11–7—Public Address System. This rule change requires that transmission from the PA system be audible at all passenger seats, lavatories, and flight attendant seats and work stations. There should be no additional cost associated with the rule change given the comment by a major industry association that most airplanes operated under Part 121 already comply. The proposal to require that the public address system be capable of operation from a power source independent of the main electrical generating system is not adopted.

Proposal 11–15—Crewmember Emergency Training. This rule change is a clarification of an existing rule which allows use of training devices to perform certain emergency drills for initial and recurrent training of crewmembers. The rule has only benefits and presents no costs.

Proposal 11–16—Pilot Qualification: Recent Experience. This rule change basically relieves and clarifies requirements regarding simulator training and recency of experience.

First, this rule applies chiefly when a pilot has not made at least three takeoffs and landings in an aircraft type within the preceding 90 days. The training set forth in this rule is rarely required since it is usually triggered by a lengthy illness on the part of a pilot, a long work stoppage, or return from furlough.

Presently, when a simulator is used to establish recency of experience, there is a requirement that the pilot perform two landings in line operations observed by a check airman. This requirement is eliminated in the amended rule when an advanced simulator is used. Therefore, the rule change is relaxatory. (However, when a visual simulator is used to establish recency of experience, two landings in line operations observed by a check airman are still required).

The rule requires that when a simulator is used to establish recency of experience, there must be an appropriately qualified individual at each crew position. While the current rule is silent on this point, most training operations today include this important element of crew coordination training. Therefore, there should be no additional cost associated with compliance with this rule change.

Proposal 11–17—Flight Crewmember at Controls. This is a relieving rule change which relaxes requirements regarding qualifications of relief pilots used during en route phases of flight.

Proposal 11-24—Recommendation of Persons for Certification as Repairmen. This amendment is a clarification of existing regulation and adds no new requirements.

Proposal 11-25—Testing Standards. This amendment clarifies standards to which test and inspection equipment must be calibrated. The clarification eliminates the need for interpreting the rule in this regard and keeps repair stations from setting their own potentially spurious standards.

Proposal 11-26—Repair Station Requirements. This change relieves requirements concerning the equipment and material needed by repair stations.

List of Subjects

14 CFR Part 121

Air carriers, Aircraft, Airmen, Aviation safety, Charter flights.

14 CFR Part 145

Aircraft.

Adoption of the Amendments

Accordingly, Parts 121 and 145 of the Federal Aviation Regulations (14 CFR Parts 121 and 145) are amended as follows, effective October 1, 1982:

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

1. By revising § 121.197 by adding a sentence at the end to read as follows:

§ 121.197 Transport category airplanes: Turbine engine powered: Landing limitations: Alternate airports.

* * * * *

* * * In the case of an alternate airport for departure, as provided in § 121.617, allowance may be made for fuel jettisoning in addition to normal consumption of fuel and oil when determining the weight anticipated at the time of arrival.

2. By revising § 121.285 (b) and (c) to read as follows:

§ 121.285 Carriage of cargo in passenger compartments.

* * * * *

(b) Cargo may be carried anywhere in the passenger compartment if it is carried in an approved cargo bin that meets the following requirements:

* * * * *

(c) Cargo may be carried aft of a bulkhead or divider in any passenger compartment provided the cargo is restrained to the load factors in § 25.561(b)(3) and is loaded as follows:

(1) * * *

(2) It is packaged or covered in a manner to avoid possible injury to passengers and passenger compartment occupants.

* * * * *

3. By revising § 121.318(b)(4) to read as follows:

§ 121.318 Public address system.

* * * * *

(b) * * *

(4) After Oct. 1, 1984, transmission must be audible at all passenger seats, lavatories, and flight attendant seats and work stations.

* * * * *

§ 121.417 [Amended]

4. By amending § 121.417(c) by substituting the word "for" for the word "on" in the first sentence.

5. By revising § 121.439 by adding a sentence at the end of paragraph (a), revising paragraphs (b) and (d), and adding a new (e) to read as follows:

§ 121.439 Pilot qualification: Recent experience.

(a) * * * In addition, any person who fails to make the three required takeoffs and landings within any consecutive 90-day period must reestablish recency of experience as provided in paragraph (b) of this section.

(b) In addition to meeting all applicable training and checking requirements of this part, a required pilot flight crewmember who has not met the requirements of paragraph (a) of this section must reestablish recency of experience as follows:

(1) Under the supervision of a check airman, make at least three takeoffs and landings in the type airplane in which that person is to serve or in an advanced simulator or visual simulator. When a visual simulator is used, the requirements of paragraph (c) of this section must be met.

(2) The takeoffs and landings required in paragraph (b)(1) of this section must include—

(i) At least one takeoff with a simulated failure of the most critical powerplant;

(ii) At least one landing from an ILS approach to the lowest ILS minimum authorized for the certificate holder; and

(iii) At least one landing to a full stop.

* * * * *

(d) When using a simulator to accomplish any of the requirements of paragraph (a) or (b) of this section, each required flight crewmember position must be occupied by an appropriately qualified person and the simulator must be operated as if in a normal in-flight environment without use of the repositioning features of the simulator.

(e) A check airman who observes the takeoffs and landings prescribed in paragraphs (b)(1) and (c) of this section shall certify that the person being observed is proficient and qualified to perform flight duty in operations under this part and may require any additional maneuvers that are determined necessary to make this certifying statement.

6. By revising § 121.543(b)(3)(i) to read as follows:

§ 121.543 Flight crewmembers at controls.

* * * * *

(b) * * *

(3) * * *

(i) In the case of the assigned pilot in command during the en route cruise portion of the flight, by a pilot who holds an airline transport pilot certificate and an appropriate type rating, is currently qualified as pilot in command or second in command, and is qualified as pilot in command of that aircraft during the en route cruise portion of the flight. A second in command qualified to act as a pilot in command en route need not have completed the following pilot in command requirements: The 6-month recurrent flight training required by § 121.433(c)(1)(iii); the operating experience required by § 121.434; the takeoffs and landings required by § 121.439; the line check required by § 121.440; and the 6-month proficiency check or simulator training required by § 121.441(a)(1); and

* * * * *

7. By revising the first sentence of § 121.563 to read as follows:

§ 121.563 Reporting mechanical irregularities.

The pilot in command shall ensure that all mechanical irregularities occurring during flight time are entered in the maintenance log of the airplane at the end of that flight time.* * *

PART 145—REPAIR STATIONS

8. By revising § 145.41 to read as follows:

§ 145.41 Recommendation of persons for certification as repairmen.

(a) When a person applies for a domestic repair station certificate and rating(s) or additional rating(s) that require a repairman, that person must—

(1) Recommend at least one person for certification as a repairman;

(2) Certify to the Administrator that the person recommended meets the requirements of § 65.101 of this chapter; and

(3) Certify that the person recommended is able to perform and supervise the assigned work.

(b) Each person recommended per paragraph (a)(1) of this section must be at or above the level of shop foreman or department head or be responsible for supervising the work performed by the repair station. A qualified person so recommended may be certificated as a repairman.

10. By revising the second sentence of § 145.47(b) to read as follows:

§ 145.47 Equipment and materials: Ratings other than limited ratings.

* * * * *

(b) * * * The station shall ensure that all inspection and test equipment is tested at regular intervals to ensure correct calibration to a standard derived from the National Bureau of Standards or to a standard provided by the equipment manufacturer. In the case of foreign equipment, the standard of the country of manufacture may be used if approved by the Administrator.

* * * * *

11. By amending Appendix A of Part 145 by adding an asterisk (*) after the words "Replacement of valve guides and seats," in paragraph (b)(1)(i); by adding an asterisk (*) after the words "Precision drilling, tapping, boring, milling and cutting operations," in paragraph (b)(1)(iii); and by revising paragraph (a)(3) to read as follows:

Appendix A

* * * * *

(a) * * *

(3) Alloy skin and structural components:

Repair and replace metal skin using power tools and equipment,

Repair and replace alloy members and components such as tubes, channels, cowlings, fittings, attach angles, etc.,

Alignment of components using jigs or fixtures as in the case of joining fuselage sections or other similar operations,

Make up wooden forming blocks or dies,

Fluorescent inspection of alloy components,*

Fabricate alloy members and components such as tubes, channels, cowlings, fittings, attach angles, etc.*

* * * * *

(Secs. 313, 314, and 601 through 610, of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1355, 1421 through 1430); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—This document relieves a substantial segment of the aviation community of a cost burden by simplifying and clarifying certain requirements applicable to the certification and operation of domestic, flag, and supplemental air carriers and commercial operators of large aircraft and to repair stations. The FAA's evaluation of the amendment indicates that the aggregate benefits exceed the costs primarily by allowing certain emergency drills to be accomplished using approved training devices, permitting a fuel jettisoning allowance when determining landing weight for an alternate airport for departure, and eliminating requirements concerning fabrication of alloy members and components by repair stations. The preamble contains a discussion of the benefit/cost relationship. Therefore, the FAA has determined that this document involves a rulemaking action that (1) is not a "major rule" under Executive Order 12291, and (2) is not a "significant rule" under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In addition, for the reasons stated above, it is certified that the amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

Issued in Washington, D.C., on July 2, 1982.

Michael J. Fenello,

Acting Administrator.

[FR Doc. 82-20737 Filed 7-30-82; 8:45 am]

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Monday
August 2, 1982

Part III

Department of Transportation

Federal Aviation Administration

Elimination of Certain Personnel, Manual, and Training Requirements for Corporate One-Pilot Operations and Delegation of Authority for Management Deviation Requests

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 135

[Docket No. 23229; Amdt. No. 135-18]

Elimination of Certain Personnel, Manual, and Training Requirements for Corporate One-Pilot Operations and Delegation of Authority for Management Deviation Requests

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule; Request for Comments.

SUMMARY: This amendment eliminates regulations concerning manual requirements, management personnel required, pilot and flight crewmember training programs, and crewmember initial and recurrent training requirements where the certificate holder is a corporation or other legal entity which uses only one pilot. It also transfers the authority to act on requests for deviation from the Director of Flight Operations or the Director of Airworthiness to regional Flight Standards Divisions in matters concerning management personnel qualifications. Processing requests for deviations creates an economic burden for the certificate holder. This amendment reduces corporate costs and time required to process requests for deviations by eliminating certain personnel, manual, and training requirements when the certificate holder is a corporation or other legal entity which uses only one pilot. Therefore, this amendment is consistent with Executive Order 12291, the Regulatory Flexibility Act, and the Paperwork Reduction Act. It relieves burdens on small businesses without derogating safety.

DATES: Effective date of this amendment is August 2, 1982. Comments must be received on or before September 2, 1982.

ADDRESSES: Send comments on the rule in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 23229, 800 Independence Ave., SW., Washington, D.C. 20591; or deliver comments in duplicate to: FAA Rules Docket, Room 916, 800 Independence Ave., SW., Washington, D.C. 20591. Comments may be examined in the Rules Docket, weekdays except Federal holidays, between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: David W. Kress, Commuter and Air Taxi Branch (AFO-250), Air Transportation Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Ave., SW., Washington, D.C. 20591; Telephone (202) 426-8086.

SUPPLEMENTARY INFORMATION:

Background

For many years, the FAA has regulated air taxi operators under Part 135 of the Federal Aviation Regulations. Those operators are air carriers and typically are relatively small business enterprises which employ few persons and use few aircraft. Of course, there are exceptions, such as commuter air carriers, which have experienced substantial growth in recent years to the point where they have significant numbers of employees and operate small fleets of aircraft. In the main, the average air taxi operator is a small-scope operation.

Many air taxi operators use only one pilot. In the case of an individual proprietor, that person not only is the certificate holder but also is the only pilot. There also are many air taxi operators, which are corporations or another form of legal entity, using only one pilot. Commencing at least as far back as 1969, by regulatory exception the individual proprietor who serves as the only pilot has not been required to prepare manuals or training programs. In addition, at least since 1969, the requirement for a manual has included a deviation authority provision for operators other than the individual proprietor serving as the only pilot. Deviation authority is a means for all or part of the manual requirement to be waived by the FAA based upon the limited size of the particular operation.

In 1978, Part 135 was substantially revised (new Part 135; 43 FR 46742; October 10, 1978). Manual and training program requirements were retained in new Part 135, and the regulatory exception for individual proprietor certificate holders serving as the only pilot was retained. Provisions for deviation from the manual requirement for other limited-scope operations were also retained, and similar authority was added with respect to training program requirements. Rules were added which required certain management personnel positions and qualifications for all operators except the individual proprietor certificate holder serving as the only pilot. Provision was made for deviation from the management personnel requirements if the certificate holder could show that it could perform its operations safely under the direction of fewer or different categories of management personnel. Deviations from the qualifications required of management personnel were permitted if it could be established that the person had aeronautical experience equivalent to the requirements specified in the rule. Manual, management personnel and qualifications, and training program requirements are contained in §§ 135.21, 135.37, 135.39, and 135.341 respectively.

Under the current regulations, deviations from the manual, training program and management personnel requirements are handled by the FAA certificate-holding office. Deviations from the qualifications required of management personnel are handled in the FAA's Washington headquarters. The FAA has issued many deviations since 1969 in the case of manual requirements, and since 1978 in the case of training program and management personnel requirements. Most of these deviations were issued to corporate or other legal entity certificate holders which use only one pilot. The operations which use only one pilot typically use only one aircraft, and it has a type certificated seating capacity of nine passengers or less. Those operators have few employees. Because of the small size of those operators, they make arrangements with appropriate FAA-approved facilities or appropriately rated maintenance personnel for performance of maintenance required by Part 135. In the administration of the deviation authority provisions relating to manuals, training programs, and management personnel requirements, the FAA gained extensive operating experience with the corporate or other legal entity operator which uses only one pilot. With respect to these requirements, this operating experience has established that there is no significant difference between the operation in which the individual proprietor certificate holder is the only pilot and the operation in which a corporate or other legal entity certificate holder uses only one pilot. Therefore, the FAA has decided to treat those one-pilot, small-business operations uniformly by eliminating distinctions based upon the nature of the legal entity holding the air taxi certificate. Thus, by regulatory exception, any certificate holder using only one pilot will be relieved of the requirements to have a manual, a training program, and management personnel. Considering the operating experience gained in the numerous grants of deviation from these requirements, the FAA is convinced that no reduction in safety will result from this amendment.

Certificate holders using more than one pilot will continue to be required by regulation to have manuals, training programs, and management personnel with specific qualifications. Deviation authority for those operators will

continue to be available under the circumstances specified in the rules.

Since the adoption of new Part 135 in 1978, deviations from the stated qualifications for management personnel have been handled at FAA's Washington headquarters. Authority was not delegated to the field offices at that time because new Part 135 required recertification of approximately 4,000 air taxi operators. It was deemed important to control deviation requests from management personnel qualification requirements from Washington until the recertification phase became complete, and administration of new Part 135 became routinely established.

Agency personnel have acquired substantial expertise in the administration of new Part 135. Consistent with the agency's emphasis on decentralization of functions and reduction of paperwork and processing time burdens, the agency has decided to delegate deviation authority for management personnel qualification requirements to the Flight Standards Division Chiefs located in the respective regional offices. This will reduce the processing time for each deviation request by approximately 2 weeks. The FAA workload will be reduced, and the needs of air taxi certificate holders will be served more promptly.

Description of Specific Regulatory Changes

Section 135.21 Manual requirements.

Section 135.37 Management personnel required.

Section 135.341 Pilot and flight attendant crewmember training programs.

Paragraph (a) of each of these sections contains the regulatory exception "other than one who is the only pilot used in the certificate holder's operations." This exception applies to individual proprietor certificate holders serving as the only pilot in their operations. In order to revise this exception to encompass a corporation or other legal entity which uses only one pilot, the exception in each section is revised to read "other than one who uses only one pilot in the certificate holder's operations."

Section 135.343 Crewmember initial and recurrent training requirements.

The last sentence of this section is a regulatory exception which conforms to the individual proprietor single-pilot exception in §§ 135.21, 135.37, and 135.341. It reads, "This section does not apply to a certificate holder who is the only pilot used in the certificate holder's operation." To conform to the revised regulatory exceptions in §§ 135.21, 135.37, and 135.341, this sentence is revised to read, "This section does not apply to a certificate holder that uses only one pilot in the certificate holder's operations."

The effect of these changes to §§ 135.21, 135.37, 135.341, and 135.343 is to revise the regulatory exceptions for one-pilot operations to include all one-pilot operations without distinction based upon the legal nature of the business firm under which the business is operated. In effect, these changes codify the general practice followed by the FAA in granting deviation from the manual, management personnel, and training program requirements in Part 135 to one-pilot operations. These changes will eliminate the paperwork burden on one-pilot certificate holders by eliminating the need to apply for deviations. Similarly, the paperwork and processing burdens on the FAA will be eliminated.

Section 135.39 Management personnel qualifications.

Paragraph (d) of this section provides authority for deviations from management personnel qualification standards. At the present time, these deviations may only be granted at the FAA's Washington headquarters. To change the delegation of deviation authority from FAA's Washington headquarters to the Flight Standards Division Chiefs in the respective FAA regional offices, the second and third sentences are deleted, and the following sentence is added: "The Chief of the Flight Standards Division in the region of the certificate-holding district office may authorize a deviation for the director of operations, chief pilot, and the director of maintenance."

FAA delegation of authority for administering deviation authority under this section is changed. It will reduce the FAA's paperwork burden and the time required to process these deviation requests. It will improve the agency's service to air taxi operators.

Justification for Immediate Adoption and Effectiveness

The changes which expand the existing regulatory exceptions relating to individual proprietorship one-pilot operations to all one-pilot operations have the effect of codifying the agency's general practice of granting deviations from the manual, training program, and management personnel requirements to such operators. Delegating deviation authority for management personnel qualifications from Washington headquarters to the various FAA regional offices is a change in administrative delegation. This amendment, therefore, is a minor amendment, and I find that notice and public procedure are unnecessary. In addition, since this amendment relieves restrictions, I find that good cause exists for making this amendment effective in less than 30 days. However, interested persons are invited to submit such comments as they may desire regarding this amendment. Communications should identify the docket number and be submitted in duplicate to the address specified above. All communications received on or before September 2, 1982, will be considered by the Administrator, and this amendment may be changed in light of the comments received. All comments received will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Commenters wishing the FAA to acknowledge receipt of their comments must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 23229." The postcard will be date/time stamped and returned to the commenter.

Discussion of Impact

This amendment eliminates regulations concerning manual requirements, management personnel required, pilot and flight attendant crewmember training programs, and crewmember initial and recurrent training requirements for corporations or other legal entities which use only one pilot. Additionally, this amendment transfers the authority to grant deviations from management personnel qualification requirements from Washington headquarters to the regions. After an informal assessment of the potential cost aspects of the rule, the FAA has determined that there are no apparent direct or indirect costs associated with making the change to the regulations. Where there are apparent benefits, they are not readily quantifiable since information required to quantify benefits is not available to the FAA. It is apparent that the benefits outweigh any costs associated with changing the present regulations.

List of Subjects in 14 CFR Part 135

Air carriers, Aviation safety, Safety, Air transportation, Air taxi, Airworthiness, Pilots, Airmen, Aircraft.

The Amendment

Accordingly, Part 135 of the Federal Aviation Regulations 14 (CFR Part 135) is amended to read as follows:

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS

1. By revising the first sentence through the word "operations" in § 135.21(a) to read as follows:

§ 135.21 Manual requirements.

(a) Each certificate holder, other than one who uses only one pilot in the certificate holder's operations, * * *

* * * * *

2. By revising § 135.37(a) through the word "operations" to read as follows:

§ 135.37 Management personnel required.

(a) Each certificate holder, other than one who uses only one pilot in the certificate holder's operations, * * *

* * * * *

3. By revising § 135.39(d) to read as follows:

§ 135.39 Management personnel qualifications.

* * * * *

(d) Deviation from this section may be authorized if the person has had equivalent aeronautical experience. The Chief of the Flight Standards Division in the region of the certificate holding district office may authorize a deviation for the director of operations, chief pilot, and the director of maintenance.

4. By revising the first sentence through the word "operations" § 135.341(a) to read as follows:

§ 135.341 Pilot and flight attendant crewmember training programs.

(a) Each certificate holder, other than one who uses only one pilot in the certificate holder's operations,* * *

* * * * *

5. By revising the last sentence of § 135.343 to read as follows:

§ 135.343 Crewmember initial and recurrent training requirements.

* * * This section does not apply to a certificate holder that uses only one pilot in the certificate holder's operations.

(Sections 313, 314, and 601 through 610, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1355, and 1421 through 1430); Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))

Note.—The FAA has determined that this amendment provides rule changes which are relaxatory in nature and impose no additional burden on any person. One of the amendments reduces processing time by approximately 2 weeks for certain deviation requests, and the other amendments should eliminate approximately 240 requests for deviations from corporations or other legal entities who use only one pilot. Accordingly, the FAA has determined that this amendment is not major under Executive Order 12291 and is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). For the reasons discussed above, the anticipated economic impact is so minimal that no regulatory evaluation is necessary.

Issued in Washington, D.C. on July 2, 1982.

Michael J. Fenello,

Acting Administrator.

[FR Doc. 82-20738 Filed 7-30-82; 8:45 am]

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Federal Register

Monday
August 2, 1982

Part IV

Department of Education

**National Direct Student Loan Program
College Work-Study Program, and
Supplemental Educational Opportunity
Grant Program**

DEPARTMENT OF EDUCATION

34 CFR Parts 674, 675, and 676

National Direct Student Loan Program, College Work-Study Program, and Supplemental Educational Opportunity Grant Program

AGENCY: Education Department.
ACTION: Final regulations.

SUMMARY: The Secretary issues regulations for the National Direct Student Loan (NDSL), College Work-Study (CWS), and Supplemental Educational Opportunity Grant (SEOG) Programs, commonly known as the campus-based programs. These regulations revise the current funding procedures as a result of program experience and public comment. The most important change is in the National Direct Student Loan Program. The changed procedure involves the allocation of Federal capital contributions and is intended to reward institutions with low default rates and penalize institutions with high default rates.

EFFECTIVE DATE: Unless the Congress takes certain adjournments, these regulations will take effect 45 days after publication in the **Federal Register.** If you want to know the effective date of these regulations, call or write the Department of Education contact person. At a later date the Secretary will publish a notice in the **Federal Register** stating the effective date of these regulations.

FOR FURTHER INFORMATION CONTACT: Margaret Henry or John McGonigal, Office of Student Financial Assistance, 400 Maryland Avenue, SW., (Room 4018, ROB–3), Washington, D.C. 20202. Telephone (202) 245–9720.

SUPPLEMENTARY INFORMATION:

Background

The 1982–83 award year will be the fourth year that funds for the campus-based programs are to be distributed according to a formula which considers both past expenditures at each institution and the need for additional funds as measured against that of other institutions in each State and in the nation. This funding formula was adopted in 1978 at the recommendation of a panel of financial aid experts serving as consultants to the then Office of Education. Under that formula, institutions were guaranteed a portion of the amounts spent in a previous, or base, year. The formula would gradually reduce that conditionally guaranteed portion while at the same time distributing the remaining funds on the basis of relative need (fair share). These regulations describe how allocations to institutions determined under this formula are reduced if appropriated funds do not suffice to meet conditionally-guaranteed amounts, and also reflect those revisions to the funding process included in the NPRM to these regulations, 47 FR 908, January 7, 1982. A summary of the comments and responses to the NPRM is included as Appendix A to these regulations.

Summary of Major Changes

The NPRM published on January 7, 1982 proposed six changes for the campus-based programs. All but one of those changes concerned either the funding or appeal process. A section was added to the regulations for the three programs regarding the verification of student aid applicant information. However, the Secretary has decided against publishing at this time the sections relating to verification. Instead, he intends to study the issue more closely before issuing regulations on this subject. The following is a discussion of each of the other proposals adopted and promulgated in this final regulation.

1. *State apportionment—Section 3 of each part.* a. These regulations implement funding procedures based on the Higher Education Act of 1965, as amended. The Act apportions among the States funds appropriated for these programs using formulas based on various populations in each State. However, for the NDSL and SEOG Programs, apportionments of funds among the States for the 1982–83 award year will be made, not according to the formulas in the Act, but according to those contained in Pub. L. 97–161. The latter provides that in each of these two programs, funds are apportioned among the States so that each State receives the same percentage of the appropriations for award year 1982–83 as it received of the appropriations for award year 1981–82. These provisions supersede the apportionment formulas in the Higher Education Act for award year 1982–83.

b. The statutory State apportionment formulas for each program, dividing 90 percent of the appropriated funds on the basis of population, yield amounts satisfying different percentages of conditional guarantees in different States. The Secretary has therefore amended the regulations to apportion those funds over which he has discretion, to States receiving apportionments (based on the population portion of the statutory formulas) insufficient to meet the conditional guarantees of all their institutions. These discretionary funds will be apportioned to provide each State with a uniform minimum percentage of the amount needed for the conditional guarantees of all its institutions. However, for NDSL and SEOG in fiscal year 1982 the formulas adopted in the continuing resolution for fiscal year 1982 supersede this procedure.

2. *Allocation procedures—Section 4 of each part.* If funds apportioned to a State do not suffice to meet the conditional guarantees of all institutions in that State, as discussed in the following paragraphs, the Secretary will distribute those funds to each institution in that State so that each receives the same proportion of its conditional guarantee.

3. *Reallocation procedures—Section 4 of each part.* The Secretary is modifying the reallocation procedures for each of the campus-based programs. These procedures are found in section 4 of the regulations for each of these programs. In place of the natural disaster and national fair share provisions for the distribution of reallocated funds, these regulations adopt more general language allowing the Secretary "to reallocate funds in a manner that best carries out the purposes of the programs." This change gives the Secretary more flexibility to reallocate funds to institutions, but does not in any way preclude using reallocated funds for natural disaster or national fair share purposes if the Secretary believes that either or both would best serve the interests of the program for any given year. Because changes in the CWS and SEOG statutes give institutions flexibility in the use of campus-based funds, the Secretary anticipates that a smaller amount of unexpended funds will be available for reallocation. Note that the formulas governing appropriations for fiscal year 1982, which for NDSL and SEOG apportion funds among the States on the basis of their fiscal year 1981 apportionment, modify the effect of the reallocation procedures described in the regulations. They further reduce the funds which may be reallocated to institutions outside the State to which the funds were first apportioned.

4. *Conditional guarantee—Section 6 of each part.* a. An institution which participated in the NDSL Program in the 1980–81 award year will receive a conditional guarantee lending level equal to the greater of $5,000 or 90 percent of its 1980–81 level of expenditure. (Level of expenditure is the amount of loans made in an award year plus the amount the institution claimed

for administrative expenses in that year.)

b. An institution that did not participate in the NDSL program in the 1980–81 award year and is not a first or second time participant will receive a conditional guarantee equal to the greater of 90 percent of its level of expenditure for the first year it participated in the NDSL program after the 1980–81 award year or $5,000.

c. If sufficient funds are available, the CWS statute as amended by the Education Amendments of 1980, Pub. L. 96–374 guarantees an institution that participated in the CWS Program in award year 1979–80 an allocation equal to at least its 1979–80 award year Federal share of expenditures unless it suffers a substantial decline in enrollment.

The Secretary defines a "substantial decline in enrollment" as a decline of at least 30 percent between an institution's award year 1979–80 total enrollment and its base year total enrollment. (Base year means the 12-month period ending on the June 30 preceding the closing date for filing an application.) If an institution has suffered a substantial decline in total enrollment, its funding guarantee (conditional guarantee) will be reduced based on the percentage of the decline in the number of eligible aid applicants between the 1979–80 award year and the base year. For example, if an institution's total enrollment declined by 40 percent and its eligible aid applicants declined by 5 percent, its conditional guarantee would equal the greater of $5,000 or 95 percent of its 1979–80 award year Federal expenditures.

d. An institution that did not participate in the 1979–80 award year and is not a first or second time participant, will receive a conditional guarantee under both CWS and SEOG programs equal to the greater of 90 percent of its Federal expenditures for the first year it participated in the programs after the 1979–80 award year or $5,000.

e. The Secretary is including in the NDSL, CWS and SEOG programs a $5,000 component of the conditional guarantee computation for all institutions in order to alleviate past funding inequities of institutions participating in the campus-based programs. This change provides each institution that so requests at least $5,000 as its conditional guarantee under each of these programs.

5. *Need of institutions for SEOG funds—34 CFR 676.6.* The SEOG program statute provided a formula for determining an institution's need for SEOG funds for each award year. An institution's SEOG need equals 75 percent of the cost of attendance at the institution minus the sum of (1) the expected family contribution of these students, (2) the Pell Grants received by these students, (3) the State Student Incentive Grants (SSIG) these students received and (4) 25 percent of the institutional grants they received.

The base year for reporting SSIG data will be updated annually as is the base year for Pell Grants. (For the 1982–83 award year the base year for reporting SSIG data and Pell Grant data is the 1980–81 award year.) However, the base year for reporting institutional aid will remain the 1977–78 award year.

6. *Calculation of Federal capital contribution—NDSL default rate—34 CFR 674.6a.* These regulations change the impact of an institution's default rate on its receipt of Federal capital contribution (FCC). The Secretary has adopted this change based on the strong recommendation of the General Accounting Office as well as comments from various sectors of the postsecondary education community. These regulations make any institution with a default rate in excess of 25 percent ineligible to receive FCC; institutions with default rates greater than 10 percent but not more than 25 percent will potentially receive reduced FCC.

The Secretary will determine the amount of new FCC for an institution by subtracting from its conditionally guaranteed level of expenditure both its projected collections and its reimbursements for Direct loan cancellations received in the base year. The difference obtained by that subtraction together with an institution's State and National increases will be multiplied by 90 percent to determine its FCC.

In projecting an institution's collections, the Secretary will consider its default rate. This term, as used here, excludes all defaulted loans assigned or those defaulted loans referred as of September 15, 1979, to the Secretary and defaulted loans on which the institution has secured a satisfactory repayment agreement. If the default rate is 10 percent or less, its collections will be projected by multiplying the institution's actual base year collections by 121 percent. (One hundred and twenty-one percent is used because the Secretary expects a 10 percent per year increase in collections in both the current year and the award year. A 10 percent collection increase over a two year period equals 121 percent of base year collections.) If an institution's default rate is greater than 10 percent but not more than 25 percent, its collections will be projected by multiplying the institution's actual base year collections by 121 percent, plus the additional amount which the institution would have collected if its base year default rate were 10 percent.

In order to calculate the additional amount that the institution would have collected if its default rate were only 10 percent (that is, the excess overdue amount), the Secretary determines the amount of deflaulted loans that would equal a 10 percent default rate. This is done by multiplying the total amount of matured loans by 10 percent. Second, the Secretary subtracts 10 percent of the matured loans from the principal amount outstanding on defaulted loans that the institution reports on its fiscal-operations report. Third, this difference is divided by the principal amount outstanding of defaulted loans that the institution reports on its fiscal-operations report. Fourth, the principal amount past due on defaulted loans is multiplied by the percent resulting from the division in step three to determine the excess overdue amount.

As an example, an institution's NDSL fund has:

- Matured loans totalling $3,605,191;
- Unpaid principal amount outstanding on defaulted loans, as reported on its fiscal-operations report, of $614,010;
- Past due principal amount on defaulted loans, as reported on its fiscal-operations report, of $323,414; and
- Total principal and interest collected, as reported on its fiscal-operations report, of $110,031.

Using these figures, the institution's excess overdue amount is calculated as follows:

(a) Ten percent of $3,605,191 (matured loans) equals $360,519.

(b) $614,010 (unpaid principal amount outstanding on defaulted loans) minus $360,519 equals $253,491.

(c) $253,491 divided by $614,010 equals .41.

(d) .41 times $323,414 (past due principal) equals $132,600, the excess overdue amount.

(e) $110,031 (the amount actually collected in the base year) multiplied by 121% equals $133,138.

(f) $133,138 plus $132,600 (the excess overdue amount) equals $265,738, the projected collections.

7. *Application review—Approval of request—Section 7 of each part.* The Secretary is including section 7 elements of the funding formula that an institution may appeal when requesting a review of its computed funding level.

The elements that an institution may appeal are: the determination of expected collections used in determining the FCC, including the excess overdue

amount applied as a penalty to institutions with a default rate between 10 and 25 percent, the denial of FCC applied as a penalty to institutions with a default rate greater than 25 percent, and some of the elements used in calculating an institution's self-help and SEOG need. These elements include costs of books and supplies, average expected family contributions, enrollment data used to determine average tuition and fee costs, and the year used as the base year. These regulations also include the criteria used to evaluate appeals of these elements. The Secretary distributed to financial aid administrators information regarding the documentation appropriate to substantiate an appeal of particular items.

Further consideration NDSL default rate penalty: Although these rules are being issued as final regulations for the NDSL programs, the Secretary has noted that a number of commenters to the NPRM suggested that different types of institutions should be judged by different default rate standards. The Secretary is therefore interested in suggestions of ways to apply a default rate measurement and penalty, which give due regard to the relevant differences among the student bodies and types of institutions. A number of institutions commenting on the NPRM expressed the view that the income of the student/family, the location of an institution, and its educational mission all bear directly on the likelihood of borrowers to repay student loans made by that school. Among the comments to the NPRM, the Secretary did receive a few specific suggestions: Two commenters suggested that the average Pell Grant Eligibility Index at an institution could be used as a measure of the likelihood of student repayment of its loans. Each index or range of indices would then be assigned acceptable default rates on which the amount of FCC would be calculated.

Another commenter expressed the opinion that independent students represented a higher risk than dependent students, and warranted use of separate acceptable default rates. A number of others believed that an institution which "substantially" reduced its default rate had demonstrated a good faith collection effort and should receive the full FCC for which it qualified.

In view of these comments the Secretary is interested in any specific proposal regarding how to define the different types of schools, what default rates should be acceptable, and how to factor the institutional differences into the default rate penalty. Proposal should be sent to the contact person(s) indicated in this preamble.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291.

They are classifed as nonmajor because they do not meet the critera for major regulations established in that order.

Assessment of Educational Impact

In the notice of proposed rulemaking, the Secretary requested comments on whether the proposed regulations would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

Based on the absence of any comments on this matter and the Department's own review, it has been determined that the regulations in this document do not require information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects

34 CFR Part 674

Education, Loan programs—education, Student aid.

34 CFR Part 675

Colleges and universities, Education, Employment, Grant programs—education, Student aid.

34 CFR Part 676

Education, Grant programs—education, Student aid.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these final regulations.

(Catalog of Federal Domestic Assistance Numbers 84.038 National Direct Student Loan Program; 84.033 College Work Study Program; 84.007 Supplemental Educational Opportunity Grant Program)

Dated: July 27, 1982.

T. H. Bell,

Secretary of Education.

The Secretary amends Parts 674, 675, and 676, respectively, of Title 34 of the Code of Federal Regulations to read as follows:

PART 674—NATIONAL DIRECT STUDENT LOAN PROGRAM

1. Section 674.3 is amended by revising paragraphs (a)(2) and (b) as follows:

§ 674.3 Apportionment and reapportionment of Federal capital contributions to States.

(a) * * *

(2)(i) If funds apportioned under paragraph (a)(1) of this section are insufficient to pay a Federal capital contribution (FCC) computed under § 674.6a(b)(1) to all qualifying institutions, the Secretary apportions the remaining funds so that no State will receive less than a uniform minimum percentage of the amount needed to pay the FCC computed under § 674.6a(b)(1) to all qualifying institutions.

(ii) If funds remain after meeting the FCC computed under § 674.6a(b)(1) of all institutions, the Secretary apportions them so that each institution receives the FCC computed under §§ 674.6, 674.6a, or 674.7.

(b) *Reapportionment.* (1) The Secretary reapportions the amount of a State's apportionment that exceeds the amount of approved requests of institutions in that State.

(2) The Secretary reapportions those funds among the remaining States in accordance with paragraph (a)(2) of this section. (20 U.S.C. 1087bb).

2. Section 674.4 is amended by revising paragraphs (a) and (b) to read as follows:

§ 674.4 Allocation and reallocation.

(a) *Allocation.* (1) The Secretary distributes Federal Capital Contributions (FCC) authorized by section 461 of the Act according to §§ 674.6, 674.6a, and 674.7.

(2) If funds apportioned to a State do not equal the FCC as computed under § 674.6a(b)(1) of all instutitions qualifying for FCC under § 674.6a(a), the Secretary reduces the FCC allocated to each institution in that State. The Secretary allocates to each insititution in that State an amount bearing the same proportion to the FCC for which it qualified under § 674.6a(b)(1) as that State's apportionment bears to the amount needed to pay the FCC computed under § 674.6a(b)(1) of all qualifying institutions in that State.

(b) *Reallocation.* (1)(i) If an institution anticipates not expending all of its allocated funds by the end of an award year, it must specify the anticipated unused amount to the Secretary, who reduces the institution's allocation accordingly.

(ii) Other institutions may apply for the funds reported under paragraph (b)(1)(i) of this section on the form and at the time specified by the Secretary.

(iii) The Secretary distributes the funds reported under paragraph (b)(1)(i) of this section to applicant institutions

in accordance with paragraph (b)(2) of this section.

(2)(i) If the funds that become available under paragraph (b)(1) of this section come from the State's initial allotment under § 674.3(a)(1), the Secretary reallocates those funds proportionately to other institutions in that State.

(ii) The Secretary reapportions those funds reported under paragraph (b)(1)(i) of this section that are not needed to maintain the State's initial allotment, and any funds that do not come from that initial allotment, in a manner that best carries out the purposes of the NDSL program.

* * * * *

3. Section 674.6 is amended by revising paragraphs (a), (b), and (c)(3) to read as shown below, and by changing the word "education" in paragraph (e)(4)(i) to read "attendance".

§ 674.6 Funding procedure.

(a) *General.* (1) Each institution applying for NDSL funds qualifies for an approved level of expenditure in the following three stages—

(i) A "conditonal guarantee;"

(ii) A State increase based on its "fair share" of the State apportionment; and

(iii) A national increase based on its "fair share" of the national appropriation.

(2) The terms "conditional guarantee" and "fair share" refer only to the level of expenditure. The Secretary computes the Federal capital contribution (FCC) according to § 674.6a.

(3) Definitions—As used in this section—

(i) "Base year" means the 12-month period ending on the June 30 preceding the closing date for filing an NDSL application.

(ii) "Current year" means the 12-month period ending on the June 30 immediately following the closing date for filling an NDSL application.

(iii) "Current year authorized level of expenditure" means—

(A) The FCC awarded for the current year; and

(B) The matching institutional capital contributions.

(iv) "Level of expenditure" means the amount of loans made in an award year plus the amount the institution claimed from the NDSL fund for administrative expenses in that year.

(b) *Conditional guarantee.* The Secretary computes a conditional guarantee of the level of expenditure in the following way:

(1) An institution that participated in the NDSL program in the 1980–81 award year receives a conditional guarantee equal to the greater of—

(i) $5,000; or

(ii) 90 percent of its 1980–81 award year level of expenditures.

(2) An institution that did not participate in the 1980–81 award year and is not a first or second time participant, receives a conditional guarantee equal to the greater of—

(i) $5,000; or

(ii) 90 percent of its level of expenditure for the first year it participated in the NDSL program after the 1980–81 award year.

(3) An institution applying to participate in the NDSL program for the first or second time receives a conditional guarantee equal to the greatest of—

(i) $5,000;

(ii) 90 percent of

$$\frac{\text{NDSL expenditures in the base year by eligible institutions offering comparable programs of instruction}}{\text{Enrolled students in the base year in those same institutions}} \times \text{the applicant institution's base year enrollment; or}$$

(iii) 90 percent of its current year authorized level of expenditure.

(4) Notwithstanding paragraphs (b)(1), (2), and (3) of this section, an institution which was a first-time participant in the 1980–81 award year or any subsequent award year up to and including the base year, and received a higher conditional guarantee in the second year of participation, receives a conditional guarantee equal to 90 percent of its second year conditional guarantee.

(c) * * *

(3) As used in paragraphs (d) and (e) of this section:

(i) *Average cost of attendance* means the attendance costs for undergraduate and graduate students. These costs include tuition, fees, standard living expenses, books, and supplies. (The institution reports its total tuition and fee revenues, and the Secretary uses this amount to determine the average cost of attendance.)

(ii) *Eligible students* means students who—

(A) Where enrolled as regular students on at least a half-time basis in an eligible program during the base year;

(B) Met program regulation requirements for citizenship or residency in the United States for the base year; and

(C) Applied for financial assistance for the base year, and for whom the institution has on file taxable and non-taxable income data and all the other information necessary to perform a needs analysis using a methodology approved by the Secretary.

* * * * *

4. Section 674.6a is revised to read as follows:

§ 674.6a Funding procedure—Federal capital contributions (FCC).

(a) For any year, an institution may receive a Federal capital contribution (FCC) if its default rate is not more than 25 percent.

(b) An institution's FCC equals 90 percent of its—

(1) Conditional guarantee minus the reimbursements for Direct loan cancellations received in the base year and loan repayments calculated under paragraph (c) of this section;

(2) State increase; and

(3) National increase.

(c) For purposes of paragraph (b) (1) of this section—

(1) If the institution's default rate is 10 percent or less, the Secretary considers its loan repayments to equal 121 percent of the amount it collected in the base year; and

(2) If an institution's default rate is greater than 10 percent and not more than 25 percent, the Secretary considers its loan repayments to be—

(i) 121 percent of the amount collected in the base year; plus

(ii) The additional amount it would have collected in the base year if its default rate were 10 percent (excess overdue amount).

(3) The Secretary calculates an institution's excess overdue amount by—

(i) Determining the amount of defaulted loans that would equal a 10 percent default rate by multiplying the total amount of matured loans of the institution by 10 percent;

(ii) Subtracting 10 percent of the matured loans from the defaulted principal amount outstanding;

(iii) Dividing the amount obtained in paragraph (b)(3)(ii) of this section by the defaulted principal amount outstanding; and

(iv) Multiplying the actual amount of past due principal by the fraction obtained in paragraph (b)(3)(iii) of this section.

(d) The definition of "default rate," "defaulted principal amount outstanding" and "matured loan" are set forth in § 674.2. However, for purposes of this section, the Secretary, when calculating an institution's default rate,

excludes from the numerator of that fraction the following:

(1) Notes referred to the U.S. Commissioner of Education on or before September 15, 1979 if the institution received either a notification of acceptance or a receipt from the Office of Education;

(2) Notes assigned to the United States on or before June 30 of the base year and receipted by the United States; and

(3) Notes that have been in default but on which borrowers have made satisfactory arrangements to resume payment.

(e) No institution may receive more Federal capital contribution than it requested.

(20 U.S.C. 1087bb)

5. Section 674.7 is revised to read as follows:

§ 674.7 Application appeal review.

(a) An institution may, at the time specified by the Secretary, request a review of its computed level of expenditure or its Federal capital contribution (FCC).

(b) A National Appeal Panel appointed by the Secretary conducts the review.

(c) Notwithstanding §§ 674.6 and 674.6a an institution may appeal the following elements used in determining an institution's NDSL level of expenditure or FCC award:

(1) For purposes of determining an institution's FCC award:

(i) The expected collections including the excess overdue amount used in determining an institution's FCC; and

(ii) The disqualification for FCC for institutions with a default rate greater than 25 percent; and

(2) For purposes of determining an institution's self-help need:

(i) The average cost of books and supplies;

(ii) The established expected family contributions;

(iii) The enrollment data used to determine average tuition and fee costs; and

(iv) The award year used as the base year.

(d) The Secretary and the appeal panel evaluate appeals on the basis of the following criteria and documentation required by the Secretary:

(1) The extent to which the institution can justify that an increase in NDSL collections of 10 percent per year is unreasonable.

(2) The extent to which the institution can justify that its base year default rate does not reflect—

(i) its current default rate; or,

(ii) for institutions whose first loans entered repayment in the base year or the year preceding the base year, its current collection efforts.

(3) The extent to which the institution can justify that the average cost of books and supplies does not accurately reflect these costs at the institution.

(4) The extent to which the institution can justify that the standard expected family contribution figures do not accurately reflect the characteristics of the student body at the institution.

(5) The extent to which the institution can justify that the average tuition and fee costs derived from the institutions' enrollment data do not accurately reflect these costs at the institution.

(6) The extent to which the institution can justify that the base year used to determine its need for NDSL funds does not accurately reflect the institution's current need for NDSL funds.

(e) In establishing an institution's level of expenditure and Federal capital contribution, the Secretary considers the appeal panel's recommendations and its reasons for the recommendations.

(f) The Secretary establishes an approved level of expenditure and Federal capital contribution based on procedures in § 674.6 and § 674.6a and the appeal panel's recommendations.

(20 U.S.C. 1087bb)

PART 675—COLLEGE WORK-STUDY PROGRAM

1. Section 675.3 is amended by revising paragraphs (b)(2) and (c) as follows:

§ 675.3 Allotment and reallotment.

* * * * *

(b) * * *

(2)(i) If funds allotted under paragraph (b)(1) of this section do not meet the conditionally-guaranteed amount for all institutions, the Secretary allots the remaining funds so that no State will receive less than a uniform minimum percentage of the amount needed to pay all conditional guarantees.

(ii) If funds remain after meeting the conditional guarantees of all institutions, the Secretary allots them so that each institution receives a CWS allocation computed under § 675.6 or 675.7.

(c) *Reallotment.* (1) The Secretary reallots the amount of a State's allotment that exceeds the approved requests of institutions in that State.

(2) The Secretary reallots those funds among the remaining States in accordance with paragraph (b)(2) of this section. (42 U.S.C. 2752)

2. Section 675.4 is revised to read as follows:

§ 675.4 Allocation and reallocation.

(a) *Allocation.* (1) The Secretary distributes CWS funds according to §§ 675.6 and 675.7.

(2) If the funds allotted to a State do not meet the conditional guarantees of all institutions in that State, the Secretary reduces the allocation to each of those institutions. The Secretary allocates to each of those institutions an amount bearing the same proportion to the institution's conditional guarantee as the State's allotment bears to the total of the conditional guarantees of all institutions in that State.

(b) *Reallocation.* (1)(i) If an institution anticipates not using all of its allocated funds by the end of an award year it must, after determining the amount it will carry forward into the next award year, specify the anticipated remaining unused amount to the Secretary, who reduces the institution's allocation accordingly.

(ii) Other institutions may apply for the funds reported under paragraph (b)(1)(i) of this section on the form and at the time specified by the Secretary.

(iii) The Secretary distributes the funds reported under paragraph (b)(1)(i) of this section to applicant institutions in accordance with paragraphs (b)(2), and (3) of this section.

(2) If the funds that become available under paragraph (b)(1) of this section come from the State's initial allotment under § 675.3(b)(1), the Secretary reallocates those funds equitably to other institutions in that State. The Secretary reallots those funds that are not needed to maintain the State's initial allotment, and any funds that do not come from that initial allotment, in accordance with paragraph (b)(3) of this section.

(3) The Secretary reallocates any remaining funds as follows:

(i) Fifty percent to eligible applicant institutions to initiate, improve, or expand cooperative education programs conducted in accordance with Title VIII of the HEA; and

(ii) Fifty percent in a manner that best carries out the purposes of the CWS program.

(c) *Payments to institutions.* The Secretary allocates funds for a specific period of time. The Secretary pays funds to an institution in advance or by reimbursement. The Secretary bases the amount to be paid on periodic fiscal reports.

(42 U.S.C. 2752 and 2756)

3. In § 675.6, paragraphs (a), (b) and (c)(3) are revised to read as follows:

§ 675.6 Funding procedure.

(a) *General.* (1) Each institution applying for CWS funds qualifies for an amount computed in the following three stages:

(i) A "conditional guarantee;"

(ii) A State increase based on its "fair share" of the State apportionment; and

(iii) A national increase based on its "fair share" of the national appropriation.

(2) Definitions—As used in this section—

(i) "Base year" means the 12-month period ending on the June 30 preceding the closing date for filing a CWS application.

(ii) "Current year" means the 12-month period ending on the June 30 immediately following the closing date for filing a CWS application.

(iii) "Substantial decline in enrollment" means a decline in an institution's base year total enrollment by at least 30 percent from its 1979–80 award year total enrollment.

(b) *Conditional guarantee.* The Secretary computes a conditional guarantee in the following way:

(1)(i) An institution that participated in the CWS program in the 1979–80 award year receives a conditional guarantee equal to the greater of—

(A) $5,000; or

(B) its 1979–80 award year Federal share of expenditures unless it suffers a substantial decline in enrollment.

(ii) If an institution suffers a substantial decline in enrollment, the Secretary reduces its 1979–80 award year Federal share of CWS expenditures by the percentage of the decline in the number of its eligible aid applicants between the 1979–80 award year and the base year.

(2) An institution that did not participate in the CWS program in the 1979–80 award year and is not a first or second time participant receives a conditional guarantee equal to the greater of—

(i) $5,000; or

(ii) 90 percent of its Federal share of expenditures for the first year it participated in the CWS program after the 1979–80 award year.

(3) An institution applying to participate in the CWS program for the first or second time receives a conditional guarantee equal to the greatest of—

(i) $5,000;

(ii) 90 percent of

$$\frac{\text{Federal share of CWS expenditures in the base year by eligible institutions offering comparable programs of instruction}}{\text{Enrolled students in the base year in those same institutions}} \times \text{the applicant institution's base year enrollment; or}$$

(iii) 90 percent of its current year allocation.

(4) Notwithstanding paragraphs (b)(1), (2), and (3) of this section, an institution which was a first-time participant in the 1980–81 award year or any subsequent award year up to and including the base year, and received a higher conditional guarantee in the second year of participation, receives a conditional guarantee equal to 90 percent of its second year conditional guarantee.

(c) * * *

(3) As used in paragraphs (d) and (e) of this section:

(i) *Average cost of attendance* means the attendance costs for undergraduate and graduate students. These costs include tuition, fees, standard living expenses, books, and supplies. (The institution reports its total tuition and fee revenues, and the Secretary uses this amount to determine the average cost of attendance.)

(ii) *Eligible students* means students who—

(A) Were enrolled as regular students on at least a half-time basis in an eligible program during the base year;

(B) Met program regulation requirements for citizenship or residency in the United States for the base year; and

(C) Applied for financial assistance for the base year, and for whom the institution has on file taxable and nontaxable income data and all the other information necessary to perform a needs analysis using a methodology approved by the Secretary.

* * * * *

4. Section 675.7 is revised to read as follows:

§ 675.7 Application appeal review.

(a) An institution may, at the time specified by the Secretary, request a review of the amount of funds it is scheduled to receive.

(b) A National Appeal Panel appointed by the Secretary conducts the review.

(c) Notwithstanding § 675.6, an institution may appeal the following elements used in determining an institution's self-help need:

(1) The average cost of books and supplies;

(2) The established expected family contributions;

(3) The enrollment data used to determine average tuition and fee costs; and

(4) The award year used as the base year.

(d) The Secretary and the appeal panel evaluate appeals on the basis of the following criteria and documentation required by the Secretary:

(1) The extent to which the institution can justify that the average cost of books and supplies does not accurately reflect these costs at the institution.

(2) The extent to which the institution can justify that the standard expected family contribution figures do not accurately reflect the characteristics of the student body at the institution.

(3) The extent to which the institution can justify that the average tuition and fee costs derived from the institution's enrollment data do not accurately reflect these costs at the institution.

(4) The extent to which the institution can justify that the base year used to determine its need for CWS funds does not accurately reflect the institution's current need for CWS funds.

(e) In setting an award amount, the Secretary considers the appeal panel's recommendations and its reasons for the recommendations.

(f) The Secretary sets an award amount based on procedures in § 675.6 and the appeal panel's recommendations.

(42 U.S.C. 2756)

PART 676—SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT PROGRAM

1. Section 676.3 is amended by revising paragraphs (a)(2), (b) and (c) as follows:

§ 676.3 Apportionment and reapportionment.

(a) * * *

(2)(i) If the funds apportioned under paragraph (a)(1) of this section do not meet the conditional guarantees of all institutions, the Secretary allots the remaining funds so that no State will receive less than a uniform minimum percentage of the amount needed to pay all conditional guarantees, and

(ii) Any funds remaining after meeting the conditional guarantees of all institutions, are allotted so that each institution receives the amount computed under §§ 676.6 or 676.7.

(b) *Apportionment-Continuing Grants.* The Secretary apportions funds appropriated for continuing grants in accordance with paragraph (a)(2) of this section.

(c) *Reapportionment-Initial Grants.*

(1) The Secretary reapportions the amount of a State's apportionment for initial grants that exceeds the approved request for initial grants of institutions in that State.

(2) The Secretary reapportions those funds among the remaining States in accordance with paragraph (a)(2) of this section.

(20 U.S.C. 1070b–3)

2. Section 676.4 is revised to read as follows:

§ 676.4 Allocation and reallocation.

(a) *Allocation.* (1) The Secretary distributes SEOG funds according to §§ 676.6 and 676.7.

(2) If the funds apportioned to a State do not meet the conditional guarantees of all institutions in that State, the Secretary reduces the allocation to each of those institutions. The Secretary allocates to each of those institutions an amount bearing the same proportion to the institution's conditional guarantee as the State's apportionment bears to the total of the conditional guarantees of all institutions in that State.

(b) *Reallocation.* (1)(i) If an institution anticipates not using all of its allocation for initial and continuing grants by the end of an award period, it must specify the anticipated unused amount to the Secretary, who reduces the institution's allocation accordingly.

(ii) Other institutions may apply for the funds reported under paragraph (b)(1)(i) of this section on the form and at the time specified by the Secretary.

(iii) The Secretary distributes the funds reported under paragraph (b)(1)(i) of this section to applicant institutions in accordance with paragraph (b)(2) of this section.

(2)(i) If the funds that become available under paragraph (b)(1) of this section come from the State's initial allotment under § 676.3(a)(1), the Secretary reallocates those funds equitably to other institutions in that State. The Secretary reapportions those funds that are not needed to maintain the State's initial allotment, and any funds that do not come from that initial allotment, in accordance with paragraph (b)(2)(ii).

(ii) The Secretary reallocates any remaining funds in a manner that best carries out the purposes of the SEOG program.

(c) *Payments to institutions.* The Secretary allocates funds for a specific period of time. The Secretary pays funds to an institution in advance or by reimbursement. The Secretary bases the amount to be paid on periodic fiscal reports.

(20 U.S.C. 1070b–3)

3. Section 676.6 is amended by revising paragraphs (a), (b) and (c)(3) to read as follows:

§ 676.6 Funding Procedure.

(a) *General.* (1) Each institution applying for SEOG IY or CY funds qualifies for an amount computed in the following stages:

(i) A "conditional guarantee;"

(ii) An IY State increase based on its "fair share" of the State's IY apportionment;

(iii) An IY national increase based on its "fair share" of the national IY portion of the SEOG appropriation; and

(iv) A CY national increase based on its "fair share" of the national CY portion of the SEOG appropriation.

(2) Definitions—As used in this section—

(i) "Base year" means the 12-month period ending on the June 30 preceding the closing date for filing an SEOG application.

(ii) "Current year" means the 12-month period ending on the June 30 immediately following the closing date for filing an SEOG application.

(b) *Conditional guarantee.* The Secretary computes a conditional guarantee for each institution in the following way:

(1) An institution that participated in the SEOG program in the 1979–80 award year receives an SEOG conditional guarantee equal to the greater of—

(i) $5,000; or

(ii) The sum of its 1979–80 award year IY and CY expenditures.

(2) An institution that did not participate in the SEOG program in the 1979–80 award year and is not a first or second time participant receives a conditional guarantee equal to the greater of—

(i) $5,000; or

(ii) 90 percent of the sum of its IY and CY expenditures for the first year it participated in the SEOG program.

(3) An institution applying to participate in the SEOG program for the first or second time receives a conditional guarantee equal to the greatest of—

(i) $5,000;

(ii) 90 percent of

$$\frac{\text{IY expenditures in the base year by eligible institutions offering comparable programs of instruction}}{\text{Enrolled students in the base year in those same institutions}} \times \text{the applicant institution's base year enrollment; or}$$

(iii) 90 percent of its current year IY allocation and 100 percent of its current year CY allocation.

(4) Notwithstanding paragraphs (b)(1), (2), and (3) of this section, an institution which was a first-time participant in the 1980–81 award year or any subsequent award year up to and including the base year, and received a higher conditional guarantee in the second year of participation, receives a conditional guarantee equal to 90 percent of its second year conditional guarantee.

(5) The Secretary divides each institution's conditional guarantee between IY and CY funds based on the percentage that the institution's request for each type of grant bears to its total request.

(c) * * *

(3) As used in paragraph (d) of this section:

(i) *Average cost of attendance* means the attendance costs for undergraduate students. These costs include tuition, fees, standard living expenses, books, and supplies. (The institution reports its total tuition and fee revenues, and the Secretary uses this amount to determine the average cost of attendance.)

(ii) *Eligible students* means students who—

(A) Were enrolled as regular students on at least a half-time basis in an eligible program during the base year;

(B) Met program regulation requirements for citizenship or residency in the United States for the base year; and

(C) Applied for financial assistance for the base year, and for whom the institution has on file taxable and non-taxable income data and all the other information necessary to perform a needs analysis using a methodology approved by the Secretary;

(iii) *State Student Incentive Grants (SSIG)* means.

$$\frac{\text{State's total SSIG for the base year (Federal plus match)}}{\text{The State's total undergraduate State grants for the base year (including the Federal SSIG allotment)}} \times \text{Institution's total undergraduate State grants for the base year.}$$

As used in this formula—

(A) "State" means the State in which the institution is located; and

(B) "State grants" means the sum of all State grants and scholarships received by undergraduate students at an institution during the base year.

(iv) *Institutional grants* means the sum of undergraduate gift aid included in determining the maintenance of effort

amount under § 676.20 during the 1977–78 award year. Institutional grants shall not include any student financial assistance that an institution is required by State law to provide from its own funds and for which is not free under any law in effect on January 1, 1979 to select the recipients or adjust the criteria by which the recipients are selected. Institutional grants shall also not include any student financial assistance that an institution contributed on behlaf of the State for the SSIG Program.

* * * * *

4. Section 676.7 is revised to read as follows:

§ 676.7 Application appeal review.

(a) An institution may, at the time specified by the Secretary, request a review of the amount of funds it is scheduled to receive.

(b) A National Appeal Panel appointed by the Secretary conducts the review.

(c) Notwithstanding § 676.6 an institution may appeal the following fair share elements used in determining an institution's SEOG need:

(1) The average cost of books and supplies;

(2) The established expected family contributions;

(3) The enrollment data used to determine average tuition and fee costs; and

(4) The award year used as the base year.

(d) The Secretary and the appeal panel evaluate appeals on the basis of the following criteria and documentation required by the Secretary:

(1) The extent to which the institution can justify that the average cost of books and supplies does not accurately reflect these costs at the institution.

(2) The extent to which the institution can justify that the standard expected family contribution figures do not accurately reflect the characteristics of the student body at the institution.

(3) The extent to which the institution can justify that the average tuition and fee costs derived from the institution's enrollment data do not accurately reflect these costs at the institution.

(4) The extent to which the institution can justify that the base year used to determine its need for SEOG funds does not accurately reflect the institution's current need for SEOG funds.

(e) In setting an award amount, the Secretary considers the appeal panel's recommendations and its reasons for the recommendations.

(f) The Secretary sets an award amount based on procedures in § 676.6 and the appeal panel's recommendations.

(20 U.S.C. 1070b–3)

[Note: This appendix will not appear in the CFR]

Appendix A—Summary of Comments and Responses

The following is a summary of the public comments received on the proposed regulations published January 7, 1982, 47 FR 908, and the Department of Education responses to those comments. Generally, the comments appear in the order in which the aspects of the funding process to which they relate appear in the regulations.

Reallocation

Comment: A few commenters have agreed that deleting the natural disaster and national fair share criteria as they pertain to the reallocation procedures would be beneficial to the process at this time. However, one commenter did suggest that rather than opting for total discretion at this point, the Secretary should substitute some other specific provision.

Response: The Secretary proposed this change to increase flexibility to meet emergencies or unexpected problems. Substituting another specific provision would only defeat the purpose of the change.

Conditional Guarantee

Comment: One commenter stated that his school received a relatively large allocation, which it needed and used, as a second time participant in 1981–82, but had received only $5,000 the previous year. The commenter complained that the regulations will not permit the school to claim the more advantageous 1981–82 award year allocation as a basis for conditional guarantees in future years. Two commenters argued that the funding process did not do justice to newly-participating institutions. Another commenter would like to see the regulation changed to allow applicants to choose either 1979–80 or 1980–81 as a base year for the SEOG and CWS Program allocations.

Response: The first commenter correctly notes that regulations published on January 19, 1981 allow those second-time participants in the CWS and SEOG programs which did not participate in 1979 to claim a conditional guarantee in that second year based on either their first-year allocation or their current enrollment multiplied by the average expenditure at comparable institutions. Second-time NDSL program participants have the same option to increase their conditional guarantee that second year if their number of eligible students increases between first and second years. However, as the commenter correctly notes, the NPRM provided that all such institutions would receive conditional guarantees in their third year, and each year thereafter, based not on this possibly larger second year conditional guarantee, but on their first year allocation. That first year allocation may have been smaller than their second year conditional guarantee.

To meet the concern raised by the commenter, the Secretary is including a provision in these regulations to protect these institutions which would have lost conditional guarantee funds as third-time participants in spite of an increase in enrollment (for conditional guarantee purposes) since the 1980–81 award year. An institution which was a first-time participant in the base year and received a higher conditional guarantee in the second year of participation will receive a conditional guarantee in subsequent years equal to 90 percent of its second year conditional guarantee.

The funding formula assures new participants a conditional guarantee based on their actual enrollment in either their first or second year of participation. Older participants receive a conditional guarantee based on their level of expenditure in 1979 for SEOG and CWS, 1980 for NDSL. Institutions in either category which need more than the amount conditionally guaranteed must compete for a share of the funds appropriated in excess of the amount needed to meet conditional guarantees. The fair share of each is thereafter measured against the same objective norms. The Secretary considers this procedure, as revised in these regulations, to be fair to newer participants.

In response to the third comment, the Secretary notes that the Higher Education Act assures each institution an allocation equal to its 1979 CWS or SEOG expenditures, and he accepts this amount as the basis for subsequent conditional guarantees. To allow an institution to use either its 1979 or its 1980 allocation as a conditional guarantee would undermine the principle that increases in need after those years are to be measured by the same objective comparative standards and met through the "fair share" part of the funding formula.

Substantial Decline in Enrollment

Comment: One commenter complained that the conditional guarantee of an institution is reduced

under these regulations where the total enrollment of an institution declines, without regard to the number or percentage of its eligible aid population. Another commenter complained that the standard of a 30 percent decline in enrollment used to trigger the reduction in conditional guarantee was unnecessarily high, and that a 10 percent reduction was substantial enough.

Response: The Education Amendments of 1980 assured institutions their 1979 level of CWS expenditures, but required the Secretary to reduce CWS awards to schools suffering a "substantial" decline in total enrollment. The Secretary realizes that an institution's need for CWS assistance does not necessarily decline at the same rate as its total enrollment, and thus reduces the institution's conditional guarantee in direct proportion to the decline, if any, in its population of students eligible for CWS.

The Secretary selected 30 percent to trigger this reduction rather than a smaller percentage to avoid reducing funding to schools, particularly those institutions with small enrollments, in which the decline in enrollment represented a loss of a relatively small number of students. To minimize the effect on an institution with relatively minor fluctuations in enrollment, 30 percent was chosen as the threshold for potential funding reduction.

Fair Share

Comment: One commenter wondered what would be used in place of (national) fair share after the conditional guarantee had been determined.

Response: The commenter misunderstood the change in the use of reallocated funds. The fair share concept is not being deleted in any way from the allocation process. As already addressed in a previous response, these regulations only eliminate national fair share as a predetermined priority for reallocated funds.

Collection and Level of Expenditures

Comment: One commenter complained that the regulations do not allow an institution which collects enough to operate its loan fund as revolving fund, to re-lend the full amount collected that year, but only an amount equal to 90 percent of the previous year's expenditures.

Response: If a school collects more than it expected, it may increase its approved level of expenditure simply by requesting the appropriate regional office of the Department to authorize a higher level of expenditure. Such an increase in the approved level of expenditure permits the institution to lend the full amount collected, but will not qualify the institution for any increase in its FCC for that year.

Cost of Attendance

Comment: Commenters from both predominately residential institutions and predominately commuter institutions claimed that the cost of attendance calculation used in determining the fair share portion of their allocations unfairly discriminated against their institutions.

Response: The amount appropriated in excess of the conditional guarantees of all institutions is divided based on a formula measuring relative institutional need. This "fair share" formula, in section 6 of each of the program regulations, has a variable and a fixed component. The fixed component is the "standard living expenses", set for the 1982–83 award year at $3,200. 47 FR 910, January 7, 1982. The variable component is the average tuition and fee charges for each institution, derived by dividing total tuition and fee revenues at that school by the number of students enrolled.

Data gathered by the Department shows that institutions with a large number of commuting students may appear to be favored by the $3,200 standard living expense figure, but those institutions also tend to have a high number of part-time students and thus a lower average tuition and fee charge. Conversely, institutions with mostly residential students may appear to be penalized by a standard living expense figure somewhat less than typical actual student expenses, but those same schools tend to have fewer part-time students and therefore a higher average tuition and fee charge. Furthermore, institutions which contend that the averaging of tuition costs misrepresents the real effect of those costs on the average cost of attendance at the institution may appeal that item under these regulations.

Default Penalty

Comment: Several commenters believed that an institution's NDSL default rate so depends on factors beyond its control, such as the type of student served by the institution, that application of the same default rate measurement to all institutions is unfair. These commenters contend that a loan program making funds available, without credit references, to needy students can be expected to suffer a large number of defaults. Other commenters urge use of a varying penalty rate, depending on the type of institution and the composition by income and dependency status of its student body.

Response: The NDSL fund is designed to operate as a revolving fund, supplemented by FCC. It is therefore reasonable for the Secretary to consider, before providing further FCC to an institution, whether such funds will in fact be administered and repaid in a manner consistent with that design. Based on the Department's own studies, as well as its experience in administering the NDSL program and in collecting student loans, the Secretary believes that institutional default rates, although related to the income levels of the student body, are more related to other factors clearly within the control of the institution. The latter include not only the quality of the institution's collection activity, but also the manner and type of loan counseling given student borrowers and the degree of student satisfaction with the quality of the education provided by the school.

These factors within the control of the institution bear on the absolute number of defaults on its loans, but NDSL regulations provide the institution with added means of reducing its default rate. The Department accepts assignments of defaulted NDSLs which the institution demonstrates were properly made and on which it exercised diligence in collection; both factors are clearly independent of the characteristics of the student body or the type of school making the loan. Such assigned loans are excluded from the calculation of the institution's default rate under § 674.6a(d)(2). Institutions may defer repayment, or revise repayment schedules, for all borrowers if extraordinary circumstances such as illness or unemployment warrant. § 674.34(e). Recent amendments to the statute allow an institution to extend the repayment period to accommodate the needs of low-income borrowers on new loans. § 674.34a(g)(1). This flexibility helps an institution more readily arrange repayment terms for low-income student borrowers who may have already defaulted, and loans on which satisfactory repayment arrangements have been made are excluded from the default rate calculation. § 674.6a(d)(3).

Comment: A number of commenters felt that the default penalty unfairly penalized current needy students because of the repayment history of past students. Two commenters proposed stricter loan making and collection procedures instead of such a penalty. Other commenters considered the default penalty to be unfair to small schools and those schools new to the collection of National Direct Student

Loans, because the presence of even a few borrowers in default at a school with few matured loans could easily distort the perception of the actual loan collection effort at an institution.

Response: The argument that these regulations penalize the currently-enrolled poor applies only with regard to a particular institution. If an institution receives a reduced FCC, or none at all, because of an unacceptable default rate, the funds which might have accrued to that institution will be allocated, instead, to other institutions, for needy students at those institutions. Because under the NDSL program Federal funds are loaned rather than granted, and because those loans are made only to needy students regardless of the institution making them, it is reasonable for the Secretary to allocate the limited available funds to those institutions with proven success at managing and collecting their loans. As discussed earlier, the imposition of the default penalty is not unfair or harsh with regard to the institution itself, and similarly neither harsh nor unfair to the universe of needy students. The Secretary agrees that an institution which is just starting to collect its first NDSL accounts may experience a high default rate despite careful loan counseling and diligent collection, solely because a few defaults may represent a high percentage of its small number of matured loans. Therefore, for the 1982–83 award year, if an institution's first NDSLs entered repayment status between July 1, 1979 and June 30, 1981, the Secretary interprets the appeal criterion in § 674.7(d)(2) to allow such a "new" institution which demonstrates that its default rate has steadily declined to receive FCC despite a default rate greater than 25 percent.

Comment: Some commenters stated that the selection of 10 percent as the maximum acceptable default rate is unrealistic and arbitrary. Another commenter felt that the sanction of eliminating FCC for institutions with default rates in excess of 25 percent is too harsh.

Response: Neither the reduction of FCC based on default rates, nor the selection of 10 percent as the maximum default rate permissible without affecting FCC calculation, is arbitrary or unrealistic. The General Accounting Office (GAO), in reviewing collection efforts on the NDSL program, has strongly recommended that the Secretary establish an acceptable default rate and withhold Federal funds from schools that exceed that rate. These regulations adopt that recommendation.

The 10 percent figure selected as the maximum acceptable default rate, as measured according to § 674.6a(d), in fact approximates the actual national average default rate for the fiscal year ending June 30, 1980 (11.8 percent).

That average, moreover, includes those loans in default more than nine years, which may be excluded from the default rate calculation for appeal purposes, as explained later in these comments and in instructions for appeals already disseminated to the financial aid community. Furthermore, the percentage of institutions with default rates of 10 percent or less increased from 40.5 percent in fiscal year 1980 to 45 percent in fiscal year 1981. The Secretary expects that the percentage of institutions with rates of 10 percent or less will continue to increase. These regulations allow institutions to further reduce their default rates by demonstrating on appeal the success of their collection efforts through December 1981. Moreover, the graduated effect of the default rate sanction serves as a simultaneous sanction and incentive for improvement for institutions with unacceptably high rates. For these reasons, the 10 percent figure is neither arbitrary nor unrealistic.

Data compiled by the Department through June 30, 1981 shows that less than 12 percent of all institutions have default rates in excess of 25 percent. It is likely that after completion of the appeal process less than 10 percent of all institutions will still be found, for default penalty purposes, to have default rates over 25 percent.

To institute a credible sanction, the Secretary believes, as GAO has recommended, that an absolute tolerable default rate must be adopted. In light of this data, the selection of 25 percent as the maximum tolerable default rate is reasonable.

Comment: One commenter asserted that eliminating FCC to an institution with a default rate in excess of 25 percent created an unappealable, irrebuttable presumption against its receiving funds. The commenter argued that this sanction had an impermissible "disparate impact" on Black and Hispanic students, and sought a waiver of this bar for institutions serving substantial numbers of such students, at least to allow such schools access to the appeal process.

Response: The commenter misunderstands the regulation. The NPRM used the phrase "default penalty applied to institutions with a default rate greater than 10 percent" to include both the reduction and the elimination of FCC. As stated in the NPRM, if the Secretary initially applies the default rate sanction to reduce or eliminate the FCC an institution may receive, the institution may appeal that "default penalty". § 674.7(c)(1)(ii). It does so by demonstrating that the default rate triggering that sanction, a rate derived from base year statistics, is no longer accurate, and that an acceptable rate has been reached. § 674.7(d)(2). The Secretary has here modified the wording of this section to clarify this point. Institutions with default rates between 10 and 25 percent may appeal the penalty by appealing their "expected collections".

Contrary to the commenter's arguments, Title VI of the Civil Rights Act of 1964, and *a fortiori*, a "disparate impact" standard, obviously do not apply to or control actions by the Department in distributing NDSL funds; nonetheless, any institution initially barred from receiving FCC because of a default rate in excess of 25 percent may appeal that denial through the National Appeal Panel process.

Comment: The same commenter stated that the Department improperly exaggerates the institution's default rate by deriving that rate from statistical categories different from those specified in the regulations. The commenter contends that in measuring the default rate, the Department should consider only those payments past due and in default on loans at that school, noted at Section (c), line 8, column (f), page 37 of the institution's Fiscal-Operations Report and Application to Participate in the NDSL, SEOG and CWS Programs (FISAP), not the entire principal amount outstanding on those loans, noted in column (e) of that same section of the FISAP.

Response: The commenter misunderstands the calculation of default rate. The regulations define "default rate" as the "defaulted principal amount outstanding" divided by the total principal amount outstanding on matured loans, *i.e.* those which have at any time entered repayment status. § 674.2. "Defaulted principal amount outstanding" is defined as the *total amount borrowed* that has reached the repayment stage, minus amounts repaid or cancelled, *on loans repayable monthly and in default at least 120 days* (or 180 days if repayable less frequently). The *total amount borrowed* on matured loans is obviously in *repayment status* (§ 674.2 and Section C–1, FISAP, p. 9) and thus that entire amount is to be counted under the regulatory default rate formula, not merely the amount of those

installments past due. The formula in § 674.2 and that used in calculating entries on line (8), column (f) of section C of the FISAP are thus the same. Moreover, the terms of the NDSL loan, Part 674, Appendix B, Section (2)(A), permit the institution to accelerate the loan if *any* installment is missed. Both the regulatory definition of "defaulted principal amount outstanding" and that in the FISAP count only the outstanding balance on loans in which at least *three* consecutive payments are missed. It is reasonable to assume that after three payments are missed the obligation to repay the entire balance of such loans has, or should have, been accelerated by the institution. On an accelerated loan, that entire outstanding balance is in fact due and in default, rather than merely the one or two missed payments.

Comment: Two commenters felt that the default rate problem could be solved with fairness to all types of institutions by allowing a more prompt assignment of loans to ED rather than requiring an institution to wait two years. One commenter suggested that 120 days would be more appropriate. Finally, one commenter felt that the default rate problem commonly encountered by community colleges was due to the large number of students who transferred to four-year institutions. These students have little need for transcripts from the former since such records often become part of the records at the four-year institutions. Besides this loss of leverage, the increased difficulty in tracking borrowers who transfer contributes to the default problem at these schools.

Response: The two-year period referred to by the commenters is mandated by Section 463(a)(5) of the Higher Education Act and may not be changed by the Secretary. The Secretary concedes that the high number of transferring students can for several reasons create particular difficulties for community colleges, but does not concede that these difficulties warrant exception from the default rate penalty. First, such a school may appeal the calculation or application of the default rate penalty. Secondly, the school may assign to the Department loans in default for two years and thereby exclude them from the default rate calculation, if the school properly documented the loans and exercised due diligence in attempting collection. The school must include loans in default less than two years in its default rate calculation; however, diligent use of the Department's skip-tracing service, or employment of a commercial skip-tracer, would help reduce the number of defaults related to the highly-transient nature of its student body. Neither imposes any additional financial burden: the former service is free, the latter, chargeable to the NDSL fund.

Appeals

Comment: Several commenters raised objections not to the appeal criteria and documentation requirements listed in the NPRM at § 674.7 (c) and (d), but to the appeal instructions and suggested documentation information recently mailed to financial aid administrators. These commenters contend that the Secretary by distributing this information in a direct mailing rather than publishing it in the **Federal Register** bypassed the publication requirements in the General Education Provisions Act (GEPA).

Response: This comment, which bears not on the proposed rule but on its implementation by the Department, misconstrues the nature of the material mailed to participating institutions regarding appeal procedures. The instructions merely list the appeal criteria already specified in the NPRM and suggest appropriate documentation to substantiate an appellant's claim for relief from the Department's determination of a particular funding element. Other material may be supplied, and submission of the specified documentation does not assure a successful appeal. The instructions add no requirements or procedures to those published in the NPRM, and GEPA does not, therefore, require their publication. Furthermore, by previewing the substance of those instructions at workshops conducted for the public in the fall of 1981, the Secretary gave ample advance warning of their content; by mailing them as soon as they were finalized directly to the affected individuals, financial aid administrators, the Secretary further respected the reasons underlying the publication requirement.

Comment: A number of commenters specifically complained of one of the appeal instructions described earlier which allow institutions to exclude loans which have been in collection for at least nine years from their default rate calculations. Proprietary institutions complained that this specific option discriminated against them.

Response: The Secretary believes that measurement of collection effort of many institutions is distorted by requiring them to include loans in default nine or more years in their default rate calculation year after year. By allowing exclusion of these loans from the default rate calculation for institutions which choose to appeal a default rate penalty, the Secretary intends no discrimination against proprietary schools. Rather, the exclusion of such pre-1972 defaults eliminates from the default rate measurement process only those loans made before the Office of Education offered formal guidelines to participating schools on proper loan management and collection practices. The first NDSL collection procedures were published in a 1967 loan manual. Loans made pursuant to the new instructions typically reached repayment status in fiscal year 1972, nine years before the base year used for statistical purposes on current applications for FCC. Faulty loan execution and inadequate collection efforts on loans maturing in 1972 are therefore fairly considered the school's responsibility, hence those later defaults are properly counted against the school's default rate. Because most proprietary institutions first participated after 1972, and had from the start the benefit of directions on loan management and collection, it is reasonable to measure them against the standards expected of other institutions at that time.

Timing of Regulation and Funding Process

Comment: A number of commenters stated that by publishing these final regulations so shortly after publishing the NPRM and notifying institutions of their tentative allocations for award year 1982–83, the Department showed no interest in seriously considering comments submitted in response to the NPRM.

Response: The Secretary admits that the short time between the publication dates of the NPRM and of these final regulations condensed the comment consideration period more than might have been desired. Each comment was fully considered, however. Furthermore, the Secretary stresses that every effort was made to alert the financial aid community to the changes made in these regulations, and to solicit comments from interested parties, well before the publication of the NPRM, through workshops conducted for financial aid administrators. This amply demonstrates a serious effort to publicize proposed changes and respond to community reactions to them.

Comment: One commenter requested additional information on the definition of "small entity" used by the Department under the Regulatory Flexibility Act. The same commenter also disagreed with the Secretary's certification that the regulations would

not have a significant economic impact on a substantial number of small entities. The commenter believed the default penalty and verification provisions would have a significant economic impact.

Response: The Department uses the definitions of "small local educational agency" and "small institution of higher education" published on January 16, 1981, at 46 FR 3920. If the Department decides to change these definitions, new definitions will be published in the Federal Register for public comment. Since these regulations apply to institutions of higher education, the definition of "small institution of higher education" is applicable. More specifically, since the full-time equivalent student enrollment figures were not readily available, this definition includes those institutions with a total student population of less than 550.

The phrase "significant economic impact" is not defined in the Regulatory Flexibility Act. The proposed regulations did not establish any mandatory verification requirements. Therefore, it was not possible to attribute any economic impact to this provision. The verification requirement has been deleted from these final regulations.

Two categories of institutions are affected by the default penalty: those with default rates between 10 and 25 percent, which have their FCC reduced, and those with a rate exceeding 25 percent, which receive no FCC for that application. For those institutions in the first category, with default rates between 10 and 25 percent, the FCC is reduced by the "excess overdue amount," that portion of their defaulted loans which would have been received if the institution had a 10 percent default rate. The institution, in other words, is treated as if it had an acceptable default rate, and had collected the amount it would have recovered had it a 10 percent rate.

To assess economic impact on small institutions, one must determine the amount of the penalty affecting those schools. For several reasons, the exact dollar amount of the penalty applied to small institutions as a group cannot be determined.

First, new FCC is based on the difference between the approved "level of expenditure", 34 CFR 674.6(b), and lendable resources available to the institution: Its actual and projected repayments, its reimbursements for teacher service, and military service of its borrowers. The "excess overdue amount" is treated as another resource. The amount of these resources varies widely from school to school; a school theoretically suffering reduced FCC because of a default rate between 10 and 25 percent may have sufficient resources, such as actual loan repayments and/or cancellation reimbursements, that it in fact has the same amount of funds made available to it as if there were no penalty. Second, as a result of the decrease in the fiscal year 1982 NDSL appropriation, many schools will in fact receive less FCC than they would qualify for in years with larger appropriations. In computing the "average" reduction attributable to the default penalty, it was assumed that the national average "percentage fundable" was 85.84 percent. This figure is that percent of new FCC for which all institutions qualify which the NDSL appropriation suffices to fund. In fact, as appeals are decided, the total amount for which institutions qualify will in all likelihood increase; the greater the total amount of funds for which institutions qualify, the smaller the percentage of that amount funded will be.

For these reasons, the "average" reduction in FCC attributable to the default penalty used in the following analysis thus overstates the real effect of the penalty in many cases. For the 1982–83 award year, preliminary data indicates that if the amount attributable to the default penalty, considered in isolation, were in fact to reduce FCC, the 275 small institutions affected would suffer an average reduction of $6,988, an amount sufficient for about 10 average loans. On the other hand, 542 large institutions will suffer, in theory, an average reduction of $46,102. Furthermore, the elements on which the default penalty reduction is based may be appealed and modified, further reducing the average decrease in FCC. Finally, funds actually withheld from small institutions with unacceptable default rates will be redistributed to those small institutions with acceptable rates. There will be, therefore, no *net* impact on small institutions, as a group, with default rates in the 10–25 percent range. For all these reasons, the Secretary concludes that this provision of the regulations will not have a significant economic impact on a substantial number of small institutions in the first category.

Institutions in the second category, those with default rates over 25 percent, will not qualify for FCC under the new rule. Current regulations allow such institutions new FCC only if they demonstrate that despite the rate, they are exercising due diligence in collection. 34 CFR 674.6a(a)(3), 46 FR 5251, January 19, 1981. The economic impact of the *revised* default penalty for schools in this category is, therefore, the difference in treatment between current and revised rules. Under current procedure in award year 1981–82, small schools with default rates greater than 25 percent experienced an average amount of FCC withheld because of the penalty of $27,843; larger schools experienced an average withheld FCC amount of $61,132. Under the new rule, small schools with default rates over 25 percent will experience an average FCC withheld of $24,057, and large schools, $66,878. The new rule in fact has less average impact on small schools. These figures for 1982–83 under the new rule are somewhat overstated, again, for the same reasons as applicable to those schools in the 10–25 percent default range; schools excluded in preliminary calculations may likewise successfully appeal that determination and qualify for FCC. For these reasons the Secretary concludes that the new rule will not have a significant economic impact on a substantial number of small institutions in this second category.

Miscellaneous

Comments: Three miscellaneous comments were received. One commenter indicated that his institution accepted the loan accounts of an institution that went out of business. As a result, he does not think it fair that his institution's default rate should include the loan accounts from that closed school. A second commenter suggested deleting the CWS reallocation provision which devotes to cooperative education programs 50 percent of those funds remaining after meeting the State's initial allotment and any deficiency in any institution's conditional guarantee. Finally, a third commenter requested that institutions be given a choice in the selection of base year to use for the institutional gift aid figure in the SEOG need calculation.

Response: The main reason an institution accepts the fund from a closed school is to increase the size of the fund from which it can make loans to its own students. An institution that accepted the loan accounts of a closed school must be willing to accept the liabilities as well as the benefits of having another institution's accounts assigned to it. Second, the cooperative education program provision is a statutory requirement, and therefore, the Secretary has no authority to delete it. Third, in implementing the statutory formula for determining SEOG need the Secretary selected 1977–78 as the year for measuring institutional gift aid after extensive discussion with the financial aid community. There was general

agreement that use of a fixed year would eliminate that disincentive to increasing institutional gift aid which a moving base year might create. Given the settled expectations of participating institutions regarding this position, the Secretary does not believe it desirable to change the list of appealable items to permit appeals of this item so late in the current funding cycle, but will consider allowing such appeals in the future.

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Part V

Department of Education

Expected Family Contributions for Pell Grant, National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs.

DEPARTMENT OF EDUCATION

34 CFR Parts 668 and 690

Expected Family Contributions for Pell Grant, National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes alternative regulations for determining the expected family contributions under the Pell Grant Program only (Alternative A), or under the Pell Grant, National Direct Student Loan (NDSL), College Work-Study (CWS), and Supplemental Educational Opportunity Grant (SEOG) Programs (Alternative B). The regulations proposed for the 1983–84 award year under Alternative A are based on the timely enactment of proposed changes to the Higher Education Act. These changes, proposed by the Administration, are designed to improve the integrity of the Pell Grant Program. Alternative A illustrates how the proposed stautory amendments would change the expected family contribution scehdule by (1) assuring that income information is based on the most useful and accurate indicators of family financial need, (2) simplifying application procedures for the Pell Grant Program, and (3) retaining the separate need analysis for the campus-based programs.

The proposed regulations under Alternative B are based on the need analysis provisions found in paragraphs (a), (b), and (c) of section 482 of the Higher Education Act of 1965, as amended.

DATES: Comments must be received on or before September 1, 1982.

ADDRESS: Comments should be addressed to Brian Kerrigan, Acting Chief, Pell Grant Policy Section, Division of Policy and Program Development, Office of Student Financial Assistance, 400 Maryland Avenue, SW., (ROB–3, Room 4318), Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Brian Kerrigan or David Morgan, telephone number (202) 472–4300.

SUPPLEMENTARY INFORMATION:

General Background

These proposals are being submitted for public comment. The final regulations resulting from this Notice of Proposed Rulemaking would be in effect for the 1983–84 award year (July 1, 1983–June 30, 1984).

The Secretary is proposing several statutory changes that would simplify and increase the integrity of the Pell Grant application and need analysis and retain the separate need analysis for the campus-based programs. The Secretary is proposing legislation that would continue current practice which has the annual family contribution schedules apply only to the Pell Grant Program. Institutions would continue to be permitted to use need analysis systems approved by the Secretary to determine a student's financial need under the campus-based programs.

To strengthen the integrity of the Pell Grant Program, the Secretary is proposing changes to the Pell Grant authorizing legislation. These changes would—

(1) focus the need analysis on the most significant indicators of family income,

(2) increase the accuracy of applicant reported data used in determining student eligibility for aid,

(3) allow for more complete verification of that data, and

(4) generally simplify application procedures for Pell Grants.

The urgent need for pursuing the objective of strengthening procedures for verifying accuracy of data is based upon the findings of a recent Department of Education study that calculated the rate of error in Pell Grant awards during the 1980–81 award year. These findings were based on a sample of 4,000 Pell Grant applications and awards calculations by 305 financial aid officers. Projected to the program nationwide, the data shows approximately $340 million in overpayments and $51 million in underpayments to students due to inaccurate information supplied by applicants. This error rate indicates an obvious need for radical changes in order to substantially reduce payment errors.

Therefore, the Secretary is proposing to reduce the number of data elements that would be used to determine a student's award from 22 to 6. This reduction would leave those elements that are the most significant indicators of income, easiest to verify, and least prone to applicant error. The remaining six data elements are:

1. Adjusted Gross Income.
2. Federal taxes paid.
3. Household size (based on tax exemptions).
4. Non-taxable income.
5. Liquid assets (excluding home, farm, business or real estate).
6. Income of the dependent student and spouse.

The data elements that we propose to delete include: business assets, farm assets, home assets, unusual medical expenses, tuition for elementary and secondary education, and number of family members enrolled in postsecondary education.

The advantages of using the selected six elements are that applicants are less likely to misreport data that require exact figures, and which can be verified. It may be argued by some that the deleted six elements in the existing formula are needed to develop an accurate picture of a student's true need. However, the accuracy of this information has been so unreliable that the use of this additional data has adversely affected the determination of need. For example, misreporting of home equity, household size and the number of family members enrolled in postsecondary education had an associated net dollar error of $85 million in the Department's study. The goal of attaining an accurate picture of a student's need comes into question, when the use of additional data elements yields such unreliable figures.

The Department's study also indicates that those students who have been misreporting information overwhelmingly do so for their own benefit. Restricting the data elements to those which can be easily verified should improve the accuracy of reported financial information and result in a more equitable distribution of funds.

In addition to being easier to verify and less prone to error than the other data elements, the six retained data elements are the major indicators of wealth for a family. Thus, the use of only those six data elements will not affect the goal of assisting students from low-income families. A formula that requires additional data elements may reduce the expected family contribution of middle-income families, but they have little effect on families with discretionary incomes that are already very low. There will be some students from middle-income families with unusual financial circumstances that are not taken into account by this simpler formula. However, institutions may take these circumstances into account in determining awards from the campus-based program and the need for a Guaranteed Student Loan.

In an effort to control expenditures it will be necessary to lower the maximum grant to $1,600 and to continue the deferral of the liberalized cost of attendance provisions which were enacted as part of the Education Amendments of 1980. Congress has permitted a deferral of these provisions

for the 1981–82 award year in the Supplemental Appropriations and Rescission Act of 1981 (Pub. L. 97–12, June 5, 1981) by allowing the Secretary of Education to establish the cost of attendance for purposes of the Pell Grant Program. Congress extended this deferral for the 1982–83 award year in the fourth continuing resolution for Fiscal Year 1982 (Pub. L. 97–161). The Administration is proposing a change in the 1983–84 cost of attendance rules, which would standardize the living expenses and focus on the direct educational costs. The rules would permit an institution to use actual or average tuition and fees, plus a standard expense allowance. This standard expense allowance would encompass room, board, books and supplies, as well as miscellaneous expenses. For a dependent student who lives with his parents, the standard expense allowance would be $1,000. For all other students, including those who live on campus, the standard expense allowance would be $2,100.

Another statutory amendment proposed by the Secretary would simplify the rules for determining Pell Grant awards and would more fairly distribute funds. Pell Grants would be limited to the lesser of the maximum award minus the expected family contribution (EFC) or 60 percent of the cost of attendance minus the EFC, i.e., Pell Grant equals the lesser of—

1. $1,600—EFC, or
2. .60 × (either $1,000 or $2,100 as appropriate + tuition and fees)—EFC.

Under Section 411(a)(2)(B)(ii) of the Higher Education Act of 1965 as amended, a Pell Grant award is the least of: (1) Maximum award minus the EFC, (2) half the cost of attendance, or (3) cost of attendance minus EFC. Under the current rules, students from families of very different financial strength receive the same award when attending low cost institutions. For example, in 1981–82 a student with an expected family contribution of 0 and a student with an EFC of 850 would both receive an award of $832 if the cost of attendance was $1,824. The award under the proposed amendment would more appropriate correspond to the respective needs of these two students.

Based on the previously mentioned Departmental study on misreporting in the Pell Grant Program, the Secretary is also proposing legislation to amend the dependency standards for students. This is necessary because of the considerable error in the determination of students' dependency status caused by student responses to the existing criteria for that determination. Thus, the Secretary is proposing that dependency status be determined by criteria that is more error free. This criteria will also more appropriately emphasize the family's traditional role of having primary responsibility for the student's educational expenses, as noted below.

Change in the Definition of an Independent Student

The basic premise of student financial aid has always been that the primary responsibility for financing the cost of postsecondary education rests with the student and his or her parents. The Federal student aid programs were originally established to help those students and their families who were unable to meet the cost of postsecondary education.

As the determination of independent student status has been liberalized the number of independent students has increased. This increase has raised a question of equity in the distribution of funds, particularly at a time when Federal program funding levels have been reduced. In the 1976–77 award year, when part-time students became eligible participate in the Pell Grant Program, 38 percent of the eligible Pell Grant applicants filed as independent students. Since then, the percentage of eligible independent applicants has steadily increased, with 1981–82 estimates indicating independent students as 42–46 percent of the eligible applicant pool. The Department's study of the Pell Grant Program found approximately 20% of those incorrectly reporting dependency status would otherwise be ineligible.

The Department of Education published a comprehensive analysis of the independent student issue, and requested comments from the financial aid community. This article elicited a wide range of suggestions from members of the community, and almost all of them requested a more stringent definition. From these suggestions three concepts were frequently repeated:

1. The use of age as a criterion for determining automatic dependency. These suggestions focused on a specific age or on four years after high school graduation. Advocates of automatic dependency expressed a concern for an equitable distribution of a limited amount of funds. Parents who are able to contribute to a student's education are expected to contribute at least until the student reaches the age of 22.

2. An emphasis on using prior year data to determine dependency, rather than estimated information. Many commenters suggested extending the current criteria to one or two years before the base year.

3. A distinction between undergraduate and graduate students. Many commenters thought that parents should not be automatically responsible for financing the student's costs for graduate study merely because they supported the student as an undergraduate. Such a presumption of dependency is made when there is an emphasis on prior year data.

The Secretary has incorporated these concepts in his proposal to change the definition of the independent student under Alternative A. Under this proposal, for award year 1983–84, a student would be dependent if he or she is not at least 22 years old on January 1, 1983. Of course, as in the past, an exception would be made if a student is a ward of the court or both the parents of the student are deceased. If a student is at least 22, he or she would be dependent if the student received more than $1,000 from the parents, was claimed as a dependent for Federal income tax purposes by the parents, or lived for more than six weeks in the home of the parent(s) during the base year. For the 1983–84 award year, the base year will be the 1982 calendar year.

The new definition of an independent student is not proposed under Alternative B because this change in the dependency standard requires a legislative amendment. However, it is the Department's position that this definition should be incorporated into Alternative B, if possible. If the proposed legislation is passed, this new definition of an independent student would also apply to the campus-based programs (National Direct Student Loans, Supplemental Educational Opportunity Grants, College Work-Study) and the Guaranteed Student Loan Program.

This new definition presumes parental financial responsibility until a student is 22, and retains the current criteria for those students above that age. The extension of the current criteria to years prior to the base year is not needed with the age requirement, and a limit has been placed on the number of years that a parent is automatically presumed to have primary responsibility for a student's education. The age requirement was selected instead of 4 years after high school graduation because age can be more easily verified.

If these statutory changes are enacted into law, the Secretary believes it would be possible to establish a more equitable formula. By reducing the number of data elements to those that can be easily reported and easily verified, the funds for the program would be more fairly distributed.

Rationale for the Development of the Proposed 1983–84 Formula

The changes to the formula proposed by the Secretary require amendments to the current law. Therefore the Secretary is proposing alternative Family Contribution Schedules. The sections that are published as Alternative A assume the timely enactment of the legislative changes the Secretary believes are required to improve the program's integrity. The sections that are published as Alternative B reflect the *current* wording of paragraphs (a), (b), and (c) of section 482 and paragraph (b) of section 411 of the Higher Education Act of 1965 as amended by the Education Amendments of 1980. The Education Amendments of 1980 made substantial changes in the statutory language of the formula that determines the expected family contribution for the Pell Grant Program. Many of these changes were not incorporated in the 1982–83 Family Contribution Schedules because Congress mandated an alternative formula for that award year. The forth continuing resolution for Fiscal Year 1982, enacted into law as Pub. L. 97–161, specified that the 1982–83 Pell Grant Family Contribution Schedules shall be the same as the 1981–82 schedules with certain specified modifications. That resolution also authorized the Secretary to continue approving need analysis systems for the campus-based programs for the 1982–83 award year under the procedures in effect for the 1981–82 award year. However, Alternative B reflects the Education Amendments of 1980 which require a common need analysis for the Pell Grant Program and the three campus-based programs.

Summary of Other Proposed Changes

The items described below are changes proposed in the formula from the 1982–83 Pell Grant Family Contribution Schedules.

I. Changes to Income Assessment

1. *Use of Income Taxes as an Offset Against Income. Alternative A:* As in the past, Federal income taxes would be the only taxes that would be subtracted from income before an assessment of that income is made to determine the expected contribution toward the student's education.

Alternative B: The current law requires that "Federal, State, and local taxes paid or payable with respect to* * *income" shall be considered. Thus, State and local income taxes as well as Federal income taxes are subtracted from income in this NPRM.

2. *Veterans and Social Security Educational Benefits. Alternative A:* Veterans and Social Security educational benefits would not be assessed in determining a student's expected family contribution, but these benefits would be used in the calculation of the amount of a student's Pell Grant award. Under this procedure, if the sum of the student's expected family contribution, Pell Grant, Social Security, and VA payments would exceed the student's cost of attendance, the Pell Grant award would be reduced so that the sum of the four factors equals the student's cost of attendance.

Alternative B: The current law requires all Social Security and one-half of veterans educational benefits to be assessed as income in determining the family contribution. Under this alternative, no adjustment is made to the Pell Grant award.

3. *Treatment of Dependent Student Income. Alternatives A and B:* For the 1981–82 and 1982–83 award years, the contribution from a dependent student's income is based on the income he or she received during the calendar year prior to the first calendar year of the award year (i.e., income for 1981 for the 1982–83 award year). This is called base year income. However, in those cases where the student estimated that his or her income for the school year would not exceed 60 percent of the actual income reported for the base year, the Pell Grant formula automatically used the student's estimate in the computation of the student's eligibility. The income has been assessed at the rate of 75 percent for single students and 25 percent for married students after an offset has been subtracted.

Under Alternatives A and B, the Secretary proposes adding dependent student income to parental income. As a result there would be a lower assessment rate of dependent student income in most circumstances. We propose to drop the dependent student income offset that has been used in the past. For 1983–84 all of the dependent student's income would be added to parental income and that total income would then have the appropriate offsets applied to it that would be applied to the parental income. The offset for the student's basic living costs is already included in the family's household size.

Estimated dependent student income would not be used in determining the student's eligibility.

4. *Multiple Assessment Rates for Family Income.* The Secretary is required to set a series of rates for discretionary income. Discretionary income is the income that remains after income taxes and all of the other offsets are subtracted from the total income of the family. The Secretary has proposed that the first $20,000 of discretionary income be divided into four equal amounts. Under Alternative A, the first $5,000 is assessed at 18 percent, the second $5,000 is assessed at 20 percent, the third $5,000 is assessed at 25 percent and the fourth $5,000 is assessed at 30 percent. The income of independent students with dependent children would be assessed in the same manner as we assess the income of the parents of dependent students. Independent students with no dependent children would have their incomes assessed at 75 percent, regardless of marital status. Under Alternative B, the same assessment rates would apply to the combined discretionary income of the dependent student and his or her parents. These assessment rates would also apply to married independent students with no dependent children and single independent students with dependent children. Single independent students with no dependent children would have their incomes assessed at 75 percent.

The assessment rates for Alternative A are based on a funding level of $1.4 billion, a maximum award of $1,600, a minimum award of $100, the standard expense allowances proposed by the Secretary for cost of attendance and the Secretary's legislative proposal to limit Pell Grants to the lesser of the maximum award minus the expected family contribution (EFC) or 60 percent of the cost of attendance minus the EFC.

However, under Alternative B, the statutory reduction formula must be used in order to meet a funding level of $1.4 billion and maintain the same assessment rates as Alternative A. The Secretary is authorized to implement this reduction formula under section 411(b)(3)(B) of the Higher Education Act of 1965, as amended. The reduction formula must be used because there are more offsets in the formula under Alternative B, the definition of an independent student is more liberal, and there are higher cost assumptions. That is, under Alternative B, assuming that the current legislative rules for determining Pell Grant awards would apply, the maximum award (before statutory reduction) would be $1800, and the cost of attendance would be calculated as tuition and fees, plus the actual room and board costs for students living on campus or $1100 for students living off campus, plus $400 for books, supplies, and miscellaneous expenses.

Under the statutory reduction formula a student's award would be reduced by a certain percentage depending upon his or her effective family contribution (EFC). Unfortunately this stautory formula results in extreme reductions in awards to students from the lowest income families. Although the first step in the reduction formula provides greater protection to students with a higher need, the second step requires a flat percentage rate of reduction for every award. Since the same percentage rate is used, the lowest income students (those with the highest awards) would receive reductions of the largest dollar amount. For example, if the second step reduction rate is 40 percent, a $1500 award would be reduced by $700 while a $500 award would be reduced by $200.

This reduction formula follows the requirement of using graduated percentage reductions as the first step under section 411(b)(3)(B)(i) of the Higher Education Act of 1965, and then applies a 43 percent reduction to each award as required in section 411(b)(3)(B)(ii). The maximum award after this reduction formula is implemented would be $1,026.

5. *Updating of the Family Size Offsets to Account for Inflation.* This year, as in the past, the family-size offsets have been increased to account for the effects of inflation, based on a projected rise of 7.3 percent in the consumer price index for urban wage earners and clerical workers (CPIW). The offsets used in 1982–83 were multiplied by 9.4 percent and the resulting figures were rounded down to the nearest $50. When this notice is published as a final regulation, the 7.3 projected percentage will be adjusted to reflect the actual percentage at that time.

II. Changes to Asset Assessment

1. *Asset Treatment for Dependent Students.* For 1982–83, the Family Contribution Schedules provide an asset reserve of up to $25,000 against the parent's principal place of residence, $25,000 against other personal assets, and $80,000 against farm and/or business assets. However, the total asset reserve for a family is limited to $100,000 against all of their assets. The current law requires that home equity shall be excluded from assets, so there is no longer a need for an asset reserve against the parent's principal place of residence.

Under Alternative A, the Secretary proposes an asset reserve of up to $10,000 against liquid assets and any liquid assets above the amount of the reserve are assessed at ten percent. Under Alternative B, the Secretary proposes an asset reserve of up to $10,000 against personal assets and $50,000 against farm and/or business assets. Any net assets above the amount of these reserves are assessed at ten percent.

The dependent student also has assets that are assessed. These are not included with parental assets. For the 1982–83 award year all of the net assets of the single dependent student are assessed at 33 percent. For married dependent students, a $25,000 reserve is provided and any net assets above the amount of the reserve are assessed at five percent.

Under Alternative A for 1983–84, only students with dependent children would have a $10,000 reserve, with liquid assets above $10,000 assessed at ten percent. For other students (regardless of their marital status) all the liquid assets would be assessed at 33 percent.

The treatment of assets specified in the current law for the 1983–84 award year addresses the assets of both the student and the parents. Thus, under Alternative B an asset reserve would be applied against the combined assets of the parents and the student. However, since, under this Alternative, parental assets would be assessed at ten percent and the student's assets at 33 percent, we are proposing that the asset reserve of $10,000 be applied first against the parental assets. If the parents do not have $10,000 of net assets, they would not need the entire asset reserve. In that case, the amount of asset reserve that they do not need would be applied against the student's assets.

Dependent students would only rarely own farms or businesses of their own. Thus, we are not proposing that a parallel treatment of farm and business assets be implemented for dependent students. Rather, the farm and business asset reserve of $50,000 would be applied only to the parental assets.

2. *Asset Treatment for Independent Students.* Under Alternative A, the liquid assets of an independent student would be treated in the same manner as the liquid assets of a dependent student. If the student has dependent children, there would be an asset reserve of $10,000 and an assessment rate of ten percent. For all other students (regardless of their marital status), all liquid assets would be assessed at 33 percent.

Under Alternative B, independent students with dependents would be afforded the same treatment as the parents of dependent students. They would have an asset reserve of $10,000 against personal assets and $50,000 against farm and/or business assets. The student's spouse is defined as a dependent under Alternative B. As in the past, the assets of a single independent student will be assessed at the rate of 33 percent.

Executive Order 12291

These proposed regulations have been reviewed in accordance with Executive Order 12291.

They are classified as non-major because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entitites. These regulations establish the formula for determining student eligibility for financial assistance under the Pell Grant, National Direct Student Loan, College Work-Study and Supplemental Educational Opportunity Grant programs. As such they do not have an impact on small entities.

Invitation To Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations. Written comments and recommendations may be sent to the address given at the beginning of this document. All comments submitted on or before September 1, 1982 will be considered before the Secretary issues final regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in room 4318, ROB–3, 7th and D Sts, SW., Washington, D.C., between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

List of Subjects

34 CFR Part 668

Administrative practice and procedure, Colleges and universities, Consumer protection, Education Loan programs—education, Grant programs—education Student aid.

34 CFR Part 690

Administrative practice and procedure, Education, Education of disadvantaged, Grant programs—education, Student aid.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these proposed regulations.

These citations apply only to Alternative B. These citations will be revised if a statute authorizing Alternative A is enacted.

Dated: July 27, 1982.

(Catalogue of Federal Domestic Assistance Numbers: Pell (Basic) Grant Program, 84.063; National Direct Student Loan Program, 84.038; Supplemental Educational Opportunity Grant Program, 84.007; and College Work-Study Program, 84.033)

T. H. Bell,

Secretary of Education.

The Secretary proposes either to amend Part 690 of Title 34 of the Code of Federal Regulations by revising Subparts C and D, or to amend Part 668 of Title 34 of the Code of Federal Regulations by adding Subparts D and E as set forth below in proposed regulations as alternatives A and B, respectively.

PART 668—STUDENT ASSISTANCE GENERAL PROVISIONS

1. Under Alternative B, Part 668 would be amended by adding Subparts D and E to read as set forth below:

Subpart D—Expected Family Contribution for a Dependent Student

Sec.

668.41 Indicators of financial strength.
668.42 Special definitions.
668.43 Effective family income.
668.44 Computation of the expected family contribution for a dependent student from the effective family income.
668.45 Computation of the expected contribution from parental assets.
668.46 Computation of the expected contribution from effective family income and parental assets, adjusted for the number of family members enrolled in programs of postsecondary education.
668.47 Computation of the expected contribution from the assets of the dependent student (and spouse).
668.48 Computation of the total expected family contribution.
668.49 Extraordinary circumstances affecting the expected family contribution determination for a dependent student.

Subpart E—Expected Family Contribution for an Independent Student

668.51 Indicators of financial strength.
668.52 Special definitions.
668.53 Effective family income.
668.54 Computation of the expected family contribution for an independent student from the effective family income.
668.55 Computation of the expected contribution from the assets of the independent student (and spouse).
668.56 Computation of the total expected contribution from the income and assets of the independent student (and spouse), adjusted for the number of family members enrolled in programs of postsecondary education.
668.57 Extraordinary circumstances affecting the expected family contribution determination for an independent student.

PART 690—PELL GRANT PROGRAM

2. Under Alternative A, Part 690 would be amended by revising Subparts C and D to read as set forth below:

Subpart C—Expected Family Contribution for a Dependent Student

Sec.

690.31 Indicators of financial strength.
690.32 Special definitions.
690.33 Effective family income.
690.34 Computation of the expected family contribution for a dependent student from the effective family income.
690.35 Computation of the expected contribution from parental assets.
690.36 Computation of the expected contribution from effective family income and parental assets, adjusted for the number of family members enrolled in programs of postsecondary education.
690.37 Computation of the expected contribution from the assets of the dependent student (and spouse).
690.38 Computation of the total expected family contribution.
690.39 Extraordinary circumstances affecting the expected family contribution determination for a dependent student.

Subpart D—Expected Family Contribution for an Independent Student

690.41 Indicators of financial strength.
690.42 Special definitions.
690.43 Effective family income.
690.44 Computation of the expected family contribution for an independent student from the effective family income.
690.45 Computation of the expected contribution from the assets of the independent student (and spouse).
690.46. Computation of the total expected contribution from the income and assets of the independent student (and spouse), adjusted for the number of family members enrolled in programs of post-secondary education.
690.47 Extraordinary circumstances affecting the expected family contribution determination for an independent student.

3. In addition, the text set forth below not designated as either Alternative A or Alternative B is common to both.

Subpart D Part 668 [Subpart C Part 690]—Expected Family Contribution for a Dependent Student

§ 668.41 [690.31] Indicators of financial strength.

(a) As used in this subpart, "Expected family contribution" for a dependent student means the amount that the student and his or her family may reasonably be expected to contribute toward the cost of his or her education for an award period.

Alternative A [690.31]: (b) the Secretary considers each of the following elements of financial strength in determining the expected family contribution for a dependent student:

(1) The effective incomes of (i) the student and his or her spouse, and (ii) the student's parent(s).

(2) the number of family members in the household of the student's parent(s).

(3) The liquid assets of (i) the student and his or her spouse, and (ii) the student's parent(s).

Alternative B [668.41]: (b) The Secretary considers each of the following elements of financial strength in determining the expected family contribution for a dependent student.

(1) The effective incomes of (i) the student and his or her spouse, and (ii) the student's parent(s).

(2) The number of family members in the household of the student's parent(s).

(3) The number of family members in the household of the student's parent(s) who are enrolled in, on at least a half-time basis, a program of postsecondary education.

(4) The assets of (i) the student and his or her spouse, and (ii) the student's parent(s).

(5) The unusual medical expenses of the student's parents.

(6) The additional expenses incurred when both parents of the student are employed or when a family is headed by a single parent who is employed.

(7) The tuition paid by the student's parents for dependent children, other than the student, who are enrolled in an elementary or secondary school.

(U.S.C. 1089(b))

Alternative A: § 690.32 Special definitions.

For purposes of this subpart:

"Dependent of the student's parents" means the student, the student's spouse and other persons who have been claimed on the Federal income tax return as a dependent by the parents, the student and the student's spouse. If the parents have not filed a 1982 Federal income tax return at the time of application, "dependent of the student's parents" means the student, the student's spouse, and other persons who were eligible to be claimed in 1982 by the parents, the student, and student's spouse under the Internal Revenue Code of 1954.

"Dependent student" means any student who does not qualify as an independent student as defined in § 690.42.

"Effective family income" is described in § 690.34.

"Family size offset" means an allowance to meet the subsistence expenses of a family, including food, shelter, clothing, and other basic needs. This offset is derived from the "Weighted Average Thresholds at the Low Income Level," as developed by the Social Security Administration.

"Federal income tax" means (a) the tax on income paid to the U.S. Government under Chapter 2 of the Internal Revenue Code, or (b) the tax on income paid to the Governments of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands under the laws

applicable to those jurisdictions, or (c) the comparable taxes paid to the central government of a foreign country.

"Legal guardian" means an individual who has been appointed by a court to be a legal guardian of a person and who is specifically required by the court to use his or her own financial resources to support that person.

"Liquid assets" means cash on hand including amounts in checking and savings accounts, trusts, stocks, bonds, and other securities.

"Net assets" means the current market value at the time of application of the assets included in the definition of "liquid assets" minus the outstanding liabilities (indebtedness) against those assets.

"Parent" means the student's mother, father or legal guardian. An adoptive parent is considered to be the student's mother or father.

Alternative B: § 668.42 Special definitions.

For purposes of this subpart:

"Assets" means cash on hand, including amount in checking and savings accounts, trusts, stocks, bonds, other securities, real estate (except the student's or parent's single principal place of residence), income producing property, business equipment, and business inventory. However, for Native American students, the following shall not be considered as an asset of the student or his or her family in determining the expected family contribution:

(a) Any property received under the Distribution of Judgment Funds Act (25 U.S.C. 1401, et seq.) or the Alaska Native Claims Settlement Act (43 U.S.C. 1601, et seq.),

(b) Any property that may not be sold or encumbered without the consent of the Secretary of Interior, and

(c) Any other property held in trust for the student or his family by the United States Government.

"Business assets" means property that is used in the operation of a trade or business, including real estate, inventories, buildings machinery and other equipment, patents, franchise rights, and copyrights.

"Dependent of the student's parents" means:

(a) The student,

(b) The student's spouse,

(c) Any of the student's dependent children,

(d) Dependent children of the student's parents including those children who are determined to be a "dependent student" when applying for student financial assistance under Title IV of the Higher Education Act for the 1983–84 award year, and

(e) Other persons who live with and receive more than one-half of their support from the parents and will continue to receive more than half of their support from the parents for the 1983–84 award year.

"Dependent student" means any student who does not qualify as an independent student as defined in § 668.52.

"Effective family income" is described in § 668.43.

"Employment expense offset" means an allowance to meet expenses related to employment when both parents are employed or when one parent qualifies as a surviving spouse or as head of a household under section 2 of the Internal Revenue Code.

"Family-size offset" means an allowance to meet the subsistence expenses of a family, including food, shelter, clothing, and other basic needs. This offset is derived from the "Weighted Average Thresholds at the Low Income Level," as developed by the Social Security Administration.

"Farm assets" means any property owned and used in the operation of a farm for profit, including real estate, livestock, livestock products, crops, farm machinery, and other equipment inventories. A farm is not considered to be operated for profit if crops or livestock are raised mainly for the use of the family, even if some income is derived from incidental sales.

"Federal income tax" means (a) the tax on income paid to the U.S. Government under chapter 2 of the Internal Revenue Code, or (b) the tax on income paid to the Governments of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands under the laws applicable to those jurisdictions, or (c) the comparable taxes paid to the central government of a foreign country.

"Legal guardian" means an individual who has been appointed by a court to be a legal guardian of a person and who is specifically required by the court to use his or her own financial resources to support that person.

"Local income tax" means the tax on income paid to a town, city, county, or other local municipality.

"Medical expenses" means unreimbursed medical and dental expenses, except premiums for medical insurance, that may be deducted under section 213 of the Internal Revenue Code and that were paid in 1982, unless the student files an application with the Secretary under the provisions of § 668.49. In that case the expenses reported are those paid in 1983.

"Net assets" means the current market value at the time of application of the assets included in the definition of "assets" minus the outstanding liabilities (indebtedness) against those assets.

"Parent" means the student's mother, father or legal guardian. An adoptive parent is considered to be the student's mother or father.

"State income tax" means the tax on income paid to one or more of the 50 States of the United States, or to the District of Columbia.

(20 U.S.C. 1089)

§ 668.43 [690.33] Effective family income

Alternative A [690.33]: (a) Effective family income is the amount of income that remains when Federal taxes that are paid or payable on a family's annual adjusted family income are subtracted from that income.

Alternative B [668.43]: (a) Effective family income is the amount of income that remains when Federal, State and local income taxes that are paid or payable on a family's annual adjusted family income are subtracted from that income.

Alternative A [690.33]: (b) "Annual adjusted family income" means, except as provided in paragraphs (c), (d), (e), (f), (g) and (h) of this section, and § 690.39, the sum received in 1982 by the student, his or her spouse and his or her parents from—

(1) Adjusted gross income, as defined in section 62 of the Internal Revenue Code;

(2) Investment income upon which no Federal income tax need be paid. An example of such income is the interest on municipal bonds; and

(3) With the exception of Social Security benefits received by a student, the student's spouse, and by a student's parents on account of the student which would not be paid if he were not a student, other income upon which no Federal income tax is paid. Examples of income to be reported include child support payments and income from income maintenance programs such as welfare benefits.

Alternative B [668.43]: (b) "Annual adjusted family income" means, except as provided in paragraphs (c), (d), (e), (f), (g), and (h) of this section and § 668.49—

(1) The sum received in 1982 by the student, his or her spouse, and his or her parents from—

(i) Adjusted gross income, as defined in section 62 of the Internal Revenue Code;

(ii) Investment income upon which no Federal income tax need be paid. An example of such income is the interest on municipal bonds; and

(iii) Other income upon which no Federal income tax need be paid except—

(A) Veterans benefits paid to the student under chapters 34 and 35 of Title 38 of the United States Code, and

(B) Social Security benefits paid to the student (and spouse) or to the parents of the student for the student, and

(C) Social Security education benefits paid to the student's parents for the student's siblings that would not be paid if those siblings were not students.

(2) One-half of any veteran's benefits to be paid to the student for the 1983–84 award year under Chapters 34 and 35 of Title 38 of the United States Code; and

(3) The Social Security benefits to be paid to the student (and spouse), or to the student's parents for the student for the 1983–84 award year,

(c) For a Native American student, the annual adjusted family income does not include the income received by the student, his or her spouse, or his or her parents under the Distribution of Judgment Funds Act (25 U.S.C. 1401, *et. seq.*) or the Alaska Native Claims Settlement Act (43 U.S.C. 1601, *et. seq.*).

(d) For a student whose parents are divorced or separated the following procedures apply for reporting a parent's income to determine the annual adjusted family income—

(1) Include only the income, as described in paragraph (b) of this section, of the parent with whom the student resided for the greater portion of the 12-month period preceding the date of the application.

(2) If the preceding criterion does not apply, include only the income of the parent who provided the greater portion of the student's support for the 12-month period preceding the date of application.

(3) If neither of the preceding criteria apply, include only the income of the parent who provided the greater support for the period commencing January 1, 1982 and ending 12 months prior to the date of application.

(e) If either of the parents have died, the student shall include only the income of the surviving parent. If both parents have died, the student shall not report any parental income.

(f) The following rule applies if either a parent whose income is taken into account under paragraph (d) of this section, or a parent who is a widow or widower and whose income is taken into account under paragraph (e) of this section, has remarried. The income of that parent's spouse shall be included in determining the student's annual adjusted family income if, in 1982, the student—

(1) Has received or will receive financial assistance of more than $750 from that spouse, or

(2) Has lived for more than six weeks in the home of the parent and that spouse.

(g) For a student who is divorced or separated, or whose spouse has died, the spouse's income shall not be included in determining the effective family income.

Alternative A [690.33]: (h) The annual adjusted family income does not include any student financial assistance benefits including veterans benefits received under Chapters 34 and 35 of Title 38, United States Code.

Alternative B [668.43]: (h) The annual adjusted family income does not include any student financial assistance except those veterans benefits cited in paragraph (b)(2) of this section.

(20 U.S.C. 1089)

§ 668.44 [690.34] Computation of the expected family contribution for a dependent student from the effective family income.

The expected family contribution for a dependent student from effective family income is calculated as follows:

Alternative A [690.34]: (a) Determine the family's discretionary income by deducting a family-size offset in the amount specified in the following table from the effective family income:

FAMILY SIZE OFFSETS

	Amount
Family members:	
2	$5,800
3	7,050
4	9,000
5	10,600
6	12,000

Plus $1,250 for each additional family member over 6.

(b) Determine the family-size by applying the following rules—

(1) If the parents are not divorced or separated, family members include the student's parents and the dependents of the student's parents.

(2) If the parents are divorced or separated and not remarried, family members include the parent whose income is included in computing the effective family income and other persons who have been claimed or could have been claimed in 1982 as a dependent for Federal income tax purposes by that parent. However, if both parents claimed the same person on a joint tax return, that person is dependent on the parent who will provide the greater portion of his or her support between July 1, 1983 and June 30, 1984.

(3) If the parents are divorced and the parent whose income is included in computing the effective family income has remarried, of if the parent was a widow or widower who has remarried, family members include, in addition to those people referenced in paragraph (b)(2) of this section, the new spouse and any dependents of the new spouse, if that spouse's income is included in determining the effective family income. Dependents of the new spouse are determined by the same criteria that apply to dependents of the student's parent in paragraph (b)(2) of this section.

(c) If the discretionary income is a positive amount, determine the expected contribution from the effective family income according to the following chart. If the discretionary income is negative, there is no expected contribution from income.

Discretionary income	Expected contribution
0 to $5,00	18% of discretionary income.
$5,001 to $10,000	$900+20% of amount over $5,000.
$10,001 to $15,000	$1900+25% of amount over $10,000.
$15,001 and above	$3150+30% of amount over $15,000.

Alternative B [668.44] (a) Determine the parents' discretionary income by deducting the following offsets from the effective family income:

(1)(i) A family-size offset in the amount specified in the following table:

FAMILY SIZE OFFSETS

	Amount
Family members:	
2	$5,800
3	7,050
4	9,000
5	10,600
6	12,000

Plus $1,250 for each additional family member over 6.

(ii) In determining the family-size, the following rules appy—

(A) If the parents are not divorced or separated, family members include the student's parents and the dependents of the student's parents.

(B) If the parents are divorced or separated and not remarried, family members include the parents whose income is included in computing the effective family income and that parent's dependents.

(C) If the parents are divorced and the parent whose income it included in computing the effective family income has remarried, or if the parent was a widow or widower who has remarried, family members include, in addition to those people referenced in paragraph (a)(1)(ii)(B) of this section, the new spouse and any dependents of the new spouse, if that spouse's income is included in determining the effective family income.

(2) An unusual expense offset equal to the amount by which the sum of unreimbursed medical and dental expenses exceeds 20 percent of the effective family income. The expenses that may be reported are those expenses paid by the student, his or her spouse and his or her parents during 1982 unless the student files an application with the Secretary under the provisions of § 668.49. In that case, the expenses reported will be those paid in 1983. The expenses of both parents are included only if the incomes of both are subject to inclusion in determining the effective family income. Similarly, a stepparent's expenses are included only if his or her income is subject to inclusion.

(3) An employment expense offset calculated as follows—

(i) If both parents were employed in the year for which their income is reported and both have their incomes reported in determining the expected family contribution, use the lesser of $1,500 or 50 percent of the earned income (income earned by work) of the parent with the lesser earned income.

(ii) If a parent qualifies as a head of household as defined in section 2 of the Internal Revenue Code, use the lesser of $1,500 or 50 percent of his or her earned income.

(iii) The earned income figure to be used in all cases is the figure for 1982 unless the student files an application with the Secretary under the provisions of § 668.49. In that case, the figure to be used is the one for 1983.

(4) An educational expense offset equal to the tuition paid by the student's parents for dependent children, other than the student, enrolled in elementary or secondary school. The tuition which may be reported is the tuition paid in 1982 unless the student files an application with the Secretary under the provisions of § 668.49. In that case, the tuition reported will be that paid in 1983.

(b) if the discretionary income is a positive amount, determine the expected contribution from the effective family income according to the following chart. If the discretionary

income is negative, there is no expected contribution from income.

Discretionary income	Expected contribution
0 to $5,000	18% of discretionary income.
$5,001 to $10,000	$900+20% of amount over $5,000.
$10,001 to $15,000	$1900+25% of amount over $10,000.
$15,001 and above	$3150+30% of amount over $15,000.

(20 U.S.C. 1089)

Alternative A: § 690-35 Computation of the expected contribution from parental liquid assets.

The expected contribution from parental liquid assets is determined in the following manner:

(a) Deduct $10,000 from the net value of the parental liquid assets. If this subtraction produces a negative number, it shall be changed to zero.

(b) Multiply the result obtained in paragraph (a) of this section by ten percent.

(c) However, if the calculation of discretionary income required by § 690.34(a) produces a negative number, the expected contribution from parental assets, calculated under paragraph (b) of this section, shall be reduced by the amount of that negative discretionary income. If this subtraction produces a negative number, it shall be changed to zero.

(d)(1) If the student's parents are separated or divorced and not remarried, only the liquid assets of the parent whose income is included in computing annual adjusted family income shall be considered.

(2) However, if that parent has remarried, or if the parent was a widow or widower who has remarried, and the parents' spouse's income is also included under § 690.33, the liquid assets of that parent's spouse shall also be included.

Alternative B: § 668.45 Computation of the expected contribution from parental assets.

The expected contribution from parental assets is determined in the following manner:

(a) If the parental assets do not include farm and/or business assets, deduct $10,000 from the net value of parental assets.

(b) If the parental assets include farm and/or business assets, deduct: (1) $50,000 from the net value of the farm and/or business assets, and (2) $10,000 from the net value of non-farm and non-business assets.

(c) If the result obtained under paragraphs (a), (b)(1), or (b)(2) of this section is a negative amount, it shall be changed to zero.

(d) Normally, the expected contribution from parental assets equals ten percent of the total of the results obtained in paragraphs (a) and (b) of this section.

(e) However, if the calculation of discretionary income required by § 668.44(a) produces a negative number, the expected contribution from parental assets, calculated under paragraph (c) of this section, shall be reduced by the amount of that negative discretionary income. If this subtraction produces a negative number, it shall be changed to zero.

(f)(1) If the student's parents are separated or divorced and not remarried, only the assets of the parent whose income is included in computing annual adjusted family income shall be considered.

(2) However, if that parent has remarried, or if the parent was a widow or widower who has remarried, and the parent's spouse's income is also included under § 668.43, the assets of that parent's spouse shall also be included.

(20 U.S.C. 1089)

Alternative A: § 690.36 [Reserved]

Alternative B: § 668.46 Computation of the expected contribution from effective family income and parental assets, adjusted for the number of family members enrolled in programs of postsecondary education.

(a) For each award, the amount expected from effective family income as determined in § 668.44 is added to the amount expected from parental assets as determined in § 668.45.

(b)(1) For each award, the combined expectation determined under paragraph (a) of this section is adjusted in the following manner for the number of family members who will be attending, on at least a half-time basis, a program of postsecondary education during the award year for which student financial assistance is requested:

Number of family members enrolled in programs of postsecondary education	Expected contribution per student from combined contributions
1	100 percent of the contribution determined in paragraph (a).
2	70 percent of the contribution determined in paragraph (a).
3	50 percent of the contribution determined in paragraph (a).
4 or more	40 percent of the contribution determined in paragraph (a).

Family members are those persons referenced in § 668.44(b).

Alternative A: § 690.36 Computation of the expected contribution from the liquid assets of the dependent student (and spouse).

(a) The expected contribution from the net assets of a single dependent student or a married dependent student (and spouse) with no dependent children equals 33 percent of the amount of their net liquid assets.

(b) The expected contribution from the net liquid assets of the dependent student (and spouse) with dependent children is determined in the following manner.

(1) Deduct an asset reserve of $10,000 from the net liquid assets. If the result is negative, it shall be changed to zero.

(2) Multiply the remainder obtained in paragraph (b)(1) of this section by ten percent.

(c) If a married dependent student is separated, only his or her net liquid assets shall be considered under paragraphs (a) and (b) of this section.

Alternative B: § 668.47 Computation of the expected contribution from the assets of the dependent student (and spouse).

(a) The expected contribution from the net assets of the dependent student (and spouse) is determined in the following manner.

(1) Determine the student's asset reserve by subtracting the amount of his or her parent's non-farm and non-business assets from $10,000. If the result is negative, it shall be changed to zero.

(2) Deduct the asset reserve calculated in paragraph (a)(1) of this section from the student's (and spouse's) net assets. If the result is negative, it shall be changed to zero.

(3) The expected contribution from the net assets of the dependent student (and spouse) equals 33 percent of the remainder obtained in paragraph (2) of this section.

(b) If the married dependent student is separated, the assets of his or her spouse shall not be considered.

(20 U.S.C. 1089)

§ 668.48 Computation of the total expected family contribution.

For each award, the total expected family contribution is the sum of—

Alternative A [690.38]: (a) The expected contribution from effective family income as determined under § 690.34:

(b) The expected contribution from parental assets as determined under § 690.35; and

(c) The expected contribution from the student's (and spouse's) assets as determined under § 690.37.

Alternative B [668.48]: (a) The expected contribution from the effective family income and parental assets as determined in § 668.46, and

(b) The expected contribution from the student's (and spouse's) assets as determined in § 668.47.

(20 U.S.C. 1089)

§ 668.49 [690.39] Extraordinary circumstances affecting the expected family contribution determination for a dependent student.

(a) A student may submit an application to the Secretary for determination of his or her expected family contribution using income data from 1983 and 1984 for effective family income, if—

(1) A parent or stepparent whose 1982 income from work must be reported under § 668.43 [690.33] has lost his or her job for at least 10 weeks during 1983,

(2) A parent or stepparent whose 1982 income from work must be reported under § 668.43 [690.33] has been unable to pursue normal income-producing activities for at least 10 weeks during 1983 because of the occurrence—in 1982 or 1983—of (i) a disability, or (ii) a natural disaster,

(3) A parent or stepparent whose income must be reported under § 668.43 [690.33] received unemployment compensation or nontaxable income in 1982 and had a complete loss for at least 10 weeks in 1983 of one of those

benefits. A nontaxable benefit, for purposes of this paragraph, must be paid by a public or private agency, a company, or a person because of a court order. Types of nontaxable benefits include Social Security benefits (except those described in § 690.33(b)(3) for Alternative A and § 668.43(b)(1)(iii)(B)) for Alternative B, welfare, and court ordered child support,

(4) The parent(s) of the student have become separated or divorced after the student submitted his or her application. If such a separation or divorce is between a parent and a stepparent, the stepparent's income must have been reportable on the previous application under § 668.43 [690.34] for this condition to apply, or

(5) A parent or stepparent whose 1982 income must be reported under § 668.43 [690.33] has died after the student submitted an earlier application for 1983–84. However, if the parent referred to in this paragraph is the last surviving parent with whom the student has or will have a dependency relationship according to § 668.52, [690.42] the student must file an application under § 668.57 [690.47] (a)(7) if he or she wishes to use income data from 1983.

(b) For an application submitted under paragraph (a) of this section,

(1) The student's parent shall include the income already received for 1983 and an estimate of the income to be received for the remainder of the year, and

(2) The student shall include the income already received and an estimate of the income to be received for the 12 month period from June 1, 1983 to May 31, 1984.

Alternative A: (c) [Reserved]

Alternative B: (c) A student may submit a revised application to reflect changes in asset amounts reported on the previously submitted application if the student or his or her family has suffered a loss of or damage to assets resulting from a natural disaster in an area that has been declared a national disaster area by the President of the United States.

(20 U.S.C. 1089)

Subpart E Part 668 [Subpart D Part 690]—Expected Family Contribution for an Independent Student

§ 668.51 [690.41] Indicators of financial strength.

(a) As used in this subpart, "Expected family contribution" for an independent student means the amount that the student and his or her spouse may reasonably be expected to contribute toward the cost of his or her education for an award period.

Alternative A [690.41]: (b) The Secretary considers each of the following elements of financial strength in determining the expected family contribution for an independent student:

(1) The effective family income of the independent student and spouse.

(2) The number of family members in the household of the student, and spouse.

(3) The liquid assets of the student and spouse.

Alternative B [668.51]: (b) The Secretary considers each of the following elements of financial strength in determining the expected family contribution for an independent student:

(1) The effective family income of the independent student and spouse.

(2) The number of family members in the household of the student, and spouse.

(3) The number of family members in the household of the student and spouse who are enrolled in, on at least a half-time basis, a program of postsecondary education.

(4) The assets of the student and spouse.

(5) The unusual medical expenses of the student and spouse.

(6) The additional expenses incurred when both the student and spouse are employed or when the employed student qualifies as a surviving spouse or as head of a household under section 2 of the Internal Revenue Code.

(7) The tuition paid by the student or spouse for dependent children who are enrolled in an elementary or secondary school.

(20 U.S.C. 1089)

Alternative A: § 1690.42 Special definitions.

The definitions of "family size offset", "Federal income tax", "legal guardian", "liquid assets", "net assets", and "parent", are set forth in § 690.32.

"Dependent of the student" means the student's spouse, and other persons who have been claimed on the 1982 Federal income tax return as a dependent by the student and the student's spouse. If the student has not filed a 1982 Federal tax return at the time of application, "dependent of the student" means the student's spouse and other persons who were eligible to be claimed in 1982 by the student and student's spouse under the Internal Revenue Code of 1954.

"Effective family income" is described in § 690.43.

"Independent student" means:

(a) A student who is at least 22 years old on January 1, 1983, and who for the 1982—

(1) Has not lived for more than six weeks in the home of the parent(s) for whom income must be reported according to § 690.33;

(2) Has not been claimed as a dependent for Federal income tax purposes by the parent(s) for whom income must be reported according to § 690.33; and

(3) Has not received financial assistance of more than $1,000 from the parent(s) for whom income must be reported according to § 690.33.

(b) However, if both parents have died, or the student has been declared a ward of the court, the student is independent.

Alternative B: § 668.52 Special definitions.

The definitions of "assets", "business assets", "family size offset", "farm assets", "Federal income tax", "legal guardian", "local income tax", "medical expense", "net assets", "parent", and "State income tax" are set forth in § 668.42.

"Dependent of the student" means:

(a) The student's spouse (unless separated or divorced from the student),

(b) Any of the student's or spouse's dependent children, and

(c) Other persons who live with and receive more than one-half of their support from the student (or spouse) and will continue to receive more than half of their support from the student (or spouse) for the 1983–84 award year.

"Effective family income" is described in § 668.53.

"Employment expense offset": means an allowance to meet expenses relating to employment when both the independent student and his or her spouse are employed or when the independent student qualifies as a surviving spouse or as head of a household under section 2 of the Internal Revenue Code.

"Independent student" means:

(a) A single student who for 1982 and 1983—

(1) Has not lived for more than six weeks in the home of the parent(s) for whom income must be reported according to § 668.43;

(2) Has not been claimed as a dependent for Federal income tax purposes by the parent(s) for whom income must be reported according to § 668.43; and

(3) Has not received financial assistance of more than $750 from the parent(s) for whom income must be reported according to § 668.43; or

(b) A married student who for 1983—

(1) Will not live for more than six weeks in the home of the parent(s) for whom income must be reported according to § 668.43.

(2) Will not be claimed as a dependent for Federal income tax purposes by the parent(s) for whom income must be reported according to § 668.43; and

(3) Will not receive financiasl assistance of more than $750 from the parent(s) for whom income must be reported according to § 668.43.

(c) However, if the student has been declared a ward of the court, the student is independent.

(20 U.S.C. 1089)

§ 668.53 [690.43] Effective family income.

Alternative A: [690.43] (a) Effective family income is the amount of income that remains when Federal taxes that are paid or payable on a family's annual adjusted family income are subtracted from that income.

Alternative B: [668.53] (a) Effective family income is the amount of income that remains when Federal, State, and local income taxes that are paid or payable on a family's annual adjusted family income are subtracted from that income.

Alternative A: [690.43] (b) "Annual adjusted family income" means, except as provided in paragraphs (c), (d) and (e) of this section and § 690.47, the sum received in 1982 by the student and spouse from—

(1) Adjusted gross income, as defined in section 62 of the Internal Revenue Code.

(2) Investment income upon which no Federal income tax is paid. An example of

such income is the interest on municpal bonds; and

(3) Other than Social Security educational benefits, other income which no Federal income tax need be paid. Examples of such income include child support payments, and income from income maintenance programs such as welfare benefits.

Alternative B: [668.53] (b) "Annual adjusted family income" means, except as provided in paragraphs (c), (d), and (e) of this section and § 668.57—

(1) The sum received in 1982 by the student and spouse from—

(i) Adjusted gross income, as defined in section 62 of the Internal Revenue Code;

(ii) Investment income upon which no Federal income tax is paid. An example of such income is the interest on municipal bonds; and

(iii) Other income upon which no Federal income tax need by paid, except—

(A) Veterans benefits paid to the student under Chapters 34 and 35 of Title 38 of the United States Code, and

(B) Social Security benefits paid to the student (and spouse).

(2) One-half of any veterans benefits to be paid to the student for the 1983–84 award year under Chapters 34 and 35 of Title 38 of the United States code; and

(3) The Social Security benefits to be paid to the student (and spouse) for the 1983–84 award year.

(c) For a Native American student, the annual adjusted family income does not include the income received by the student or spouse under the Distribution of Judgment Funds Act (25 U.S.C. 1401, et seq.) or the Alaska Native Claims Settlement Act (43 U.S.C. 1601, et seq.).

(d) If a student is divorced or separated, or if the student's spouse has died, the spouse's income shall not be considered in determining the annual adjusted family income.

Alternative A [*690.43*]: (e) The annual adjusted family income does not include any student financial assistance including veteran's benefits received under Chapters 34 and 35 of Title 38, United States Code.

Alternative B [*668.53*]: (e) The annual adjusted family income does not include any student financial assistance except those veterans benefits cited in subparagraph (b)(2) of this section.

(20 U.S.C. 1089)

§ 668.54 [690.44] Computation of the expected family contribution for an independent student from the effective family income.

The expected family contribution for the independent student from effective family income is calculated as follows:

Alternative A [*690.44*]: (a) Determine discretionary income by deducting a family-size offset in the amount specified in the following table from the effective family income.

FAMILY-SIZE OFFSETS

Family members	Amount
1	$4,500
2	5,800
3	7,050
4	9,000
5	10,600
6	12,000

Plus $1,250 for each additional family member over 6.

(b) Determine the family-size by applying the following rules—

(1) Family members include the student, spouse and other persons who have been claimed or would have been claimed in 1982 as a dependent for Federal income tax purposes by the student and spouse.

(2) If the student is divorced or separated, (i) the spouse (ex-spouse) and his or her dependents are not counted in the family size, and

(ii) If both the student and spouse claimed the same person on a joint tax return, that person is dependent on the student rather than the spouse if the student will provide the greater portion of his or her support between July 1, 1983 and June 30, 1984.

(c) If the discretionary income is a positive amount, determine the expected contribution from the effective family income according to the following charts. If the discretionary income is negative, there is no expected contribution from income.

(1) For an independent student with no dependent children—

Discretionary income	Expected contribution
Any positive amount	75% of that amount.

(2) For an independent student with dependent children—

Discretionary income	Expected contribution
$0 to $5,000	18% of discretionary income.
5,001 to 10,000	$900+20% of amount over $5,000.
10,001 to 15,000	$1900+25% of amount over $10,000.
15,001 and above	$3150+30% of amount over $15,000.

Alternative B [668.54]: (a) Determine discretionary income by deducting the following offsets from the effective family income.

(1)(i) A family-size offset in the amount specified in the following table.

FAMILY SIZE OFFSETS

Family members	Amount
1	$4,500
2	5,800
3	7,050
4	9,000
5	10,600
6	12,000

Plus $1,250 for each additional family member over 6.

(ii) In determining the family size, the following rules apply—

(A) Family members normally include the student, his or her spouse and other dependents of the student.

(B) However, if the student is divorced or separated, the spouse (ex-spouse) and his or here dependents are not counted in the family size.

(2) An unusual expense offset equal to the amount by which the sum of unreimbursed medical and dental expenses exceeds 20 percent of effective family income. The expenses that may be reported are those expenses paid by the student and spouse in 1982, unless the student files an application with the Secretary under the provisions of § 668.57. In that case, the expenses reported will be those paid in 1983. The expenses of both the student and spouse are included only if the incomes of both are subject to inclusion in determining the effective family income.

(3) An employment expense offset calculated as follows—

(i) If both the student and spouse were employed in the year for which their income is reported and both have their incomes reported in determining the expected family contribution, use the lesser of $1,500 or 50 percent of the earned income (income earned by work) of the person with the lesser earned income.

(ii) If a student qualifies as a head of household as defined in section 2 of the Internal Revenue Code, use the lesser of $1,500 or 50 percent of his or her earned income.

(iii) The earned income figure to be used in all cases is that figure for 1982, unless the student files an application with the Secretary under the provisions of § 668.57. In that case, the figure to be used is the one for 1983.

(4) An educational expense offset equal to the tuition paid by the student and spouse for dependent children enrolled in elementary or secondary school. The tuition that may be reported is the tuition paid in 1982, unless the student files an application with the Secretary under the provisions of § 668.57. In that case the tuition reported will be that paid in 1983.

(b) If the discretionary income is a positive amount, determine the expected contribution from the effective family income according to the following charts. If the discretionary income is negative, there is no expected contribution from income.

(1) For a single independent student with no dependents—

Discretionary income	Expected contribution
Any positive amount	75 percent of that amount.

(2) For an independent student with dependents—

Discretionary income	Expected contribution
$0 to $5,000	18% of discretionary income.
5,001 to 10,000	$900+20% of amount over $5,000.

Discretionary income	Expected contribution
10,001 to 15,000	$1900+25% of amount over $10,000.
15,001 and above	$3150+30% of amount over $15,000.

(20 U.S.C. 1089)

Alternative A: § 690.45 Computation of the expected contribution from the liquid assets of the independent student (and spouse).

(a)(1) Normally, the expected contribution from the net assets of single independent student with no dependents equals 33 percent of the amount of those net liquid assets.

(2) However, if the calculation of discretionary income required by § 690.44(a) produces a negative number, the expected contribution from the student's net liquid assets calculated under paragraph (a)(1) of this section shall be reduced by the amount of that negative discretionary income. If this subtraction produces a negative number, it shall be changed to zero.

(b) For an independent student with dependent children, the expected contribution from the net liquid assets of the student (and spouse) is determined in the following manner:

(1) Deduct $10,000 from the net value of liquid assets. If this subtraction produces a negative number, it shall be changed to zero.

(2) Multiply the results obtained in paragraphs (b)(1) of this section by ten percent.

(3) However, if the calculation of discretionary income required by § 690.44(a) produces a negative number, the expected contribution from the student's (and spouse's) assets calculated under paragraph (b)(2) of this section shall be reduced by the amount of that negative discretionary income, but not to an amount below zero.

(c) If a married independent student with dependents is separated, the liquid assets of his or her spouse shall not be considered.

Alternative B: § 668.55 Computation of the expected contribution from the assets of the independent student (and spouse).

(a)(1) Normally, the expected contribution from the net assets of the single independent student with no dependents equals 33 percent of the amount of those assets.

(2) However, if the calculation of discretionary income required by § 668.54(a) produces a negative number, the expected contribution from the student's assets calculated under paragraph (a)(1) of this section shall be reduced by the amount of that negative discretionary income. If this subtraction produces a negative number, it shall be changed to zero.

(b) For an independent student with dependents, the expected contribution from the assets of the student (and spouse) is determined in the following manner:

(1) If the assets do not include farm and/or business assets, deduct $10,000 from the net value of those other assets.

(2) If the assets include farm and/or business assets, deduct: (i) $50,000 from the net value of the farm and/or business assets, and (ii) $10,000 from the net value of non-farm and non-business assets.

(3) If the result obtained under subparagraphs (b)(1), (b)(2)(i), or (b)(2)(ii) of this section is a negative amount, it shall be changed to zero.

(4) Normally, the expected contribution from the assets of the independent student with dependents equals ten percent of the total of the results obtained in paragraphs (b)(1) and (b)(2) of this section.

(5) However, if the calculation of discretionary income required by § 668.54(a) produces a negative number, the expected contribution from the student's (and spouse's) assets calculated under paragraph (b)(2) of this section shall be reduced by the amount of that negative discretionary income, but not to an amount below zero.

(6) If the married independent student with dependents is separated, the assets of his or her spouse shall not be considered.

(20 U.S.C. 1089)

Alternative A: § 690.46 [Reserved]

Alternative B: § 668.56 Computation of the total expected contribution from the income and assets of the independent student (and spouse), adjusted for the number of family members enrolled in programs of postsecondary education.

(a) For each award, the amount expected from family income as determined in § 668.54 is added to the amount expected from assets as determined in § 668.55.

(b) For each award, the combined expectation determined in paragraph (a) of this section is adjusted in the following manner for the number of family members who will be attending, on at least a half-time basis, a program of postsecondary education during the award period for which student financial assistance is requested:

Number of family members enrolled in postsecondary education	Expected contribution per student from combined contributions
1	100 percent of the contribution determined in paragraph (a).
2	70 percent of the contribution determined in paragraph (a).
3	50 percent of the contribution determined in paragraph (a).
4 or more	40 percent of the contribution determined in paragraph (a).

Family members are those persons referenced in § 668.54(a).

(20 U.S.C. 1089)

§ 668.57 [690.47] Extraordinary circumstances affecting the expected family contribution determination for an independent student.

(a) A student may submit an application to the Secretary for determination of his or her expected family contribution using income data from 1983 for effective family income if—

(1) The student was employed full-time in 1982 (at least 35 hours per week for a minimum of 30 weeks during 1982) and is no longer employed full-time,

(2) A spouse whose 1982 income from work must be reported under § 668.53 [690.43] has lost his or her job for at least 10 weeks during 1983,

(3) The student or spouse whose 1982 income from work must be reported under § 668.53 [690.43] has been unable to pursue normal income-producing activities for at least 10 weeks during 1983 because of the occurrence—in 1982 or 1983—of (i) a disability or (ii) a natural diaster,

(4) The student or spouse whose income must be reported under § 668.53 [690.43] received unemployment compensation or nontaxable income in 1982 and had a complete loss for at least 10 weeks in 1983 of one of those benefits. A nontaxable benefit, for purposes of this paragraph, must be paid by a public or private agency, a company, or a person because of a court order. Types of nontaxable benefits include welfare and court ordered child support. They would not, however, include veterans benefits under chapters 34 and 35 of Title 38 of the United States Code, or Social Security benefits,

(5) The student has become separated or divorced after he or she submitted his or her application,

(6) A spouse whose 1982 income must be reported under § 668.53 [690.43] has died after he or she submitted an earlier application for 1983–84, or

(7) The student's last surviving parent with whom the student has or will have a dependency relationship according to § 668.52 [690.42] has died.

(b) For an application submitted under paragraph (a), the student shall include the effective family income already received for 1983 and an estimate of the effective family income to be received for the remainder of that year.

Alternative A [690.47]: (c) [Reserved]

Alternative B [668.57]: (c) A student may submit a revised application to reflect changes in asset amounts reported on the previously submitted application if the student or his or her spouse has suffered a loss of or damage to assets resulting from a natural disaster in an area that has been declared a national disaster area by the President of the United States.

(20 U.S.C. 1089)

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Part VI

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Permanent Regulatory Program: Two-Acre Exemption

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 700 and 825

Permanent Regulatory Program: Two-Acre Exemption

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

ACTION: Final rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is amending 30 CFR 700.11(b) which relates to exemption from the requirements of the Surface Mining Reclamation Act of 1977 (the Act) for the extraction of coal where a coal mining and reclamation operation affects two acres or less. The final rule provides criteria for determining when an operation qualifies for the exemption.

The rule also establishes a procedure by which the regulatory authority may make a determination that an operation is exempt. These changes are made to clarify the existing rule and as a result of litigation on the Permanent Regulatory Program regulations.

OSM also is amending 30 CFR Part 825 which provides for alternative permanent program performance standards for special bituminous coal mines in Wyoming. Pursuant to the changes, OSM will make clear that authority to regulate such mines is with the State of Wyoming.

EFFECTIVE DATE: September 1, 1982.

FOR FURTHER INFORMATION CONTACT: Carl Pavetto, Division of Regulation and Inspection, Office of Surface Mining, U.S. Department of the Interior, Phone: 202–343–4217.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Rules Adopted and Responses to Public Comments on Proposed Rules.
III. Procedural Matters.

I. Background

A. Introduction

On January 4, 1982 (47 FR 41), OSM published a notice of proposed rulemaking to amend 30 CFR Chapter VII relating to the two-acre exemption and definition and use of the terms "adjacent area," "affected area," "permit area" and "road." OSM also proposed to delete the term "mine plan area" and replace it where appropriate with either "permit area," "permit area and adjacent area" or "permit area and potentially impacted offsite areas." The proposed rule also included two alternatives for a new term, "area of expected subsidence" or "area of potential subsidence." Finally, OSM proposed to amend 30 CFR Part 825 to eliminate unnecessary regulations regarding special bituminous coal mines in Wyoming.

OSM today is issuing final rules with respect to the two-acre exemption and special bituminous coal mines in Wyoming. Final action on the other proposals in the January 4, 1982 notice is being deferred for a latter final rulemaking notice.

B. Two-Acre Exemption

Section 528(2) of the Surface Mining Control and Reclamation Act, 30 U.S.C. 1201 *et seq.* (the Act), exempts from the requirements of the Act "the extraction of coal for commercial purposes where the surface mining operation affects two acres or less * * *" Regulations implementing this provision (30 CFR 700.11(b)) were originally published on March 13, 1979 (44 FR 15311). This regulation has a complicated history which is set forth fully in the January 4, 1982 notice of proposed rulemaking. *See* 47 FR at 41.

In view of the complex history of the two-acre rule, OSM proposed on January 4, 1982, to completely revise the two-acre rule. Public comments were solicited for 30 days ending on February 3, 1982. This period was subsequently extended to February 16, 1982. Those persons offering comments during this time included industry representatives, State officials, citizens and environmental groups. A public hearing was scheduled for January 25, 1982, but no testimony was offered. OSM carefully considered all comments received on the proposed two-acre rule in drafting these final rules.

II. Rule Adopted and Responses to Public Comments on Proposed Rules

A. Reorganization of § 700.11

30 CFR 700.11 has been reorganized so that the exemptions provided for in the Act (other than the two-acre exemption), which were in subsections (a) and (c)–(g), have all been put into a new subsection (a) as paragraphs (1)–(6). No substantive change is intended by this reorganization. The two-acre exemption remains in subsection (b) but is amended as described below. A new subsection (c) providing for determination of exemption by the regulatory authority has been added and is discussed later in this preamble.

B. Changes to Two-Acre Exemption Rule (§ 700.11(b))

1. General. OSM proposed various alternatives for the two-acre exemption rule. OSM has chosen among these alternatives and the rule being adopted is essentially the same as the alternatives proposed except as noted below. The reasons for the proposal were set forth fully in the preamble to the January 4, 1982 notice of proposed rulemaking.

Although the final rule adopts specific criteria to identify operations that qualify for a two-acre exemption, it is interpretative in the sense that it clarifies, but does not change the ambit of, an exemption that currently exists.

Section 700.11(b) is being revised to provide that the requirements of 30 CFR Chapter VII do not apply to the extraction of coal for commercial purposes where the surface coal mining and reclamation operation (together with any "related" operations) has or will have an "affected area," as defined in § 701.5, of two acres or less. In other words, "related" operations, discussed in detail below, are considered as part of one operation for purposes of determining the "affected area" and hence the application of the exemption.

Other principal changes to the two-acre exemption are the addition of criteria for determining (1) the method of treating haulage or access roads used by two or more operations and (2) whether two or more operations are related. These changes are described below.

A determination of whether an operation qualifies for the two-acre exemption is a determination whether that operation must comply with the requirements of the remainder of 30 CFR Chapter VII. Therefore, if an operation were determined not to be exempt, it would be subject to, among other requirements, the performance standards in Subchapter K and the requirements to pay abandoned mine land reclamation fees under Subchapter R.

In the proposed rule, the term "coal mining operation" was used instead of the term "surface coal mining operation." The omission of the word "surface" in the use of the term was inadvertent and the final rule uses the correct term: "surface coal mining operation." As used in this preamble, the term has the meaning set forth in Section 701(28) of the Act and § 700.5 of OSM's regulations.

For purposes of this *preamble*, the term "operator" is used to refer to all persons conducting surface coal mining operations. Use of the term is not meant to be limited to the definition of "operator" in 30 CFR 701.5, *i.e.*, a person removing at least 250 tons of coal in a twelve month period.

2. Intent to Affect (§ 700.11(b), introductory clause). The introductory

clause to § 700.11(b) indicates that the requirements of Chapter VII do not apply to the extraction of coal for commercial purpose where the surface coal mining operation, together with any related operations, has or will have an affected area of two acres or less.

The phrase "has or will have an affected area" has been adopted in § 700.11(b) to clarify that the first two acres of a larger operation, or a series of less-than-two-acre operations that are actually one large operation, would not be exempt. Accordingly, under this revised § 700.11(b), if an operation was intended from its beginning to affect 20 acres it will not be entitled to the exemption at any time. If an operation were originally intended to affect less than two acres, but the person conducting the operation changed his or her intention and decided to mine a total of four acres, at the time that intent changed the operation would cease to be exempt. This is a change in wording, not a change in substance, from the previous regulation. OSM believes that this is the proper interpretation of the Act and its legislative history, which makes it clear that Congress intended to provide an exemption only for small operations and not for the first two acres of any larger operation. See the preamble to the proposed rule for a complete discussion of the legislative history of the two-acre exemption.

3. Roads (§ 700.11(b)(1)). Two issues were addressed in the notice of proposed rulemaking concerning the treatment of a road used by a surface coal mining operation for access or haulage. The first issue is at what point a public road should be considered independent of a surface coal mining operation, such that it should not be included in the "affected area" of that operation. For purposes of clarity in understanding this rule, this issue is discussed in this preamble below; however, the final amendment to the definition of "affected area" in 30 CFR 701.5, will be deferred for a later final rulemaking because the remainder of the definition, not dealing exclusively with roads, is closely tied to, and should be considered with, the other definitions that were proposed.

The second issue is whether a road used by more than one operation should be included in whole or in part in the affected area of each such operation. Section 528(2) of the Act provides an exemption from the requirements of the Act for "the extraction of coal" where the surface mining operation "affects" two acres or less. Under 30 CFR 700.11(b), as revised, in determining whether a coal mining operation affects two acres or less, the regulatory authority must first determine the affected area of the surface coal mining operation and any related operations. If a road used by a surface coal mining operation is part of its "affected area," it is counted for purposes of determining whether that operation affects two acres or less. Conversely, a road which is not part of the "affected area" of an operation is not counted.

Often, however, portions of the same road are used by more than one operation for access or haulage. Under § 700.11(b)(1) as previously in effect, it was not clear to which operation the road should be attributed, or whether the road should be attributed to each operation that "affects" it. The previous regulation was silent as to which of these interpretations was correct.

The proposed rule provided five alternatives for treating segments of roads used by more than one operation for purposes of determining the "affected area" of each operation and whether the two-acre exemption applies. Of the five alternatives considered in the proposed rule, OSM has determined that the best choice is the second alternative, which provides that the entire area of any segment of a road used by more than one operation will be included in the "affected area" of each of those operations. Thus, for example, if four operations use a segment of a road, the entire segment is to be treated as part of the "affected area" of each of those four opertions for purposes of determining whether any of those operations is exempt under § 700.11(b).

There is one exception to this rule. When two or more operations are considered "related" under § 700.11(b)(2), as discussed below, they are considered to be one operation for purposes of the two acre rule. Thus, if two or more "related" operations use the same segment of a haulage or access road, the entire area of that segment will be included only once in their combined acreage to avoid counting the same segment of road more than once in the acreage of the same operation.

The other proposed alternatives and the comments are described below, followed by OSM's response to the comments.

Under the first proposed alternative, if one operation owned and used a segment of a road which was also used by other operators, the segment would be attributed to the operation that owned it. If the segment was not owned by one of the operations using it or if more than one of such operations owned the road, it would be attributed to the operation which made the greatest use of the road. No commenters supported this alternative. Several said that it would be difficult to implement because, as usage changed, the road would have to be reattributed, and thus an operator might not know in advance whether he was subject to the Act, which would be unfair.

OSM agrees that this alternative would be difficult to implement because ownership of the road could change possibly necessitating a change in status of the other operations using the road even though their operation was not related to the new owner and had not changed. Also, in the event that no operation owned the road or ownership was divided, it would be administratively impractical to attribute the road to a particular operation based on usage because usage can change daily. Therefore, this alternative was rejected.

Under the second alternative, which OSM has adopted, the entire segment of the road used by more than one operation is included in the "affected area" of each of those operations. Two commenters supported this alternative as the only one consistent with the Act because any coal operation using a road for access "affects" the road. One commenter stated that this alternative is unworkable because, should more than one operator permit the same road and fail to maintain it appropriately, the regulatory authority would have a dilemma as to whom to cite.

OSM is adopting this alternative because it is most consistent with the language and purpose of the two-acre exemption and does not present the administrative problems discussed above with regard to the usage.

The commenter who was concerned about enforcement misunderstood the proposal. Section 700.11(b) states that the attribution of roads is only "(for) purposes of this paragraph," *i.e.*, to determine whether the affected area of the operation exceeds two acres. If an operation using the road is less than two acres, there is no enforcement problem because the enforcement regulations are inapplicable. If, on the other hand, a permit is required, it is no different from the situation where any two or more operations share a road. In such a situation the operator to whom the road is permitted is responsible for compliance.

Under the third alternative, it was proposed that the area of the commonly used segment would be divided equally among the users so that the total area attributed to the users would not exceed the actual area of the road. No commenters supported this alternative.

One commenter stated that since shares could change with the number of operations beginning and ending, it would not allow an operator to know in advance whether the total acreage affected by his operation would exceed two acres, and thus the legal responsibilities which may apply. Another stated it would be unfair for an operator at the road's mouth to be assigned a segment of the road used by many, while the operator at the head is assigned a segment only he uses. Another stated that it would violate Sections 528(2) and 701(28) of the Act.

As with the first alternative, OSM agrees that the third alternative would be difficult to implement. The addition or deletion of any surface coal mining operation using the road would require the status of the other operators using the road to be reevaluated according to the increase or decrease in the size of their share of the commonly used segment. OSM agrees that this would cause uncertainty for operations as to whether they come under the requirements of the Act. The commenter who stated that the operator at the road's mouth would bear a disproportionate amount of responsibility for maintaining the road did not understand that only that *segment* of the road used by an operator would be attributed to him; if he used only the first 500 yards of a 1500-yard road, only his share of the first 500 yards would be attributed to him. See the preamble to the proposed rule for a complete analysis of the implementation of each alternative.

Under the fourth proposed alternative, the segment of the road used by more than one operation would have been prorated among the users, but the proration would have been based on usage. Usage could be measured by various methods such as vehicular traffic or coal production. The measure of usage would have been determined by the regulatory authority. No commenters supported this alternative. Two stated it would pose administrative problems, violate the Act, and be unduly complicated. One commenter described this alternative as the worst because it not only presents problems of determining frequency of use, but would lead to arbitrary enforcement against an operator for failure to maintain his permitted area without giving him control over the use of that area.

As discussed above, OSM agrees that the usage test is administratively impractical. Therefore, this alternative was rejected.

Under the fifth alternative, the regulatory authority could have adopted any method for attributing a road segment used by more than one operation, so long as the entire segment was allotted by the regulatory authority and the method was consistent with the Act. Thus, the regulatory authority could have adopted a procedure similar to the other alternatives proposed for this subsection, or could have developed a different approach.

Several commenters supported this alternative because it gave a State the opportunity to maintain current practices and was consistent with the Act. Another commenter stated that it was the "least objectionable" alternative. Those opposing this alternative stated that it would have violated OSM's duty in Section 304(a) of the Act to prescribe necessary rules and would allow unequal application of the two-acre exemption throughout the nation.

The fifth alternative is being rejected by OSM. To allow the States to maintain current practices would tend to continue and encourage unequal administration and enforcement of the two-acre rule since every State could require different criteria for dealing with the roads. (See discussion of past problems in implementation of the existing rule at 47 FR 41, January 4, 1982.)

OSM received a number of other comments on the issue of attributing haul roads for the two-acre exemption. Several commenters stated that none of the alternatives was acceptable because double bonding and permitting of any roads is administratively cumbersome and inconsistent with Section 528(2) of the Act. One commenter stated that since the alternatives represent arbitrary enforcement, each would constitute an unconstitutional taking of property of persons entitled to the two-acre exemption. One of these commenters stated that the regulatory authority should be able to assign segments of a haulage road on a case-by-case basis, rather than trying to cover all situations with general language.

Another commenter stated that it would be fairer and simpler to allocate the haulage road to the first affected operator with the legal right to permit the road.

Several other commenters stated that the operators should work out among themselves who will be responsible for the various parts of the road, such as permitting, bonding and maintenance, and the agreement would be subject to the approval of the regulatory authority. They stated that this procedure would be flexible and also beneficial to operators since the two-acre exemption might be more valuable to one operator who would be willing to compensate another operator (who may not care about the two-acre exemption) for assuming entire responsibility for the road.

OSM rejected the idea of assigning segments of haulage roads on a case-by-case basis to the operators using the road because it could lead to arbitrary enforcement and unequal application of the two-acre rule.

Allocating the road to the first operator with the right to permit the road could also lead to abuse of the exemption. It would allow one operator to include the road in its affected area; then a whole series of different operations along the road which in fact "affect" the road would be able to exclude the road for purposes of calculating the two-acre exemption.

Allowing the operators to work out an agreement among themselves may also lead to arbitrary enforcement and abuse of the exemption. Furthermore, it would not be consistent with the purposes of the Act to, in effect, allow an operator to "buy" an exemption through an agreement with other operators with regard to responsibility for roads.

The alternative selected will not require double bonding or double permitting of any segment of a road. The attribution to more than one operation of a segment of a road is done for purposes of determining the size of the affected area. Only one operation at a time is required to actually permit or bond any segment of such a road.

4. Related Sites (§ 700.11(b)(2)). Congress' intent in adopting Section 528(2) of the Act was to avoid imposing the Act's requirements on "the one-man operation." *Surface Mining Control and Reclamation Act of 1977. Hearings on S. 7 before the Subcommittee on Public Lands and Resources of the Committee on Energy and Natural Resources*, 95th Cong., 1st Sess. 436 (1977). Congress' rationale for the exemption was that it "would cause very little environmental damage and that regulation of [such operators] would place a heavy burden on both the miner and the regulatory authority." S. Rep. No. 95–128, 95th Cong., 1st Sess. 98 (1977).

In promulgating both the previous regulations to implement Section 528(2) of the Act, and the revisions discussed in this document, OSM has been concerned that the limited exemption provided by Congress not be abused by operators seeking to evade the permitting and environmental protection performance standards of the Act. OSM is concerned primarily with situations where an operator tries to claim the exemption by dividing what is essentially one mine site into numerous

sites of two acres or less. In § 700.11(b), as originally adopted, OSM attempted to avoid extension of the exemption to such operations by excluding from the scope of the exemption operations "conducted by a person who affects or intends to affect more than two acres at physically related sites, or any such operation conducted by a person who affects or intends to affect more than two acres at physically unrelated sites within one year." 44 FR 15312, 15315 (March 13, 1979). The Commonwealth of Virginia challenged this provision, alleging that the exemption should not be denied to operators with physically unrelated sites which in total area exceed two acres, but individually are less than two acres. *In re: Permanent Surface Mining Regulation Litigation*, No. 79–1144 (D.D.C. 1979). In response to this legal challenge, OSM agreed to change § 700.11(b).

Section 700.11(b) as proposed on January 4, 1982 provides that two or more surface coal mining operations should be considered as one for purposes of the exemption if they were "related;" operations were deemed "related" only if they occurred within 12 months of each other and met both the physical relatedness test in proposed § 700.11(b)(2)(i) and the common ownership or control test in proposed § 700.11(b)(2)(ii). OSM received several comments on this proposed change and has decided to adopt the "related operations" concept with changes discussed below. The rules adopted, and the comments received, are discussed in terms of the three major components of the "relatedness" test: the temporal (twelve-month) limitation; physical relatedness; and relatedness through "ownership or control." Under the final rule two or more operations will have to meet all three components before they will be deemed "related" for purposes of the two-acre exemption.

Several commenters stated that relating two operations if they occur within 12 months is unrealistic because the operations may be some distance apart and owned by different people. One of these commenters stated that if a limit is needed, three months should be adequate. Another commenter, however, appeared to state that 12 months is too short. One commenter said a time shorter than 12 months is unlikely to deter subterfuge.

OSM has determined that a time limit is necessary in order to properly implement the two-acre rule. Without such a limitation, if an operator of a less-than-two-acre site returned to the same vicinity five or ten years later to mine another less-than-two-acre site, in the absence of a time limit, those sites could be "related" under the other portions of the rules being adopted. The time limit will allow a small operator to return to the vicinity of a previous operation without having these sites deemed related. OSM has decided to adopt 12 months as the time limitation. A shorter time limit may allow operators to circumvent the two-acre rule by mining two acres or less, waiting a few months, and then returning to mine an additional two acres. OSM received no specific comments suggesting a specific longer time period.

The 12-month requirement does not stand alone as the sole criterion of determining related sites, as some commenters seemed to believe. In addition to the 12-month requirement, two or more operations cannot be considered to be related unless they also meet both the physical relatedness test and the common ownership or control test.

The second major component of the relatedness test is a physical relatedness criterion, proposed in § 700.11(b)(2)(i). OSM proposed two alternatives for determining when two sites are physically related. The first alternative provided that two or more operations would be deemed physically related if they were contiguous. Under the second alternative, as proposed, operations would be deemed physically related if they met any one of three tests: (A) Any portion of one site was in the same or adjacent counties as any portion of the other site and drainage from both sites flowed into the same watershed at or before a point located in the same county as, or within ten aerial miles of, either site, (B) they shared the same equipment or personnel or used some of the same access or haulage roads, or loading, processing, shipping or other handling facilities, or (C) they were situated so that surface coal mining operations at one site could cause harm to some of the same persons or environments as operations at the other site or sites.

The first alternative for physical relatedness was not adopted by OSM because it would not adequately define when two operations, each claiming the exemption, were in reality two parts of a larger non-exempt operation. OSM has already encountered situations in which an operator mined two acres, skipped 50 feet and mined two more acres, and then claimed the exemption for each "operation."

The second alternative was selected with modifications discussed below, because OSM believes this alternative will provide uniform and understandable rules for determining when two operations should be regarded as one for purposes of the exemption.

Section 700.11(b)(2)(i), as amended, will provide one test for physical relatedness. Two operations will be deemed "physically related" if drainage from the two (or more) operations in question flows into the same watershed at or before a point within five aerial miles of either operation. OSM determined that the 10-mile limit contained in the proposed rule was too large. Also OSM did not adopt the proposed requirement that the operations had to be in the same or adjacent counties or that physical relatedness be based on the common use of equipment, roads, support facilities, etc. Finally, OSM omitted the proposed paragraph (C) criterion, relating to operations that may harm the same persons or environs, because the test is too vague and difficult to implement.

With these changes, the "physical relatedness" criterion will be easier to administer, but will ensure that two or more operations that are distant from each other or that do not impact the same environmental resources are not treated as one for purposes of the two-acre exemption. Thus, under the final rule the test will be whether drainage from the two sites flows together in a local watershed within five miles of either operation. This test is consistent with the intent of Congress to exempt only operations which have minimal effects on the environment. If two operations owned or controlled by the same person are sufficiently close to have more than minimal cumulative effects on a local watershed, then they should be considered as one operation for purposes of the two-acre exemption. (See the discussion of the legislative history in the preamble to the proposed rule.)

OSM believes that a geographical relationship is the most appropriate measure of physical relatedness. Consideration of common use of equipment, personnel and facilities is more appropriate in the context of the third aspect of relatedness; that is, whether the two or more operations are under common ownership or control. Moreover, the watershed drainage test set out in the final rule will likely encompass many operations that are using common equipment, personnel and facilities.

OSM received many comments on the proposed "physical relatedness" test. Several commenters supported the first alternative (contiguity) as more realistic

than the second (watershed test). They found the second alternative arbitrary because the ten-mile and county criteria are unrelated to the topography of an area and because watersheds vary substantially and depend on subjective judgments. As discussed above, the contiguity test is too narrow, but OSM agrees that the county criterion is not valid and has dropped it from § 700.11(b)(2)(i) as adopted; OSM also reduced the ten-mile limit to five miles.

Several other commenters favored the second alternative, although a few had reservations. One commenter stated that the ten-mile limit would exempt some operations that should not be exempt, but would cover most related operations and would represent a reasonable way to draw the line. This commenter stated that OSM should clarify that the "local" watershed used in the regulation refers to the ten-mile circle. Another commenter stated that the test as proposed would end the common practice of creating multiple mines in contiguous areas, while insulating *bona fide* separate, small operations from the full rigors of the law. Another would omit the requirement that sites need to drain into the same watershed since the coal fields of Appalachia contain many small watersheds which eventually feed into a larger watershed, and it would therefore be easy for illegal miners to first mine one side of a hill draining into one creek and then go a short distance to the other side of the hill which drains into another creek. One commenter recommended deleting the ten-mile limit.

As discussed above, OSM believes that the five mile watershed test adopted will carry out the intent of Congress to exempt small operators which cause minimal environmental damage. Measurement of the five mile limit will be based on aerial distances and not the distance that may be covered by a stream or other watercourse within the watershed. Furthermore, OSM believes that the five mile limit is broad enough to prevent abuse of the exemption by related operations. It would be a rare occasion when a single operation could move into a separate watershed to avoid the Act's requirements.

One commenter stated that neither the first nor the second alternative is necessary for a determination of physical relatedness because if two operations are not close enough to use common facilities or personnel (paragraph (B) of the second proposed alternative) or be under common control, then they should not be considered related even though they may be in the same or adjacent counties.

OSM does not agree. If two operations owned by the same owner have an additive environmental effect, they should be treated as one. Thus, a geographical criterion in establishing whether two or more operations are related is appropriate. Also, as indicated above, it is believed that the five-mile watershed test is broad enough to encompass those operations that use common equipment, personnel and facilities.

Several commenters stated that proposed paragraph (C) of the second alternative was too broad in covering all harm that "could" occur. These commenters also stated that operations should not be deemed "related" unless "all," not "any," of the criteria in proposed paragraphs (A) through (C) are met.

OSM agrees with the first comment and has deleted paragraph C. With regards to the second comment, OSM disagrees. It is OSM's view that the "physical relatedness" test would be too narrow if operations had to meet all three of the proposed criteria. Such a requirement would frustrate OSM's attempt to limit the scope of the two-acre exemption to those small operations for which it was intended.

Before two or more operations which meet the temporal and physical relatedness tests described above are deemed "related," the operations must also be related by ownership or control, the third component of the relatedness test. Section 700.11(b)(2)(ii) has been adopted as proposed. This section provides that two or more physically related operations are deemed "related" for purposes of the two-acre exemption if they are owned or controlled, directly or indirectly, by or on behalf of: (A) The same person; (B) two or more persons one of which controls, is under control with, or is controlled by the other, or (C) members of the same family and their relatives, unless the person conducting surface coal mining operations establishes that there is no direct or indirect business relationship between or among them. For purposes of this section, "control" is defined as ownership of 50 percent or more of the voting shares of, or general partnership in, an entity; any relationship which gives one person the ability in fact or law to direct what another does; or any relationship which gives one person express or implied authority to determine the manner in which coal at different sites will be mined, handled, sold or disposed of.

The most important aspect of this section is the definition of "control". If one person exercises sufficient authority over another (whether by contract, lease, other agreement, or implied authority) to determine how that person mines, handles, sells or disposes of coal from a site, there is "control." By way of illustration, if company A owns 100 acres and leases two acres each to operators X, Y, and Z for a prescribed fixed fee unrelated to the amount of coal extracted, and company A has no authority to direct operators X, Y, or Z as to how the coal should be mined, handled, sold or disposed, then operations X, Y, and Z (absent meeting one or more of the other control tests) would not be considered "controlled" by company A. However, if company A and operators X, Y, and Z are part of the same corporate structure, the operations are "controlled or owned, directly or indirectly, by or on behalf of the same person."

Under the definition of "control" which is adopted, ownership of 50 percent or more of the voting shares in a company is not necessarily required for control. "Control" exists if enough shares are owned by a person to give him the "ability in fact or law to direct" what the company does. As previously stated, to be related for purposes of the two-acre rule, two or more operations must be related both "physically" and through "ownership or control."

Control is determined solely for the purposes of deciding whether the two-acre exemption applies. If two or more operations are deemed "related" under the criteria in revised Section 700.11(b)(2) and therefore not exempt because their combined "affected areas" exceed two acres, this would not prevent owners of coal from subcontracting the mining of the coal to one or more operators. The only effect is that those operators would have to comply with the regulatory program if the relatedness tests are met.

One commenter suggested that OSM should delete the proviso defining "control" because how the coal is sold or disposed of is irrelevant to the mining operations and potential environmental harm. Another commenter stated that all leases contain some provisions that control mining operations to prevent loss of reserves, and thus this proposed paragraph would in fact eliminate the two-acre exemption. OSM does not intend the control test to extend to standard arm's length lease agreements that are designed to ensure payment of royalties or prevent loss of reserves. However, OSM believes the control test should be broad enough to encompass

those relationships that evidence an interrelationship of the parties beyond the transfer of rights to a mineral reserve.

One commenter stated that operations should be considered "related" if either the physical relatedness or the common ownership or control test is met because otherwise persons would establish numerous shell corporations and abuse the two-acre exemption.

OSM believes that the term "direct or indirect" in the "ownership or control test" is enough to prevent any attempt at circumvention of the exemption by operators through the use of "shell" corporations. OSM does not believe that operators which meet the "physical relatedness" test but not the "ownership/control" test, or vice versa, should be treated as related. If only one of the tests were necessary to establish relatedness, the two-acre exemption would be too narrowly defined; an operator who through ownership had two independent operations on opposite sides of the State would not be able to qualify for the exemption, and operations which were close to each other but independent in every other way could not qualify for the exemption. Thus, this comment was not accepted.

5. Regulatory Determination of Exemption (§ 700.11(b)(3)). OSM has adopted this section in the final rule as proposed. OSM believes that the criteria adopted should operate to assure that the exemption will apply to all operations intended by Congress to be exempt and to no others. OSM recognizes that there is a great variety of possible legal and factual situations to which the rule may apply, and there may be situations where, through the application of § 700.11(b)(2), an operation is treated as non-exempt where in fact it is the type of operation Congress intended to exempt. Therefore, OSM has adopted this provision under which the regulatory authority can determine that two or more operations are entitled to the exemption despite being "related" within the meaning of § 700.11(b)(2). The regulatory authority may make such a determination after considering the entire circumstances surrounding the operations and their history. The determination must be consistent with the purposes of the Act. The determination must be made in writing and after public notice. It is expected that this provision would be used only in rare cases.

Several commenters stated that this provision creates a loophole which would negate national uniformity and allow abuse of the two-acre exemption. One commenter stated that the Act is remedial legislation, and thus exemptions should be narrowly construed. This commenter stated that this provision is unnecessary because if an operator believes he should not be "related" to another, he can petition for an emergency rulemaking.

Another commenter stated that the policy of paragraph (b)(3) should be expanded beyond the two-acre rule to exempt from the Act environmentally beneficial activities which, like that commenter's landfill, are only incidentally related to mining coal.

It is the belief of OSM that this provision would be used only rarely and after appropriate investigation and documentation by the regulatory authority. If the provision should result in abuse, OSM will reexamine it. There is no basis in the Act for expanding the policy beyond the two-acre rule that Congress has mandated.

6. Activities Other Than Coal Extraction (§ 700.11(b)(4)). One commenter stated that the language of proposed Section 700.11(b)(4) should be reworded for clarity to say simply that the exemption applies only to operations involving extraction of coal and not others such as coal processing. In response to this comment the proposed language has been revised to clarify the meaning of the section.

The exemption set forth in Section 528(2) of the Act applies to "the extraction of coal" where the "surface coal mining operation" affects two acres or less. It is not clear from that statute what is meant to be included in the term "extraction of coal." The title of Section 528 is "Surface Mining Operations Not Subject To This Act." The term "surface mining operations" presumably has the same meaning as "surface coal mining operations," which is defined in Section 701(28) of the Act. However, there are some activities covered by Section 701(28) which can exist independently of extraction of coal, such as coal processing plants. OSM believes that the most reasonable interpretation of the Act is that "extraction of coal" does not cover such facilities where they exist independently of extraction of coal. This position is reflected in § 700.11(b)(4) which is being adopted generally as proposed. However, OSM believes that support facilities incidental to the extraction of coal on a less than two-acre operation would be exempt as well as the extraction of coal. If this were not so, such facilities on a less than two acre site would have to be permitted while the coal extraction activities themselves would be exempt. Such an anomalous result was not intended by Congress. OSM believes Congress intended to exempt all facilities on a two-acre site incidental to the extraction of coal for commercial purposes on the same two acres.

7. Notice and Determination of Exemption (§ 700.11(c)). The previous regulations did not provide for a person who intends to conduct surface coal mining operations on two acres or less, or pursuant to an exemption in § 700.11(a), to be able to request a written determination of exemption in advance from the regulatory authority. The previous regulations also did not contain a formal procedure for the regulatory authority to make such a determination on its own initiative. OSM is adopting a provision in § 700.11(c) that allows the regulatory authority on its own initiative to make a written determination that an operation is exempt and gives any person who intends to conduct exempt surface coal mining operations a right to receive a written determination. An advance determination of an operation's status might be desired, for example, by a person who intends to conduct surface coal mining operations on two acres or less, because it would provide a measure of certainty about the proposed operation's status. A sentence is added in the final rule that was not in the proposal which provides that a person requesting that an operation be declared exempt shall have the burden of establishing the exemption. this language is consistent with holdings of the Interior Board of Surface Mining Appeals, including *Jewell Smokless Coal Corporation*, IBSMA 81–39, 81–47 (decided June 18, 1982).

OSM also is adopting a provision addressing the situation where a person in good faith accurately presents all of the relevant facts, obtains a determination of an exemption, then later has it reversed. OSM believes that in such cases the operation or person conducting the operation should not be cited for violations or otherwise penalized for regulatory program violations during the time it relied upon the regulatory authority determinations of exemption. For example, where administrative or judicial action results in a reversal of the regulatory authority's determination that an operation is exempt, the surface coal mining operation will become subject to the applicable regulatory program requirements only as of the date the final determination is rendered.

One commenter supported § 700.11(c) in concept, but stated that Section 102(i) of the Act requires any person to be able to request a determination on exemption, that there should be a right of appeal regarding OSM decisions as under 30 CFR 776.11, and that failure to

cite violations where an exemption is reversed violates Section 521(a)(3).

Another commenter stated that § 700.11(c) should be deleted because it places an undue burden on the regulatory authority to ensure that the operator remains exempt when it should be the operator's responsibility to comply with the Act at all times.

Another commenter stated that § 700.11(c) should be clarified to provide that although the operator should not be cited for violations during the exempt status, the operator must upon reversal begin to comply with all standards or face penalties.

OSM believes that this provision as proposed is satisfactory and does not impose an undue burden on the regulatory authority. Persons other than the operator who want the regulatory authority to review an operation's status can do so through the citizen complaint provisions in 30 CFR 721.13 and 842.12. OSM also believes that it is clear from the adopted language that if a decision of exemption is reversed, the operator must immediately begin to comply with the Act's requirements.

C. Discussion of Roads and the Affected Area

1. *General.* 30 CFR 701.5 was proposed to be amended by revising the definition of the term "affected area." Because this definition is closely related to the other proposed definitions which are deferred to a later final rule, this rule will not amend the definition of "affected area." However, because the portion of the definition of "affected area" which pertains to roads is closely related to the two-acre exemption, this issue is addressed in this preamble. When the definition of "affected area" is revised, it will be consistent with the findings and discussion contained herein.

Under previously promulgated rules the definition of the term "affected area" specified that it included any area where surface coal mining activities are conducted or located. The basis for this definition was the definition of "surface coal mining operations" in Section 701(28) of the Act. (See 44 FR 14920, March 13, 1979.) In practice, OSM has found difficulties and ambiguities in the application of this definition. As a result, OSM proposed a revised definition of "affected area" to more closely reflect the scope of areas covered in Section 701(28) of the Act. The definition of "affected area" proposed on January 4, 1982, also was intended to clarify possible ambiguity concerning its application to roads. See the preamble to the proposed rule, 47 FR at 44–45, for a discussion of the legislative history and of the term "affected area."

OSM proposed four alternatives for the definition of which roads are to be considered included in the "affected area."

The first alternative would have excluded from the "affected area" any part of a road used for coal haulage or access which is owned unconditionally, controlled and maintained by a public entity, used frequently for purposes other than coal haulage or access, and maintained (using public funds) in a manner similar to other public roads of a similar nature in the jurisdiction.

The second alternative would have excluded from the "affected area" any part of a road which (a) was designated as a public road pursuant to the laws of the jurisdiction in which it is located; (b) is maintained with public funds in a manner similar to other public roads of the same classification within the jurisdiction; (c) there is substantial (more than incidental) public use; and (d) meets road construction standards at least as stringent as the standards applicable to access and haul roads under the State program.

The third alternative replaced the public use and road construction criteria of the second alternative with a requirement that the road be paved. "Paved" meant that the entire length of the road be surfaced with all weather surfacing material of asphalt, concrete or similar consolidated, hard and durable material. The placement of gravel, rock or other unconsolidated material would not constitute paving.

The fourth alternative replaced the paving requirement of alternative three with the requirement that the road meet the road classification standards for a class 1, 2, or 3 road under the mapping system established by the U.S. Geological Survey for 7.5-minute topographic maps.

OSM intends to adopt a final rule that is similar to the second alternative. Specifically, a road will be excluded from the "affected area" for a mine if it meets three criteria: (a) The road has been designated as a public road pursuant to the laws of the jurisdiction in which it is located; (b) the road is maintained with the public funds, and constructed, in a manner similar to other public roads of the same classification within the jurisdiction in which it is located; and (c) there is substantial (more than incidental) public use of the road.

Several commenters supported the second proposed alternative because it is the most thorough and manageable, provides for input from the local jurisdiction, and uses "substantially" rather than "frequently" as proposed in the first alternative. One of these commenters, however, suggested that OSM delete any reference to the amount of public use of the road since determining "substantial use" may be impossible without an extensive road traffic survey, which was not contemplated by the Act, and the local jurisdiction has already considered the amount and type of use in designating the road as public. Those opposing this alternative stated that the construction standard requirement in proposed paragraph (d) is inappropriate since (1) in many cases the public authority is not required to upgrade township and county roads not meeting standards as stringent as those in the permanent regulatory program, and (2) the proposed paragraph (d) requirement would likely prevent counties from acquiring usable access roads whose contruction costs would be prohibitive. One commenter stated that the phrase "pursuant to the laws of the jurisdiction" could be abused by a locality adopting ordinances to accept any coal road as a public road.

As to the latter comment, OSM's revised definition of "affected area" will be adopted with the specific understanding that the States with the majority of two-acre operations have laws and regulations that limit the ability of local jurisdictions to accept public roads. OSM will continue to monitor the adequacy and implementation of these provisions.

OSM intends to adopt the second alternative with one modification. The term "road construction standards at least as stringent as the standards applicable to access and haul roads under the applicable State program" will be replaced by adoption of the road construction standards for other public roads of the same classification in the local jurisdiction. OSM recognizes that in some cases the public authority does not build or maintain public roads to the standards under States' programs. Roads such as State or Federal highways are clearly such roads, but when dealing with roads that are built and maintained at lower governmental levels, it is often necessary to find a touchstone for determining when a road should be treated as exempt. In view of Congress' recognition that roads are one of the most significant sources of environmental degradation associated with surface mining, OSM believes the most practical and effective test is that indicated above. The rule that will be adopted will not require that a road be constructed or maintained to any particular standard; it will just say that

unless it meets and is maintained under that standard, it will be included in the operator's "affected area."

Several commenters supported the first alternative, provided that the requirement for "frequent" use for purposes other than coal haulage or access was deleted. These commenters stated that it was clearer and more specific than the other alternatives. Several of these commenters would also clarify that roads with minimal public maintenance which are used for access to a coal mine are nevertheless public roads if other public roads in the vicinity also receive only minimum maintenance. Another of these commenters would clarify that "controlled and maintained by a public entity" means that maintenance typical for State or Federal highways, not merely token maintenance. Another commenter also found this alternative acceptable, but noted that determinations as to "frequent" use would be difficult, and stated that places where the public authority does not adequately maintain the road should be considered part of the "affected area." One commenter opposed this alternative because "frequent use" is an ambiguous criterion subject to abuse, and another opposed it because coal company maintenance of roads is common and under the law of donation can be considered expenditure of public funds. Another commenter stated the first alternative is not feasible since typically the county does not hold "unconditional" title to the road, but rather an easement to the right-of-way.

OSM agrees that frequent use may impose an unreasonable level of public use required under the rule. Rather, OSM intends to use the phrase "substantial (more than incidental)" to indicate the necessary level of public use. Application of this standard will necessarily relate to uses of roads of a similar classification in the surrounding area.

Two commenters supported the third alternative since paving would reflect frequent public use, this alternative would be simple to administer, and it would clearly encompass the law's intent to protect the environment and public from harm because dirt roads are often the last leg of the haul road system and are apt to be heavily affected by dust, erosion, poor drainage, and fast wear. Those opposing this alternative stated that the paving requirement is inappropriate because (1) many existing legitimate township and county roads are not paved due to infrequent use or lack of funds, (2) it reflects a regional bias inappropriate for national rules since most roads near mines in the East are paved and many roads located near Western mines are not, (3) paved roads are usually damaged during the freeze-thaw periods in certain areas, and (4) it is unrealistic in light of "the pervasive conditions of areas in which mining generally takes place."

OSM rejected this alternative because, as discussed above, many legitimate public roads are not paved and paving is not required for access and haul roads. A properly constructed and maintained road is not necessarily paved.

Two commenters supported the fourth alternative because it recognizes the actual construction and condition of many roads in rural areas and would mean that public roads would not be deemed to include unimproved roads considered passable only in dry weather. Those commenters opposing this alternative stated that (1) many recent revisions to USGS maps have not been field-checked, (2) it is unclear, (3) it is too broad because some haul roads that would meet the Class 3 criteria are used strictly as haul roads, and (4) it eliminates flexibility based on site-specific conditions.

OSM agrees with the comments opposing the fourth alternative. This alternative was rejected by OSM because some access and haul roads meet Class 3 requirements but are used exclusively for coal haulage, and many recent revisions to USGS maps have not been field-checked as the commenter indicates. Also, as discussed above, many county and township roads are unsurfaced and unimproved but still entail considerable public use. Under this alternative such a road may not be considered public although it actually is.

D. Amendment to Part 825

30 CFR Part 825 is being amended by revising the entire part due to the adopted cooperative agreement between OSM and the State of Wyoming to provide for State regulation of surface coal mining and reclamation operations on Federal lands in Wyoming.

No comments were received on the amendment which is adopted generally as proposed, with editorial changes.

III. Procedural Matters

Federal Paperwork Reduction Act

The Department of the Interior has determined that this final rule does not require the collection of information as defined under 44 U.S.C. 3501 *et seq.*

National Environmental Policy Act

An environmental assessment (EA) of the cumulative impacts on the human environment of these rules was prepared, together with a proposed Finding of No Significant Impact (FONSI). These documents are on file in Room 5315, 1100 L Street, NW., Washington, D.C., and were made publicly available for comment on May 3, 1982 (47 FR 18920). A final FONSI covering this rule was issued on July 2, 1982. The two-acre rule is also examined in OSM's draft supplemental environmental impact statement on various proposed regulations that was made publicly available on June 18, 1982.

Executive Order 12291

The Department of the Interior has determined that this document is not a major rule and does not require a regulatory impact analysis under Executive Order 12291.

Regulatory Flexibility Act

The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities and therefore does not require a regulatory flexibility analysis under Pub. L. 96–354.

List of Subjects

30 CFR Part 700

Administrative practice and procedure, Coal mining, Surface mining, Underground mining, Reporting requirements.

30 CFR Part 825

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

For the reasons set forth in the preamble, Parts 700 and 825 of Chapter VII, Title 30 of the Code of Federal Regulations are amended as set forth herein.

Dated: July 29, 1982.

Daniel N. Miller, Jr.,

Assistant Secretary for Energy and Minerals.

PART 700—GENERAL

1. Section 700.11 is revised to read as follows:

§ 700.11 Applicability.

(a) Except as provided in paragraph (b) of this section, this chapter applies to all coal exploration and surface coal mining and reclamation operations, except:

(1) The extraction of coal by a landowner for his or her own noncommercial use from land owned or leased by him or her. Noncommercial use does not include the extraction of coal by one unit of an integrated

company or other business or nonprofit entity which uses the coal in its own manufacturing or power plants;

(2) The extraction of 250 tons of coal or less by a person coducting a surface coal mining and reclamation operation. A person who intends to remove more than 250 tons is not exempted;

(3) The extraction of coal as an incidental part of Federal, State or local government-financed highway or other construction in accordance with Part 707 of this chapter;

(4) The extraction of coal incidental to the extraction of other minerals where coal does not exceed 16⅔ percent of the mineral tonnage removed for commercial use or sale;

(5) The extraction of coal on Indian lands in accordance with 25 CFR Part 177, Subpart B; and

(6) Coal exploration on Federal lands outside a permit area.

(b) This chapter does not apply to the extraction of coal for commercial purposes where the surface coal mining and reclamation operation, together with any related operations, has or will have an affected area of two acres or less. For purposes of this paragraph:

(1) Where a segment of a road is used for access or coal haulage by more than one surface coal mining operation, the entire segment shall be included in the affected area of each of those operations; provided, that two or more operations which are deemed related pursuant to paragraph (b)(2) of this section shall be considered as one operation for purposes of this paragraph.

(2) Except as provided in paragraph (b)(3) of this section, surface coal mining operations shall be deemed related if they occur within twelve months of each other, are physically related, and are under common ownership or control.

(i) Operations shall be deemed physically related if drainage from both operations flows into the same watershed at or before a point within five aerial miles of either operation.

(ii) Operations shall be deemed under common ownership or control if they are owned or controlled, directly or indirectly, by or on behalf of:

(A) The same person;

(B) Two or more persons, one of whom controls, is under common control with, or is controlled by the other; or

(C) Members of the same family and their relatives, unless it is established that there is no direct or indirect business relationship between or among them;

(iii) For purposes of this paragraph, "control" means: ownership of 50 percent or more of the voting shares of, or general partnership in, an entity; any relationship which gives one person the ability in fact or law to direct what the other does; or any relationship which gives one person express or implied authority to determine the manner in which coal at different sites will be mined, handled, sold or disposed of.

(3) Notwithstanding the provisions of paragraph (b)(2) of this section, the regulatory authority may determine, in accordance with the procedures applicable to requests for determination of exemption pursuant to paragraph (c) of this section, that two or more surface coal mining operations shall not be deemed related if, considering the history and circumstances relating to the coal, its location, the operations at the sites in question, all related operations and all persons mentioned in paragraph (b)(2)(ii) of this section, the regulatory authority concludes in writing that the operations are not of the type which the Act was intended to regulate and that there is no intention on the part of such operations or persons to evade the requirements of the Act or the applicable regulatory program.

(4) The exemption provided by paragraph (b) of this section applies only to operations with an affected area of less than two acres where coal is being extracted for commercial purposes and to surface coal mining operations within that affected area incidental to such operations.

(c) The regulatory authority may on its own initiative and shall, within a reasonable time of a request from any person who intends to conduct surface coal mining operations, make a written determination whether the operation is exempt under this section. The regulatory authority shall give reasonable notice of the request to interested persons. Prior to the time a determination is made, any person may submit, and the regulatory authority shall consider, any written information relevant to the determination. A person requesting that an operation be declared exempt shall have the burden of establishing the exemption. If a written determination of exemption is reversed through subsequent administrative or judicial action, any person who, in good faith, has made a complete and accurate request for an exemption and relied upon the determination, shall not be cited for violations which occurred prior to the date of the reversal.

(30 U.S.C. 1201 et. seq.)

2. 30 CFR Part 825 is revised to read as follows:

PART 825—SPECIAL PERMANENT PROGRAM PERFORMANCE STANDARDS—SPECIAL BITUMINOUS COAL MINES IN WYOMING

Sec.

825.1 Scope.
825.2 Special bituminous coal mines in Wyoming.

Authority: 30 U.S.C. 1201 et. seq.

§825.1 Scope.

This part establishes requirements for certain bituminous surface coal mining activities located west of the 100th meridian west longitude in Wyoming which existed on January 1, 1972, and for surface coal mining activities immediately adjacent thereto which began development after August 3, 1977, in accordance with Section 527 of the Act.

§825.2 Special bituminous coal mines in Wyoming.

Special bituminous coal mines in Wyoming, as specified in Section 527 of the Act, shall comply with the approved State program, including Wyoming statutes and regulations, and revisions thereto.

[FR Doc. 82-20842 Filed 7-29-82; 10:27 am]

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Monday
August 2, 1982

Part VII

Department of Energy

Economic Regulatory Administration

January and Clean-up Entitlements Notices

DEPARTMENT OF ENERGY

Economic Regulatory Administration

January and Clean-up Entitlements Notices

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of publication for information only of draft January and clean-up entitlements notices.

FOR FURTHER INFORMATION CONTACT: Christopher M. Was (Office of General Counsel), U.S. Department of Energy, Room 6A–113, 1000 Independence Ave. SW., Washington, D.C. 20585; (202) 252–6744.

SUPPLEMENTARY INFORMATION: The court in *Mobil Oil Corporation* v. *Department of Energy*, No. 81–CV–340 (HGM) (N.D.N.Y.), has ruled that the Department (DOE) must release to Mobil Oil Corporation (Mobil) complete copies of the drafts of the January 1981 and Clean-up Entitlements Notices that were prepared on September 30, 1981.[1] The January 1981 and Clean-up Entitlements Notices have not previously been issued.

In view of the court's ruling, DOE has decided to publish the draft Entitlements Notices in the **Federal Register**, for information only, concurrently with making them available to Mobil in the litigation. The action will ensure that Mobil does not obtain an unfair advantage over other firms by having access to information that would be otherwise unavailable. Publication of the draft Entitlements Notice in the **Federal Register** will provide all firms with equal access to the information reflected in the Notices.

Publication of these draft Entitlements Notices is subject to several significant qualifications. First, the draft Entitlements Notice have no legal force or effect under 10 CFR 211.67 (b), (c) or (i). Publication of the draft Notices is for purposes of information only.

Second, the amounts stated in the draft Notices as entitlements obligations are based on data available to DOE when each draft Notice was prepared. The latest draft Notice is based on the data that were available to DOE as of September 30, 1981. This statement of entitlements obligations is no longer accurate, because the data do not reflect developments since September 30, 1981 that would affect the calculation of entitlements obligations. These developments include, *inter alia*, decisions by the Office of Hearings and Appeals (OHA) and the courts issued after September 30, 1981, and corrections to data reported by firms for purposes of the Clean-up Notice. Any change in entitlements obligations resulting from OHA and court decisions with respect to one refiner affects entitlements obligations with respect to *all* other refiners, requiring complete recalculation of the Notices. Therefore, firms should not rely on the data reflected on these draft Entitlements Notices as an accurate statement of any entitlements obligations for January 1981 or the "Clean-up" reporting period.

Third, DOE has announced that a decision regarding publication of the Notices effective under 10 CFR 211.67 will be made only after consideration of the comments of interested persons in a public proceeding to be conducted after the Temporary Emergency Court of Appeals rules in the pending tertiary incentive crude cases. *See* 46 FR 60231 (December 9, 1981); 47 FR 11549 (March 17, 1982); and 47 FR 30279 (July 13, 1982).

Dated: July 28, 1982.

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

[1] The court's order requires DOE to release three draft Entitlements Notices, the drafts of the January 1981 and Clean-up Entitlements Notices prepared on September 30, 1981, *and* a prior draft of the January 1981 Entitlements Notice prepared in June 1981. All three draft Entitlements Notices released to Mobil pursuant to the court's order are published with this Notice; however, the data reflected on the June 1981 draft Entitlements Notice were superseded by the draft prepared on September 30, 1981, the most recent date on which drafts of the Entitlements Notices were prepared.

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Domestic Crude Oil Allocation Program; Entitlements Notice for January 1981; Entitlements Clean-up List

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice.

SUMMARY: Under the Department of Energy's (DOE) Domestic Crude Oil Allocation (Entitlements) Program, the Economic Regulatory Administration (ERA) is issuing the monthly Entitlements Notice which sets forth the entitlements purchase or sale requirements of domestic refiners and eligible firms for January 1981. The ERA also is issuing the entitlements clean-up list which sets forth the amount each refiner and other entitlements participant either owes or is due to receive as a result of adjustments, amendments and other modifications to the monthly Entitlements Notices for the period October 1, 1980, to January 27, 1981.

DATES: January Entitlements Notice: Payments for entitlements required to be purchased under this notice must be made (10 days from publication). The monthly transaction report specified in § 211.66(i) shall be filed with the DOE (20 days from publication). Entitlements Clean-up list: Firms with net obligations on this list shall complete payments of such obligations by (10 days from publication). The report required by § 211.69(g)(3) certifying completion of transactions shall be filed with ERA by [20 days from publication].

FOR FURTHER INFORMATION CONTACT:

David A. Welsh (Entitlements Program Office), Economic Regulatory Administration, 2000 M Street, N.W., Room 6212C, Washington, D.C. 20461; (202) 653–3459

William Funk or Peter Schaumberg (Office of General Counsel), Department of Energy, Forrestal Building, 1000 Independence Avenue, SW., Room 6A–127, Washington, D.C. 20585; (202) 252–6736 (Funk); (202) 252–6754 (Schaumberg)

SUPPLEMENTARY INFORMATION:

A. Background
B. January 1981 Entitlements Notice
C. Entitlements Clean-up List
D. Post-clean-up Claims and Obligations

A. Background

The Department of Energy (DOE) has carefully considered the issues involved in publishing the January Entitlements Notice. Several lawsuits and administrative actions have been brought by some refiners alleging, for various reasons, that this notice should not be published. The various court proceedings have delayed issuance of the notice until this time. Also, some refiners made presentations, in person and in writing, setting forth their views on this question.

Since the effective date of decontrol, DOE has undertaken two rulemaking proceedings affecting the Entitlements Program. One resulted in the effective termination of the Petroleum Substitutes Entitlements Program as of January 28, 1981. The other proposed the retroactive elimination of certain significant aspects of the Tertiary Incentive Program. DOE terminated this second proceeding upon concluding that such retroactive elimination would serve neither the purposes of the Emergency Petroleum Allocation Act nor Executive Order 12287.

Also during this period DOE has closely studied the issue of so-called "disappearing old oil." "Disappearing old oil" is the term used to describe the difference in the volumes of price-controled oil reported to DOE's First Purchaser System and that which is reported to the Entitlements Program. There are a number of diffferent factors that might account for the difference between the two data systems, but only two of these factors—time-exchanges and price-controlled crude oil in refinery inventory not reported to the Entitlements Program—could possibly result in the failure of price-controlled crude oil received at the refiner level to be equitably allocated under the Entitlements Program. Despite efforts to do so in the last several months, DOE has not been able to prove or disprove allegations that a substantial portion of so-called "disappearing old oil" is caused by these two factors.

DOE has also studied closely the rapid and unanticipated decline in the volume of deemed old oil in the last months of the Entitlements Program and the coincident change in some entitlements participants'

historical buy or sell positions. These studies have determined that the majority of the decline is due to the Tertiary Incentive Program, and that those historical entitlements purchasers that have been entitlements sellers in the last months have large tertiary incentive projects. Nevertheless, the studies have not yet been able to establish all the causes of the unanticipated decline.

DOE believe that the terms of 10 CFR 211.67 require it to publish an Entitlements Notice to allocate equitably among all refiners the benefits of the price-controlled crude oil that *was* reported by refiners as crude oil receipts for January 1981 in the same manner as it has published notices for previous months. Our inability to quantify precisely all of the factors that resulted in a diminution of deemed old oil in the program does not alter our obligation to adhere to the regulations. Only through a change to its regulations could DOE avoid the effect of § 211.67. At this point, no predicate exists for changing the regulations to suspend the publication of the January Notice, because DOE has been unable to determine that its publication would not best further the purposes that the Entitlements Program was created to achieve—the equitable allocation among refiners of price-controlled oil booked into refineries during the period of controls. In the absence of such a determination the regulations must be carried out and given effect. DOE believes that the burden is on DOE to justify a *change* in its regulations. That burden cannot be met merely by the existence of unanswered questions that do not necessarily impact the purposes of the regulations.

Similarly, DOE believes that the existence of some unanswered questions does not constitute a grounds for not publishing the "clean-up" list. That list, as was made clear in the preamble to the proposed and final rules, serves a limited purpose—to afford a mechanism for the normal adjustments and amendments for recent months that under the continued operation of the entitlements program would have been included in subsequent regualr entitlements notices. As with the January notice, until DOE can determine that the normal operation of the entitlements program does not further the purposes of the EPAA, there is no basis for not giving effect to these normal adjustments and amendments.

As indicated above, DOE continues to study those questions that remain unresolved. If it is determined that the operation of the Entitlements Program for December and January did not, or the operation of the so-called "clean-up" list does not, best further the purposes of the EPAA, then DOE shall take whatever action is appropriate and available to it to correct the situation.

B. January 1981 Entitlements Notice

In accordance with the provisions of 10 CFR 211.67 relating to the Domestic Crude Oil Allocation Program of DOE, administered by the Economic Regulatory Administration (ERA), the monthly notice specified in § 211.67(i) is hereby published.

Based on reports for the month of January 1981 [1] submitted to the DOE by refiners and other firms as to crude oil receipts, crude oil runs to stills, eligible product imports, eligible petroleum substitutes, and imported naphtha utilized as a petrochemical feedstock in Puerto Rico; application of the entitlements adjustment for residual fuel oil production shipped in foreign flag tankers for sale in the East Coast market and Michigan provided in § 211.67(d)(4); application of the entitlement adjustments for California lower tier and upper tier crude oil provided in § 211.67(a)(4); and application of the entitlement adjustment for small refiners provided in § 211.67(e), the national domestic crude oil supply ratio (DOSR) for January 1981 is calculated to be .002419.

In accordance with § 211.67(b)(2), to calculate the number of barrels of deemed old oil included in a refiner's adjusted crude oil receipts for the month of January 1981 each barrel of old oil is equal to one barrel of deemed old oil, each barrel of upper tier crude oil (excluding ANS upper tier crude oil) is equal to .719924 of a barrel of deemed old oil and each barrel of ANS upper tier crude oil is equal to .443010 of a barrel of deemed old oil.

The issuance of entitlements for the month of January 1981 to reminers and other firms is set forth in Appendix 1 to this notice. Appendix 1 lists the name of each refiner or other firm to which entitlements have been issued, the number of barrels of deemed old oil included in each such refiner's adjusted crude oil receipts, the number of entitlements issued to each such refiner or other firm, and the number of entitlements required to be purchased or sold by each such refiner or other firm.

Pursuant to 10 CFR 211.67(i)(4), the price at which entitlements shall be sold and purchased for the month of January 1981 is hereby fixed at $28.10, which is the exact differential as reported for the month of January 1981 between the weighted average per barrel costs to refiners of old oil and of imported and exempt domestic crude oil.

In accordance with 10 CFR 211.67(b), each refiner that has been issued fewer entitlements for the month of January 1981 than the number of barrels of deemed old oil included in its adjusted crude oil receipts is required to purchase a number of entitlements for the month of January 1981 equal to the difference between the number of barrels of deemed old oil included in those receipts and the number of entitlements issued to and retained by that refiner. Refiners which have been issued a number of entitlements for the month of January 1981 in excess of the number of barrels of deemed old oil included in their adjusted crude oil receipts for the month and other firms issued entitlements shall sell such entitlements to refiners required to purchase entitlements.

The listing of refiners' old oil receipts contained in Appendix 1 reflects any adjustments made by ERA pursuant to § 211.67(h).

Included in Appendix 1 are entitlements issued pursuant to the provisions of 10 CFR 211.67(a)(5) under which a firm may qualify as a producer of a petroleum substitute.

The listing contained in Appendix 1 identifies, in a separate column labeled "Exceptions and Corrections," additional entitlements issued to refiners pursuant to relief granted by the Office of Hearings and Appeals. Also set forth in this column are other adjustments for decisions issued by the Office of Hearings and Appeals for prior periods. This column also includes other corrections and adjustments made by ERA, including those made pursuant to court order.

The listing contained in Appendix 1 continues the "Consolidated Sales" entry initiated in the October 1977 entitlements notice. The "Consolidated Sales" entry is equal to the January 1981 entitlements purchase requirement of Arizona Fuels. The purpose of providing for the "Consolidated Sales" entry is to insure that Arizona Fuels is not relieved of its January 1981 entitlements purchase requirement and that no one firm will be unable to sell its entitlements by reason of a default by Arizona Fuels. For a full discussion of the issues involved, see *Entitlements Notice for October* 1977 (42 FR 64401, December 23, 1977).

For the month of January 1981 imports of residual fuel oil eligible for entitlement issuance totaled 19,775,946 barrels.

In accordance with § 211.67(a)(4), the number of barrels of California lower tier and upper tier crude oil, as reported by refiners to the DOE, and the weighted average gravity thereof are as follows:

	Volumes	Weighted average gravity (degrees)
California lower tier crude oil	479,091	23
California upper tier crude oil	865,590	25

The total number of entitlements required to be purchased and sold under this notice is 16,014,534.

Based on reports submitted to the DOE by refiners as to their unadjusted crude oil receipts for January 1981 the pricing composition and weighted average costs thereof are as follows:

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[1] As used in this notice, "the month of January 1981" means the first 27 days of January 1981. *See* Ruling 1981-1, Q&A #2, 46 FR 12945 (February 19, 1981).

	VOLUMES IN THOUSANDS OF B/D	WEIGHTED AVERAGE COST	% OF TOTAL VOLUMES*
Lower Tier	489	$ 7.85	3.6
Upper Tier (Excluding ANS)	781	15.72	5.7
ANS Upper Tier	411	23.50	3.0
Exempt Domestic:			
Other ANS	1086	32.91	8.0
Heavy and Market Tier	2576	35.02	18.9
Naval Petroleum Reserve	68	31.73	0.5
Newly Discovered	688	38.28	5.1
Stripper	2003	33.94	14.7
Tertiary	393	35.76	2.9
Synthetic	1	32.89	0.0**
Total Domestic	8496	$30.87	62.4
Imported	5121	$37.59	37.6
Total Uncontrolled (Exempt Domestic and Imported)	11936	$35.94	87.7
Total Reported Crude Oil Receipts	13617	$33.40	
Total Reported Crude Oil Runs to Stills	13963		

*Volumes may not total 100% due to rounding.

**percentage volume insignificant.

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Payments for entitlements required to be purchased under 10 CFR 211.67(b) for January 1981 must be made by the date indicated in the **DATES** section of this notice.

On or prior to the date indicated in the **DATES** section of this notice, each firm which is required to purchase or sell entitlements for the month of January 1981 shall file with the DOE the monthly transaction report specified in 10 CFR 211.66(i) certifying its purchases and sales of entitlements for the month of January 1981.

ERA is adopting, concurrently with the issuance of this notice, a final rule amending 10 CFR 211.66 and 211.67, effective immediately. These amendments prescribe new time limits for the January Notice for the purchase and sale of entitlements and the reporting to ERA of such transactions. These amendments were made necessary because issuance of this notice was delayed by several months from the time it normally would have been issued due to court orders. The new time limits correspond with the time limits for completing and reporting transactions under the entitlements clean-up provisions (see below).

The monthly transaction report forms (ERA–116) for the month of January 1981 have been mailed to all reporting firms. Firms that have been unable to locate other firms for the required entitlements transactions by the required date are requested to contact the ERA at (202) 653–3873 to expedite consummation of these transactions. For firms that have failed to consummate required entitlement transactions on or prior to the required date, the ERA may direct sales and purchases of entitlements pursuant to the provisions of 10 CFR 211.67(k).

C. Entitlements Clean-up List

On July 9, 1981, ERA adopted a rule providing for an orderly termination of the entitlements program after the last regular monthly Entitlements Notice for January 1981 was issued. (46 FR 36092, July 13, 1981). This entitlements program clean-up rule, 10 CFR 211.69, provides for publication by ERA of a clean-up list requiring firms on the last four monthly Entitlements Notices either to make payments to or receive payments from other entitlements participants based upon adjustments and amendments to entitlements reports for the period October 1, 1980, to January 28, 1981. Parties' rights from or obligations to the entitlements program resulting from administrative and judicial determinations also are included on the clean-up list. After publication of the clean-up list, a self-executing mechanism is established in § 211.69(h) to give effect to parties' rights and obligations pursuant to subsequent administrative and judicial decisions.

Pursuant to the provisions of 10 CFR 211.69, ERA is hereby publishing the entitlements clean-up list.

In accordance with the entitlements clean-up regulations, refiners and other entitlements participants filed amended reports with ERA by August 15, 1981, correcting any errors contained in reports filed under the entitlements program regulations in §§ 211.66 and 211.67 for the months of October 1980, November 1980, December 1980 and the first 27 days of January 1981 (hereinafter referred to as the reporting period). These firms also reported to ERA by August 15, 1981, any adjustments to the volume of crude oil received during the reporting period. Pursuant to § 211.69, each reported amendment and adjustment is either a claim, if a firm is owed money by the entitlements program, or an obligation, if as a result of the adjustment or amendment the firm owes money to the program. For amendments, the dollar values of the claims and obligations are determined by using the entitlement data for the month in the reporting period for which the amendments are filed. The dollar value of the claim or obligation resulting from each adjustment is similarly computed by using the deemed old oil ratios and the entitlement price for the month in the reporting period in which the adjusted barrels originally were received.

Claims and obligations also result from judicial and administrative decisions which were not included on the January 1981 Entitlements Notice. Two orders from the Office of Hearings and Appeals and one District Court order resulted in claims for the clean-up list (*See* footnotes 1 and 3 in Appendix 2). Since these decisions do not relate directly to any of the months in the reporting period, pursuant to § 211.69(d)(3) ERA prorated the claims equally among the four months in the reporting period. The dollar values of the claims, if not already established by the orders, then were calculated in accordance with the entitlements data for each of the respective months.

Appendix 2 lists the claim (+) or obligation (−) of each firm on the entitlements clean-up list for each of the four months in the reporting period. At the bottom of each monthly column is the "net calculation" for that month, which is the sum of all firms' claims for that month less the sum of all obligations. For each of the four months claims exceeded obligations, resulting in an overall claim for the clean-up list of $392 million.

In accordance with § 211.69(e), ERA computed each firm's "total calculation", which represents what each firm owes as its proportional share of the overall claims for the clean-up list before adjusting for its own claims and obligations. The "total calculation" for each firm is determined by multiplying the "net calculation" for each of the four months by that firm's proportion of the total crude oil runs-to-stills for all firms in each respective month. The sum of the four monthly computations equals the "total calculation". The separate monthly calculations are not published on the clean-up list since this would divulge each firm's monthly crude oil runs-to-stills. Heretofore, ERA has considered monthly runs data to be proprietary. Each firm's "total calculation" is listed in Appendix 2 since, as an aggregate number, actual monthly crude oil runs-to-stills cannot be determined from it.

Each firm's net claim (*i.e.* the amount it is owed by other firms) or net obligation (*i.e.* the amount it owes to other firms) was determined by ERA pursuant to § 211.69(f) and is listed in Appendix 2. If the sum of a firm's reported claims for the reporting period (including claims resulting from administrative and judicial determinations) minus the sum of its reported obligations for the reporting period, and minus what it owes as its share of the overall claim for the clean-up list (the "total calculation") is greater than zero, the firm has a net claim listed on Appendix 2 and is entitled to receive that sum of money. If the above computation results in a negative number, then that firm has a net obligation in that amount listed on Appendix 2 and owes that sum to firms with net claims.

Payments by firms with net obligations determined under 10 CFR 211.69(f) must be made to firms with net claims by the date indicated in the **DATES** section of this notice.

On or prior to the date indicated in the **DATES** section of the notice, each firm on the entitlements clean-up list shall file with ERA the report required by 10 CFR 211.69(g) certifying that it has completed the required transactions, with whom the transactions have been completed and the dollar amounts for each firm.

Firms that are unable to locate other firms for the required transactions by the required date are requested to contact ERA at (202) 653–3873 to expedite consummation of these transactions. For firms with net obligations that fail to complete the required transactions by the required date, ERA may direct the transactions pursuant to § 211.69(g)(2). Failure to complete the required transactions may subject a firm to criminal and/or civil penalties.

If a firm with a net claim does not receive any or all of its money, it may apply to ERA for an order permitting the firm to collect the deficiency under the post-clean-up provisions in § 211.69(h) (see discussion below).

D. Post-Clean-Up Claims and Obligations

Following issuance today of the entitlements clean-up list, there will continue to be decisions affecting the entitlements program issued by DOE's Office of Hearings and Appeals, the Federal Energy Regulatory Commission and the courts. These decisions will result in post-clean-up claims and obligations subject to the self-executing mechanism in § 211.69(h). Pursuant to this mechanism, if a party to the administrative or judicial action receives an order, no longer subject to appeal, entitling it to a claim against the entitlements program, all the firms on the clean-up list owe that amount. Each firm's share of the amount owed is determined by the proportion of its crude oil runs-to-stills for the four months in the reporting period to the runs-to-stills of all firms in the reporting period. Similarly, if a party to an action was determined to have an obligation to the entitlements program, then pursuant to 211.69(h) each firm on the entitlements clean-up list would be owed the same proportional share of that obligation. Failure by a firm to complete the transactions required under the post-clean-up provisions may subject that firm to civil and/or criminal penalties.

To facilitate the post-clean-up process, ERA is including in Appendix 2 each firm's proportion of crude oil runs-to-stills during the reporting period. This fraction will be applicable to each post-clean-up claim and obligation under § 211.69(h) resulting from an administrative or judicial action, and will enable each firm to assess the extent of its share of such claims and obligations.

This notice is issued pursuant to Subpart G, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with the Office of Hearings and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed within 30 days following publication of this notice in the **Federal Register.**

Issued in Washington, D.C. on ———.

Barton R. House,

Acting Administrator, Economic Regulatory Administration.

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NOTICE OF ENTITLEMENTS FOR DOMESTIC CRUDE OIL — PAGE: 11
JANUARY 1981

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	TOTAL ISSUED	ENTITLEMENT POSITION EXCEPTIONS AND CORRECT.	ENTITLEMENTS PRODUCT	ENTITLEMENTS CALIFORNIA	REQUIRED TO BUY	REQUIRED TO SELL
-CONSOL'D-SALES	-19,075	0	0	0	0	0	19,075 1/
A-JOHNSON	0	20,569	0	0	0	0	20,569
ADM	0	109	0	0	0	0	109
AKRON-OHIO	0	1,393	1,372 5/	0	0	0	1,393
ALEXANDRIA-VA	0	33	32 5/	0	0	0	33
ALLIED	0	6,113	0	0	0	0	6,113
AMER-AGRI-FUELS	0	240	239 5/	0	0	0	240
AMER-PETROFINA	-638,269	33,180	0	0	0	0	667,449
AMERADA-HESS	1,749,579	31,024	0	867	0	1,718,555	0
AMES-IOWA	0	285	278 5/	0	0	0	285
AMOCO	1,030,990	56,786	0	0	0	974,204	0
ANCHOR	0	4,396	0	0	0	0	4,396
APEX	0	290	0	290	0	0	290
ARCO	-4,315,429	40,334	0	0	0	0	4,355,763
ARIZONA	21,964	2,889	0	0	149	19,075 1/	0
ARIZONA-CHEM	0	23	0	0	0	0	23
ARLINGTON-VA	0	-229	-229 4/	0	0	229	0
ASAMERA	-2,511	141,608	129,328 6/	0	0	0	188,119
ASHLAND	385,509 7/	21,236	0	0	0	364,273 12/	0
ATLANTA	0	3	0	0	0	0	3
AUSTAR-MINN	0	0	0	0	0	0	0
AZUSA-LAND	0	110	105 5/	0	0	0	110
BALT-METHANE	0	3	0	0	0	0	3
BAYOU	0	1,030	0	0	0	0	1,030
BEACON	91,611	20,134	5,112 5/	0	3,330	71,277	0
BELCHER	0	1,354	0	1,354	0	0	1,354
BELOIT-WI	0	95	95 5/	0	0	0	95
BERGEN-COUNTY	0	969	966 5/	0	0	0	969
BI-PETRO	0	1,064	0	0	0	0	1,064
BOISE-IDAHO	0	26	25 5/	0	0	0	26
BOSTON-QUINCY	0	1,096	1,092 5/	0	0	0	1,096
BRAINTREE	0	1,192	1,168 4/	0	0	0	1,192
BRONCO	0	809	0	0	0	0	809
BROOKINGS-SD	0	0	0	0	0	0	0
BROWN-WOOD	0	-318	-318 4/	0	0	318	0
BRUIN	15,628	0	0	0	0	15,628	0
C&H	0	116	73 5/	0	0	0	116
CADENCE-CHEM	0	30	0	0	0	0	30
CALCASIEU	-25,429	10,284	0	0	0	0	35,713
CALUMET	0	2,212	0	0	0	0	2,212
CANAL	6,951	6,813	-101 4/	0	0	138	0
CARBONIT	0	12,581	5,087 4/	0	0	0	12,581
CARIBOU	18,948	76,532	70,133 4/5/	0	0	0	57,584

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	ENTITLEMENT POSITION EXCEPTIONS AND CORRECT.	ENTITLEMENTS PRODUCT	ENTITLEMENTS CALIFORNIA	REQUIRED TO BUY	********** REQUIRED TO SELL
CASTLE	0	1,161	0	1,161	0	0	1,161
CBA	0	733	733 5/	0	0	0	733
CENTRAL	0	436	0	436	0	0	436
CHAMPLIN	-316,577	-59,348	-61,022 4/	0	-10,934	0	257,229
CHARTER	0	-165,761	-182,184 5/	0	0	165,761	0
CHEVRON	-4,093,110	-25,235	-77,738 5/	0	-16,663	0	4,067,875
CIBRO	-1,075	13,373	1,269 4/	912	0	0	14,448
CITGO	135,161	6,552	-9,826 4/	0	0	128,609	0
CITRONELLE	0	-21,756	-21,756 5/	0	0	21,756	0
CITY-OF-SEWARD	0	6	6 5/	0	0	0	6
CITY-OF-WICHITA	0	306	306 5/	0	0	0	306
CLAIBORNE	8,418	4,197	0	0	0	4,221	0
CLARK	-185,283	33,626	0	0	0	0	218,909
CLINTON-IOWA	0	432	432 5/	0	0	0	432
CLINTON-RANGES	4,853	1,272	0	0	0	3,581	0
COASTAL	22,469	9,075	0	953	0	13,394	0
COASTAL-PETRO	0	7,521	0	0	0	0	7,521
COLDWATER	0	433	433 5/	0	0	0	433
COLONIAL	0	266	0	266	0	0	266
COLUMBUS-OHIO	0	171	171 5/	0	0	0	171
CONOCO	-812,280	2,967	0	286	-16,106	0	815,207
CONSUMERS-POWER	0	338	0	338	0	0	338
COPANO	0	8,090	0	0	0	0	8,090
CORAL	0	10,530	0	0	0	0	10,530
CORCO	0	41,055	0	24,551	0	0	41,055
CRA-FARMLAND	74,073	27,328	-6,918 4/	0	0	46,745	0
CROSS	8,408	7,588	0	0	0	820	0
CROWN	27,389	16,224	0	0	0	11,165	0
CRYSTAL-OIL	25,657	15,398	0	0	0	10,259	0
CRYSTAL-REF	0	1,903	0	0	0	0	1,903
CUMBERLAND	0	13	13 5/	0	0	0	13
DEEPWATER	0	217	0	217	0	0	217
DEKALB-IL	0	0	0	0	0	0	0
DELTA	141,908	27,356	0	0	0	114,552	0
DENENO	0	11,071	0	0	0	0	11,071
DETROIT-ED	0	390	0	390	0	0	390
DPSC	0	599	412 5/	187	0	0	599
DIAMOND	12,342	17,165	591 5/	0	0	0	4,823
DILLMAN	0	34	34 5/	0	0	0	34
DORCHESTER	3,825	12,969	0	0	0	0	9,144
DOW	1,859	-367,116	-367,116 5/	0	0	368,975	0
DOWNERS-GROVE	0	17	17 4/ 5/	0	0	0	17
E-SEABOARD	0	392	0	392	0	0	392

NOTICE OF ENTITLEMENTS FOR DOMESTIC CRUDE OIL — PAGE: 13
JANUARY 1981

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	TOTAL ISSUED	ENTITLEMENT POSITION EXCEPTIONS AND CORRECT.	ENTITLEMENTS PRODUCT	ENTITLEMENTS CALIFORNIA	REQUIRED TO BUY	REQUIRED TO SELL
EAGLE-REFINING	0	380	0	0	0	0	380
EAST-BAY-MUD	0	94	91 5/	0	0	0	94
EAST-MOLINE-IL	0	0	0	0	0	0	0
EASTERN-MUD	0	32	32 5/	0	0	0	32
EDDY	4,060	3,622	0	0	0	439	0
EL-PASO-TX	0	2	0	0	0	0	2
ELGIN-IL	0	25	25 4/5/	0	0	0	25
ENERGY-COOP	0	16,068	0	0	0	0	16,068
ENTERPRISE	0	4,096	4,041 5/	55	0	0	4,096
ERGON	8,629	43,953	33,746 5/	0	0	0	35,328
ESSEX-UNION	0	136	133 5/	0	0	0	136
EVANGELINE	0	1,596	0	0	0	0	1,596
EWING-LAWRENCE	0	10	10 5/	0	0	0	10
EXXON	2,989,926	85,404	-237 4/	4,356	0	2,908,522	0
EZ-SERVE	23,219	17,362	1,356 4/	0	0	5,857	0
FARMERS-UN	55,917	14,868	0	0	0	41,049	0
FLETCHER	10,343	32,832	17,768 5/	0	0	0	22,889
FLINT	3,010	651	181 5/	0	0	2,359	0
FORT-WORTH-TX	0	45	44 5/	0	0	0	45
FRESNO-CA	0	1	0	0	0	0	1
FRIENDSWOOD	2,685	8,855	0	0	0	0	6,170
FUNDING	21,014	3,741	0	0	0	17,273	0
GARY	4,223	14,231	3,683 5/	0	0	0	10,008
GETTY	207,779	17,631	0	0	2,648	190,148	0
GETTY-SYN	0	926	912 5/	0	0	0	926
GIANT	0	6,218	0	0	0	0	6,218
GIBSON	0	3,020	0	0	0	0	3,020
GLACIER-PARK	81,559	4,213	0	0	0	77,346	0
GLADIEUX	25	11,011	0	0	0	0	10,986
GLENCOE-MN	0	0	0	0	0	0	0
GLENROCK	0	2,507	0	0	0	0	2,507
GOLDEN-EAGLE	0	10,126	0	0	0	0	10,126
GOLDKING	-229,350	17,213	0	0	0	0	246,563
GOOD-HOPE	9,513	16,467	0	0	0	0	6,954
GREEN-BAY-WI	0	3	0	0	0	0	3
GUAM	0	17,076	0	0	0	0	17,076
GULF	428,201	53,585	0	461	3,008	378,616	0
GULF-ENERGY	0	3,483	0	0	0	0	3,483
GULF-STS	-45,293	11,709	0	0	0	0	57,002
HARRISBURG-PA	0	50	0	0	0	0	50
HAYWARD-CA	0	1	0	0	0	0	1
HEALTH-CARE	0	43	42 5/	0	0	0	87
HEMPSTEAD-TOWN	0	493	482 5/	0	0	0	493

NOTICE OF ENTITLEMENTS FOR DOMESTIC CRUDE OIL
JANUARY 1981

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REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	ENTITLEMENT POSITION EXCEPTIONS AND CORRECT.	ENTITLEMENTS PRODUCT	ENTITLEMENTS CALIFORNIA	REQUIRED TO BUY	********** REQUIRED TO SELL
HIRI	0	13,571	-2,9734/	0	0	0	13,571
HOWELL	299,451	23,296	0	0	0	276,155	0
HUDSON-OIL	0	11,537	0	0	0	0	11,537
HUNT	93,364	24,676	7,8325/	0	0	68,688	0
HUNTWAY	0	4,958	0	0	0	0	4,958
HUSKY	290,640	290,640	260,9702/	0	0	0	0
IDAHO-FALLS	0	553	5525/	0	0	0	553
INDEPENDENT-REF	0	14,594	-13,7974/	0	0	0	14,594
INDIANA-FARM	7,455	11,375	0	0	0	0	3,920
INDUSP-FUEL	0	982	0	0	0	0	982
INTER-PETRO	0	359	0	359	0	0	359
INTER-PROCESS	0	11,949	0	0	0	0	11,949
IOWA	0	0	0	0	0	0	0
JACKSON-MI	0	0	0	0	0	0	0
KERCO	18,087	3,857	0	0	0	14,230	0
KENOSHA-WI	0	1	0	0	0	0	1
KENTUCKY	7,355	-2,672	-8,8874/5/	0	0	10,027	0
KERN	-46,771	22,076	11,7818/	0	-2,570	0	68,849
KERR-MCGEE	389,405	6,735	0	0	0	382,670	0
KOCH	0	14,791	0	286	0	0	14,791
LA-COUNTY	0	252	2085/	0	0	0	252
LA-CROSSE	0	25	255/	0	0	0	25
LAGLORIA	58,069	16,817	0	0	0	41,252	0
LAKE-CHARLES	0	4,519	0	0	0	0	4,519
LAKESIDE	112	2,628	0	0	0	0	2,516
LAKETON	20,742	55,025	51,0525/	0	0	0	34,283
LAKEWOOD-OH	0	13	135/	0	0	0	13
LAMPREY-NH	0	172	1685/	0	0	0	172
LIQUID-ENERGY	0	6,753	0	0	0	0	6,753
LITTLE-AMER	154,886	154,886	125,4189/	0	0	0	0
LOS-ANGELES-CA	0	2,109	2,0774/5/	0	0	0	2,109
LOTEA	0	251	0	0	0	0	251
LOUISIANA-LAND	26,302	17,333	0	0	0	8,969	0
MACMILLAN	4,618	15,226	0	0	195	0	10,608
MADISON-CHATHAM	0	17	175/	0	0	0	17
MADISON-CITY-WI	0	7	0	0	0	0	7
MADISON-WI	0	272	2705/	0	0	0	272
MALLARD	0	5,211	0	0	0	0	5,211
MARATHON	490,848	25,782	0	0	0	465,066	0
MARION	3,347	14,931	0	0	0	0	11,584
MARLEX	782	-27,818	-36,8424/	0	58	28,600	0
MARSHALLTOWN	0	1	0	0	0	0	1
MEDFORD	0	0	0	0	0	0	0

NOTICE OF ENTITLEMENTS FOR DOMESTIC CRUDE OIL — PAGE: 15
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REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	ENTITLEMENT POSITION EXCEPTIONS AND CORRECT.	ENTITLEMENTS PRODUCT	ENTITLEMENTS CALIFORNIA	REQUIRED TO BUY	********** REQUIRED TO SELL
MERCED-CA	0	0	0	0	0	0	0
METRO-SEATTLE	0	185	179 5/	0	0	0	185
METROPOLITAN	0	1,594	0	1,594	0	0	1,594
MIAMI-DADE	0	220	218 5/	0	0	0	220
MID-AMER	2,483	11,999	9,088 4/	0	0	0	9,516
MIDDLETOWN-OH	0	1	0	0	0	0	1
MIDWEST-SOLV	0	3,521	3,513 5/	0	0	0	3,521
MILWAUKEE-WI	0	7	0	0	0	0	7
MOBIL	360,016	77,720	24,690 4/	0	7,830	282,296	0
MOBILE-BAY	777	4,161	0	0	0	0	3,384
MOBRIDGE-SD	0	0	0	0	0	0	0
MOHAWK	0	-178,267	-178,267 5/	0	0	178,267	0
MONOCO	0	105	0	105	0	0	105
MONROE-WI	0	23	23 5/	0	0	0	23
MONSANTO	-180,508	17,185	0	0	0	0	197,693
MOORHEAD-MN	0	0	0	0	0	0	0
MORRISON	0	2,226	0	0	0	0	2,226
MOUNTAINEER	1,747	575	0	0	0	1,172	0
MSDC	0	23	0	0	0	0	23
MT-AIRY	2,835	6,755	0	0	0	0	3,920
MURPHY	-59,658	32,386	0	0	0	0	92,044
N-AMER-PETRO	0	8,511	0	0	0	0	8,511
N-LITTLE-ROCK	0	251	245 5/	0	0	0	251
N-SAN-MATEO	0	4	4 5/	0	0	0	4
NASHVILLE-TENN	0	26	0	0	0	0	26
NASSAU-COUNTY	0	4	0	0	0	0	4
NATCHEZ	0	2,237	0	0	0	0	2,237
NATL-COOP	56,885	16,719	0	0	0	40,166	0
NAVAJO	66,276	263,228	246,718 5/	0	0	0	196,952
NEPTUNE	0	31	31 5/	0	0	0	31
NEVADA	0	2,018	0	0	0	0	2,018
NEW-EDGINGTON	-88,471	-88,628	-62,357 5/	0	-3,875	8,157	0
NEW-ENGL-PETRO	0	1,531	0	1,531	0	0	1,531
NEW-YORK-EP	0	83	0	0	0	0	83
NEWHALL	257	-66,539	-78,835 5/	0	12	66,796	0
NORTHEAST-PETRO	0	198	0	198	0	0	198
NORTHLAND	10,107	10,107	9,465 5/	0	0	0	0
NY-SANITATION	0	47	0	0	0	0	47
OCEAN-TOWNSHIP	0	8	8 5/	0	0	0	8
OCEAN-UTILITIES	0	68	675/	0	0	0	68
OCONOMOWOC-WI	0	7	7 5/	0	0	0	7
OKC	112	12,235	0	0	0	0	12,123
OKLA-REF	12,551	11,544	0	0	0	1,007	0

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	ENTITLEMENT POSITION TOTAL ISSUED	EXCEPTIONS AND CORRECT.	ENTITLEMENTS PRODUCT	ENTITLEMENTS CALIFORNIA	REQUIRED TO BUY	REQUIRED TO SELL
OMAHA	0	8	0	0	0	0	8
ORANGE-COUNTY	0	19	0	0	0	0	19
OSCEOLA-AR	0	121	119 5/	0	0	0	121
OXNARD	0	2,774	0	0	0	0	2,774
PEERLESS	0	2,181	0	0	0	0	2,181
PENNZOIL	-189,189	31,706	0	0	0	0	220,895
PEORIA-IL	0	650	650 5/	0	0	0	650
PESTER	56,971	15,613	408 4/	0	0	41,358	0
PETRACO-VALLEY	0	1,996	0	0	0	0	1,996
PHILADELPHIA-PA	0	504	499 5/	0	0	0	504
PHILLIPS	26,240	17,572	0	0	0	8,668	0
PHILLIPS-PR	0	31,980	0	31,980	0	0	31,980
PIMA-AZ	0	3	0	0	0	0	3
PIONEER	16,753	10,224	0	0	0	6,529	0
PLACID	361,221	27,721	0	0	0	333,500	0
PLATEAU	42,170	-66,326	-80,200 5/	0	0	108,496	0
PORT	0	2,393	0	0	0	0	2,393
POWELINE	-52,526	14,286	0	0	-2,808	0	66,812
PRIDE	0	16,086	0	0	0	0	16,086
QUAD	0	2,709	2,709 5/	0	0	0	2,709
QUAKER-ST	6,690	17,921	0	0	0	0	11,231
QUITMAN	0	8,716	0	0	0	0	8,716
RACINE-WASTE-UT	0	83	82 5/	0	0	0	83
RAHWAY	0	64	62 5/	0	0	0	64
RAPID-SD	0	1	0	0	0	0	1
RAVENNA-OH	0	0	0	0	0	0	0
RESCO	0	82	0	0	0	0	82
RICHARDS	0	60	0	0	0	0	60
ROAD-OIL	0	176	0	0	0	0	176
ROANOKE-VA	0	2	0	0	0	0	2
ROCK-ISLAND	17,341	17,209	0	0	0	132	0
SABER-TEX	9,435	2,811	0	0	0	6,624	0
SABRE-CAL	0	-11,194	-20,424 5/	0	0	11,194	0
SAGE-CREEK	1,892	6,590	6,590 5/	0	0	0	4,698
SALEM-VA	0	4	0	0	0	0	4
SAN-JOAQUIN	0	-1,498	-11,730 5/	0	0	1,498	0
SAN-JOSE-CA	0	8,521	8,512 5/	0	0	0	8,521
SANTA-CRUZ-CA	0	851	850 5/	0	0	0	851
SCALLOP	0	1,940	665 4/	1,275	0	0	1,940
SCANOIL	0	1,149	0	1,149	0	0	1,149
SCHOLZE	0	485	0	0	0	0	485
SEAVIEW	0	10,935	0	0	0	0	10,935
SEMINOLE	8,745	6,907	0	0	0	1,838	0

NOTICE OF ENTITLEMENTS FOR DOMESTIC CRUDE OIL
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REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	ENTITLEMENT POSITION EXCEPTIONS AND CORRECT.	ENTITLEMENTS PRODUCT	ENTITLEMENTS CALIFORNIA	REQUIRED TO BUY	********** REQUIRED TO SELL
SENTRY	0	13,347	0	0	0	0	13,347
SHELL	3,156,229	55,790	1,3764/	0	1,512	3,100,439	0
SHEPHERD	-13,578	-641	-2,3464/	0	0	0	12,937
SIGNOR	2,903	13,027	0	0	0	0	10,124
SILVER-EAGLE	309	-2,395	-2,3954/	0	0	2,704	0
SIOUX-FALLS	0	104	1035/	0	0	0	104
SLAPCO	-11,685	8,199	0	0	0	0	19,884
SMRSA	0	38	385/	0	0	0	38
SO-HAMPTON	2,998	6,321	0	0	0	0	3,323
SOHIO	1,041,175	25,834	0	0	0	1,015,341	0
SOMERSET	10,993	8,896	4,9855/	0	0	2,097	0
SOONER	7,644	3,832	0	0	0	3,812	0
SOUND	0	8,792	0	0	0	0	8,792
SOUTHERN-UNION	86,961	20,753	0	0	0	66,208	0
SOUTHLAND	121,151	46,683	31,3965/	0	0	74,468	0
SOUTHLAND-CT	0	535,108	535,10810/	0	0	0	535,108
SOUTHWEST-PETRO	0	3,313	0	0	0	0	3,313
SOUTHWESTERN	-149	-2,581	-3,1904/5/	0	0	2,832	0
SPRAGUE	0	1,188	0	1,188	0	0	1,188
SPRINGFIELD-IL	0	0	0	0	0	0	0
STEGAR-CHICAGO	0	6,206	4,9575/	0	0	0	6,206
ST-CLAIR-IL	0	525	5255/	0	0	0	525
ST-CLOUD-MINN	0	166	1664/5/	0	0	0	166
STEVENS-PT-WI	0	79	795/	0	0	0	79
STINNES-INTER	0	157	0	157	0	0	157
STOCKTON-CA	0	3	0	0	0	0	3
SUNLAND	0	9,720	15/	0	0	0	9,720
SUNOCO	187,134	22,832	0	390	0	164,302	0
SWANN	0	636	0	636	0	0	636
T&S	0	140	0	0	0	0	140
TACOMA-WA	0	321	3215/	0	0	0	321
TARCO	8,468	998	0	0	0	3,4703/	0
TARRACONE	0	258	0	258	0	0	258
TENNECO	-805,827	11,693	0	0	-3,381	0	817,520
TESORO	-171,670	29,891	0	0	0	0	201,561
TEXACO	-1,794,959	58,051	0	1,020	-843	0	1,853,010
TEXAS-AMERICAN	824	8,181	0	0	0	0	7,357
TEXAS-CITI	74,168	-124,872	-140,6435/	0	0	199,040	0
TEXAS-REFINING	0	21,154	19,6424/	0	0	0	21,154
TEXAS-STANDARD	0	1,093	0	0	0	0	1,093
THAGARD	3,015	9,946	1,8345/	0	175	0	6,931
THORN-CREEK	0	73	725/	0	0	0	73
THRIFTWAY	10,325	3,275	0	0	0	7,050	0

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REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	E N T I T L E M E N T P O S I T I O N EXCEPTIONS AND CORRECT.	ENTITLEMENTS PRODUCT	ENTITLEMENTS CALIFORNIA	REQUIRED TO BUY	********** REQUIRED TO SELL
THUNDERBIRD	15,249	6,394	0	0	0	8,855	0
TIPPERARY	0	2,647	0	0	0	0	2,647
TOMAHAWK	0	25	25 5/	0	0	0	25
TONKAWA	2,088	10,205	0	0	0	0	8,117
TOSCO	-292,616	8,621	0	0	-7,223	0	297,237
TOTAL-PETROLEUM	8,014	50,704	0	0	0	0	46,690
TRI-VALLEY	0	79	79 5/	0	0	0	79
TUBLOCK-CA	0	8	0	0	0	0	8
UCC-CARIBE	0	11,944	0	11,944	0	0	11,944
UNI-REF	0	3,855	0	0	0	0	3,855
UNION-CARBIDE	0	265	0	265	0	0	265
UNION-OIL	1,292,425	22,020	0	0	351	1,270,405	0
UNTD-REF	25,953	16,911	0	0	0	9,042	0
URBANA-IL	0	44	44 5/	0	0	0	44
US-OIL	0	9,095	0	0	0	0	9,095
USA-PETROCHEM	-15,155	14,440	0	0	0	0	29,595
VAL-VERDE	0	35	0	0	0	0	35
VICKSBURG	0	8,239	0	0	0	0	8,239
WALLER	0	36	0	36	0	0	36
WARRIOR	31,891	3,520	5135/	0	0	28,371	0
WATSON	0	5	0	0	0	0	5
WEST-COAST	0	571	0	0	0	0	571
WEST-MONMOUTH	0	22	225/	0	0	0	22
WESTCHESTER-NY	0	133	1305/	0	0	0	133
WESTERN	0	8,366	165/	0	0	0	8,366
WINSTON-SALEM	0	3	0	0	0	0	3
WIREBACK	0	27	0	0	0	0	27
WITCO	865	16,385	0	0	0	0	15,520
WOOSTER	0	0	0	0	0	0	0
WYATT	0	556	0	556	0	0	556
WYOMING	0	8,347	0	0	0	0	8,347
YOUNG	20,896	24,530	21,8295/11/	0	0	0	3,634
TOTAL	2,709,885	2,709,885	315,208	92,395	44,339	16,018,538	16,018,538

BILLING CODE 6450-01-C

[1] See Discussion in Notice.

[2] Pursuant to the Order of the United States District Court for the District of Wyoming entered May 26, 1981 in *Husky Oil Company* v. *DOE*, C.A. No. C77–190B, DOE is enjoined from requiring Husky Oil Company to purchase any entitlements pending the court's review of the level of exception relief granted Husky by OHA in two recent decisions covering the period 1976–March 1978, and pending DOE's submission for review by the court of OHA's decisions concerning Husky's pending applications for exception relief from its entitlement purchase obligations for the April 1978–January 27, 1981 period. Until further Order of the court, Husky will have no purchase obligation.

[3] This does not include the purchase obligation stayed by court order in *Texas Asphalt & Refinery Co.* v. *FEA*, Civ. Action No. 4–75–268 (N.D. Tex., filed October 31, 1975).

[4] Correction of prior month.

[5] Exception from Office of Hearings and Appeals.

[6] Pursuant to order of the United States District Court for Colorado entered January 22, 1981 in *Asamera Oil (U.S.) Inc.* v. *DOE* (No. 80–W–1800), DOE has been directed to issue additional entitlements to Asamera amounting to $3,634,008.00 in this Notice.

[7] This number does not reflect a claimed "adjustment" by Ashland to subtract from its crude oil receipts the number of barrels of price-controlled crude oil that it had in inventory on October 31, 1974. Such a subtraction is not an "adjustment" as defined in the regulations or on the Form ERA–49, and is not permitted under the regulations. *See Ashland Oil, Inc.*, Case No. BEA–0710 (Decision and Order dated September 24, 1981).

[8] Pursuant to order of the United States District Court for the Central District of California in *Kern County Refining, Inc.* v. *DOE*, C.A. No. 81–4342–WPG, DOE has been enjoined from requiring Kern to purchase $5,148,275 in entitlements specified by OHA in Case No. DEX–0195 (Decision and Order issued by OHA on August 14, 1981). Thus, the entry for Kern reflects only the grant of $331,046 in entitlements by OHA in Case No. BEX–0083, which is not subject to the court's order.

[9] Pursuant to an order of the United States District Court for the District of Wyoming entered September 24, 1981 in *Little America Refining Co.* v. *DOE*, C.A. No. C81–0263, DOE is enjoined from requiring Little America to purchase entitlements on this Notice. In the absence of the relief ordered by the court, Little America would have incurred a purchase obligation for January 1981; therefore, Little America has been issued 125,308 entitlements to give effect to the court's order.

[10] In *VGS Corp. d/b/a Southland Oil Co., et al.* v. *DOE, et al.*, C.A. No. J81–0170(c) (S.D. Miss., Jackson Division, May 12, 1981), the Court suspended two Supplemental Orders dated February 23, 1981 issued by OHA in Case Nos. DEX–0058 and DEX–061, pursuant to which Southland purchased $13,398,466 in entitlements, and an April 1, 1981 Supplemental Order issued in Case No. BEX–0186 requiring Southland to purchase an additional $1,638,068 in entitlements. DOE is enjoined from publishing the January Entitlements Notice unless Southland is authorized to sell $13,398,466 in entitlements, and DOE is enjoined from enforcing the purchase requirement for $1,638,068 in entitlements. Southland is required to escrow the sum of $15,036,534 (1977–78 entitlements in pending litigation) upon the sale of the $13,398,466 in entitlements, pending completion of DOE's administrative proceedings involving the 1977–78 exception relief.

[11] Pursuant to an Order of the Presiding Officer Granting Interim Relief entered September 3, 1981 order in *Young Refining Corporation*, Docket Nos. RA 81–49–000 and RA 81–56–00, Young's additional entitlements purchase obligations ordered to be made by OHA as a result of its year-end reviews of Young's 1980 and 1981 fiscal years have been stayed. Furthermore, DOE is precluded from requiring Young to make entitlements purchases based on its crude oil receipts and runs to stills for January 1981 pending disposition of the proceedings relating to Young's 1981 fiscal year before the Commission. Young's entitlements position on the January 1981 Notice reflects (1) OHA's determinations that Young should be required to purchase $57,306 in entitlements in OHA Case No. DEX–0190 and to sell $159,415 in entitlements in OHA Case No. BYR–0225, neither of which are subject to the interim order issued in the proceedings before FERC, and (2) the Presiding Officer's determination that Young should be relieved of any entitlements purchase obligation for its January 1981 crude oil receipts and runs to stills.

[12] Pursuant to an order entered by the United States District Court for the Western District of Kentucky in *Ashland Oil, Inc.* v. *DOE, et al.*, C81–0187 L(A), Ashland is not required to fulfill this purchase obligation until further order of the court. DOE will seek a further order from the court before transactions specified by this Notice are required to be completed.

BILLING CODE 6450–01–M

NOTICE OF ENTITLEMENTS FOR DOMESTIC CRUDE OIL
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BASED ON DATA SUBMITTED FOR THE CLEAN-UP

REPORTING FIRM SHORT NAME	CLAIM(+)/OBLIGATION(-) FOR OCT 1980	NOV 1980	DEC 1980	JAN 1981	PROPORTIONATE SHARE	TOTAL	POST CLEAN-UP PERCENTAGE
-CONSOL'D-SALES	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	0.00000000000
A-JOHNSON	$384792.72	$0.00	$0.00	$0.00	$540467.92-	$155675.00-	0.12594248930
ADM	$0.00	$0.00	$0.00	$0.00	$44774.98-	$44774.00-	0.01155280742
AKRON-OHIO	$0.00	$0.00	$0.00	$0.00	$11392.58-	$11392.00-	0.00316255125
ALEXANDRIA-VA	$0.00	$0.00	$0.00	$0.00	$400.97-	$401.00-	0.00009273453
ALLIED	$77747.22 [2]	$32226.67 [2]	$9092.16 [2]	$0.00 [2]	$172412.87-	$53345.00-	0.04599405100
AMER-AGRI-FUELS	$0.00		$0.00	$0.00	$618.62-	$618.00-	0.00016000795
AMER-PETROFINA	$3555875.58	$7547226.38	$8271742.36 [2]	$4067159.01 [2]	$3278836.01-	$20163166.00	0.86725866906
AMERADA-HESS	$663043.36*	$1645002.57	$2542273.90	$301326.26-	$13641702.68-	$9092710.00-	3.55555990834
AMERICAN-CAN-CO	$0.00				$0.00	$0.00	0.00000000000
AMES-ICWA	$0.00	$0.00	$0.00	$0.00	$2923.20-	$2924.00-	0.00076447593
AMOCO	$1851038.99	$4966264.70	$13392161.52	$2844564.58-	$23108294.38-	$5743374.00-	5.92151877152
ANCHOR	$0.00	$0.00	$0.00	$0.00	$113598.32-	$113599.00-	0.03125112892
ANSCHUTZ			$0.00		$13793.74-	$13794.00-	0.00348408547
APEX	$0.00	$0.00	$0.00	$0.00	$142822.07-	$142822.00-	0.04256503397
ARCO	$7928087.15	$11931463.32	$22863970.51- [2]	$14529078.54 [2]	$16054501.47-	$4529844.00-	3.94822291605
ARIZONA	$0.00	$0.00	$0.00	$0.00	$76149.95-	$76150.00-	0.01943109655
ARIZONA-CHEM	$0.00	$0.00	$0.00	$0.00	$10230.79-	$10231.00-	0.00272235420
ARLINGTON-VA		$0.00	$0.00	$0.00	$0.00	$0.00	0.00000000000
ASAMERA	$24737.06	$93756.31	$186761.04	$296662.32- [2]	$456014.28-	$487420.00-	0.13249405560
ASHLAND	$61593.27-	$1500079.30-	$3480154.81-	$2803067.83-	$8921558.19-	$16766449.00-	2.30994463563
ATLANTA			$0.00	$0.00	$903.32-	$903.00-	0.00015481061
AUSTIN-MINN			$0.00	$0.00	$92.68-	$93.00-	0.00001348972
AZUSA-LAND	$0.00	$0.00	$0.00	$0.00	$3943.78-	$3945.00-	0.00185334753

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REPORTING FIRM SHORT NAME	CLAIM(+)/OBLIGATION(-) FOR OCT 1980	NOV 1980	DEC 1980	JAN 1981	PROPORTIONATE SHARE	TOTAL	POST CLEAN-UP PERCENTAGE
BALT-METHANE			$0.00	$0.00	$778.10-	$778.00-	0.00013197736
BALTIMORE-MD	$0.00	$0.00	$0.00		$16547.79-	$16548.00-	0.00997848104
BAYOU	$0.00	$0.00	$0.00	$0.00	$33405.48-	$33407.00-	0.00969221865
BEALON	$0.00	$0.00	$0.00	$467331.07	$427152.00-	$40179.00	0.11131332469
BELCHER	$0.00	$0.00	$0.00	$0.00	$441524.78-	$441524.00-	0.09278726579
BELOIT-WI	$0.00	$0.00	$0.00	$0.00	$30.65-	$31.00-	0.00000875956
BERGEN-COUNTY	$0.00	$0.00	$0.00	$0.00	$1100.44-	$1101.00-	0.00027925475
BI-PETRO	$0.00	$0.00	$0.00	$0.00	$25056.99-	$25057.00-	0.00560804498
BOISE-IDAHO	$0.00	$0.00		$0.00	$675.64-	$675.00-	0.00093683425
BOSTON-QUINCY	$0.00	$0.00	$0.00	$0.00	$1669.77-	$1670.00-	0.00047827193
BRAINTREE	$0.00			$0.00	$9122.72-	$9123.00-	0.00336933524
BRONCO	$0.00	$0.00	$0.00	$0.00	$24994.85-	$24995.00-	0.00704776613
BROOKINGS-SD			$0.00	$0.00	$7.57-	$7.00-	0.00000122634
BROWN-WOOD		$0.00	$0.00	$0.00	$0.00	$0.00	0.00000000000
BRUIN	$0.00	$0.00	$0.00	$171937.02	$85591.48-	$86345.00	0.03596529009
C&H		$0.00	$0.00	$0.00	$562.78-	$563.00-	0.00006873334
CADENCE-CHEM	$0.00	$0.00	$0.00	$0.00	$11968.21-	$11968.00-	0.00302525976
CALCASIEU	$0.00	$0.00	$0.00	$0.00	$383137.46-	$383138.00-	0.09393424247
CALUMET	$0.00	$0.00	$0.00	$0.00	$58375.68-	$58376.00-	0.01387263068
CANAL	$0.00	$113835.67	$472120.73	$480109.01	$1E4450.04-	$881615.00	0.04611166269
CARBUNIT	$0.00	$0.00	$0.00	$253.26-	$216304.46-	$216558.00-	0.05410762190
CARIBOU	$257504.92	$123558.43	$109059.28	$176726.92	$121865.37-	$544984.00	0.02344320825
CASTLE	$0.00	$0.00	$0.00	$0.00	$337325.32-	$337326.00-	0.06618898112
CEA	$0.00	$0.00	$0.00	$0.00	$568.61-	$569.00-	0.00032451247

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REPORTING FIRM SHORT NAME	CLAIM(+)/OBLIGATION(-) FOR OCT 1980	NOV 1980	DEC 1980	JAN 1981	PROPORTIONATE SHARE	TOTAL	POST CLEAN-UP PERCENTAGE
CENTRAL		$0.00	$0.00	$0.00	$131377.98-	$131378.00-	0.02482114531
CHAMPLIN	$0.00	$0.00	$0.00	$0.00	$4787819.15-	$4787919.00-	1.16143339787
CHARTER	$0.00	$0.00	$0.00	$0.00	$1637075.06-	$1637075.00-	0.44064016452
CHEVRON	$16142.79-	$954036.90	$6185712.59	$16084444.72 [3]	$29956810.96-	$6748559.00-	7.77484796737
CIBRO	$0.00	$0.00	$0.00	$0.00	$801592.90-	$801593.00-	0.20709203834
CITGO	$1162666.16	$516619.79	$4442103.19 [3]	$2812105.83-	$6668610.76-	$3299327.00-	1.64919701255
CITRONELLE				$0.00	$0.00	$0.00	0.00000000000
CITY-OF-SEWARD	$0.00			$0.00	$0.00	$0.00	0.00000000000
CITY-OF-WICHITA	$0.00	$0.00	$0.00	$0.00	$1116.25-	$1116.00-	0.00027872917
CK-SMITH-CO			$0.00		$7882.47-	$7882.00-	0.00199098941
CLAIBORNE	$0.00	$0.00	$0.00	$0.00	$107592.00-	$107592.00-	0.02741087978
CLARK	$0.00	$3923.74	$75903.30-	$66677.61- [3]	$2600537.97-	$2739195.00-	0.67329183740
CLINTON-IOWA		$0.00	$0.00	$0.00	$118.99-	$118.00-	0.00002622028
CLINTON-MANGES				$84393.04	$16626.61-	$67766.00	0.00203064101
COASTAL	$61264.06	$301946.15	$307491.56	$792707.43 [3]	$3610992.54-	$2147584.00-	0.95370021819
COASTAL-PETRO	$0.00	$0.00	$0.00	$0.00	$210027.31-	$210026.00-	0.05283754421
COLDWATER	$0.00	$0.00	$0.00	$0.00	$790.92-	$792.00-	0.00019895879
COLONIAL	$0.00		$0.00	$0.00	$91069.94-	$91070.00-	0.02026196994
COLONIAL-OIL	$0.00				$0.00	$0.00	0.00000000000
COLUMBUS-OHIO	$0.00	$0.00	$0.00	$0.00	$669.52-	$669.00-	0.00021799623
CONOCO	$440861.11 [3]	$2990.92 [3]	$8414072.01	$733172.14 [3]	$7653873.38-	$1897224.00	1.94128305368
CONSOL-COAL			$0.00		$0.00	$0.00	0.00000000000
CONSUMERS-POWER	$0.00	$0.00	$0.00	$0.00	$159455.48-	$159455.00-	0.04468005873
COPANO	$0.00	$0.00	$0.00	$0.00	$195441.17-	$195441.00-	0.04583176557

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REPORTING FIRM SHORT NAME	CLAIM(+)/OBLIGATION(-) FOR OCT 1980	NOV 1980	DEC 1980	JAN 1981	PROPORTIONATE SHARE	TOTAL	POST CLEAN-UP PERCENTAGE
CORAL	$0.00	$0.00	$0.00	$0.00	$689983.78-	$689984.00-	0.20550357988
CORCO	$0.00	$0.00	$0.00	$0.00	$2832436.25-	$2832436.00-	0.81059956276
CRA-FARMLAND	$367.49-	$42550.88	$56577.06	$372596.28-	$1719863.90-	$1993730.00-	0.41414062927
CROSS	$0.00	$0.00	$0.00	$35000.64	$201569.20-	$166568.00-	0.05090308316
CROWN	$1321.30-	$168734.32	$291378.56	$273624.39	$1851146.69-	$1118731.00-	0.49905947503
CRYSTAL-OIL	$0.00	$0.00	$6151.43	$54671.94	$426550.49-	$363767.00-	0.10620574252
CRYSTAL-REF	$0.00	$0.00	$0.00	$0.00	$58218.16-	$58219.00-	0.01542733564
CUMBERLAND	$0.00	$0.00	$0.00	$0.00	$54.59-	$54.00-	0.00001261377
DEEPWATER			$0.00	$0.00	$65312.26-	$65312.00-	0.01090933020
DEKALB-IL		$0.00	$0.00	$0.00	$43.04-	$43.00-	0.00000963552
DELTA	$9.25	$5.73-	$0.00	$0.00	$1202872.16-	$1202873.00-	0.32109437251
DEMENNO	$0.00	$0.00	$304.66-	$5086.10-	$317955.32-	$323346.00-	0.07632279835
DETROIT-ED	$0.00	$0.00	$0.00	$0.00	$163095.28-	$163095.00-	0.04450299884
DFSC			$0.00	$0.00	$60401.71-	$60402.00-	0.01044688387
DIAMOND	$91931.23	$72051.01-	$524186.74	$1235835.36	$1547207.72-	$232694.00	0.40512920356
DILLMAN	$0.00	$0.00	$0.00	$0.00	$165.89-	$165.00-	0.00007918642
DORCHESTER	$0.00	$0.00	$46286.94	$13680.53	$497102.15-	$437135.00-	0.12543793869
DOW	$6576.79	$53670.22	$0.00	$342059.59-	$854663.72-	$1176476.00-	0.36932970273
EOWNERS-GROVE				$0.00	$26.30-	$26.00-	0.00000321184
E-SEABOARD	$0.00	$0.00	$0.00	$0.00	$199784.55-	$199785.00-	0.05571260673
EAGLE-REFINING	$0.00	$0.00	$0.00	$0.00	$15945.30-	$15946.00-	0.00524563282
EAST-BAY-MUD	$0.00	$0.00	$0.00	$0.00	$1123.15-	$1123.00-	0.00026033410
EAST-MCLINE-IL			$0.00	$0.00	$52.72-	$53.00-	0.00000782521
EASTERN		$0.00			$0.00	$0.00	0.00000000000

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REPORTING FIRM SHORT NAME	CLAIM(+)/OBLIGATION(-) FOR OCT 1980	NOV 1980	DEC 1980	JAN 1981	PROPORTIONATE SHARE	TOTAL	POST CLEAN-UP PERCENTAGE
EASTERN-MMC	$0.00	$0.00	$0.00	$0.00	$149.20-	$149.00-	0.00004187069
ECO	$0.00	$0.00			$74972.20-	$74972.00-	0.03761705097
EDDY	$173996.40	$203326.13	$99624.63-	$24663.55-	$110727.65-	$142306.00	0.02602669424
EL-PASO-TX	$0.00	$0.00	$0.00	$0.00	$2215.04-	$2215.00-	0.00108887160
ELGIN-IL	$0.00	$0.00	$0.00	$0.00	$77.52-	$77.00-	0.00001278896
ENERGY-COOP	$0.00	$0.00	$0.00	$0.00	$1984243.72-	$1984244.00-	0.49616210484
ENTERPRISE	$0.00		$0.00	$0.00	$22225.99-	$22226.00-	0.00640434731
ERGON	$0.00	$0.00	$0.00	$69760.75-	$269190.60-	$338951.00-	0.06878654080
ERICKSON	$0.00	$0.00	$0.00		$161110.26-	$161110.00-	0.08747710422
ESSEX-UNION	$0.00	$0.00	$0.00	$0.00	$925.93-	$926.00-	0.00018529388
EVANGELINE	$0.00	$0.00	$0.00	$0.00	$43826.00-	$43826.00-	0.01200748694
EWING-LAWRENCE	$0.00	$0.00	$0.00	$0.00	$135.39-	$136.00-	0.00003287755
EXXON	$898665.08	$6940305.41	$17077886.11	$51069456.25 [2]	$35744779.18-	$40241536.00	8.96888164147
EZ-SERVE	$0.00	$0.00	$0.00	$0.00	$457618.95-	$457618.00-	0.12115515661
FARMERS-UN	$188211.79	$27744.91	$274946.60-	$135142.03-	$591414.50-	$785546.00-	0.14668903805
FLETCHER	$0.00	$0.00	$0.00	$0.00	$680337.30-	$680337.00-	0.17369668612
FLINT	$0.00	$6043.78-	$0.00	$40.46	$14565.07-	$20568.00-	0.00410747410
FORT-WORTH-TX	$0.00	$0.00	$0.00	$0.00	$1567.06-	$1567.00-	0.00080079890
FRESCO-CA			$0.00		$0.00	$0.00	0.00000000000
FRESNO-CA			$0.00	$0.00	$307.03-	$307.00-	0.00005465965
FRIENDSWOOD	$0.00	$0.00	$4608.02	$0.00	$244942.39-	$240335.00-	0.06232817621
FUNDING	$67135.57	$47292.29 [2]	$44809.39	$233353.93	$107136.34-	$285495.00	0.02792249643
GARY	$10012.77-	$22501.80	$82544.62- [3]	$107082.32- [3]	$304766.22-	$481898.00-	0.07301092581
GETTY	$113776.83-	$692475.93	$3204397.01	$6867982.95	$6412521.28-	$4238562.00	1.65181863182

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REPORTING FIRM SHORT NAME	CLAIM(+)/OBLIGATION(-) FOR						POST CLEAN-UP
	OCT 1980	NOV 1980	DEC 1980	JAN 1981	PROPORTIONATE SHARE	TOTAL	PERCENTAGE
GETTY-SYN	$0.00	$0.00	$0.00	$0.00	$5222.91-	$5223.00-	0.00122423599
GIANT	$0.00	$0.00	$0.00	$0.00	$175818.23-	$175818.00-	0.04606126602
GIDSON	$0.00	$0.00	$0.00	$0.00	$89916.05-	$89916.00-	0.02464005602
GLACIER-PARK	$0.00		$0.00	$2107111.08	$55064.87-	$2052046.00	0.00672518076
GLADIEUX	$0.00	$0.00	$0.00	$708.05	$352448.59-	$351741.00-	0.08607761865
GLENCOE-MN	$0.00	$0.00	$0.00	$0.00	$24.62-	$24.00-	0.00001115384
GLENROCK	$0.00	$0.00	$0.00	$0.00	$59394.93-	$59394.00-	0.01378398394
GOLDEN-EAGLE	$0.00	$0.00	$0.00	$0.00	$253897.35-	$253898.00-	0.06435706531
GOLDKING	$177677.39	$202639.61	$341.19	$1971.34	$711725.48-	$329095.00-	0.14864335410
GOOD-HOPE	$0.00	$0.00	$12383.50	$11735.64	$1617575.26-	$1593455.00-	0.42135745490
GREEN-BAY-WI			$0.00	$0.00	$685.18-	$685.00-	0.00008368299
GUAM	$0.00	$0.00	$0.00	$0.00	$833558.85-	$833560.00-	0.19641436928
GULF	$1708350.14	$1551299.30	$10097307.85	$6718614.84	$19929548.08-	$146024.00	4.86119638136
GULF-CITRO		$0.00			$0.00	$0.00	0.00000000000
GULF-ENERGY	$0.00	$0.00	$0.00	$0.00	$69046.78-	$69047.00-	0.01230256729
GULF-STS	$0.00	$0.00	$127593.63-	$30628.93-	$438556.69-	$596779.00-	0.11807214216
HAMPTON-VA		$0.00	$0.00		$3186.21-	$3187.00-	0.00096676335
HARRISBURG-PA	$0.00	$0.00	$0.00	$0.00	$19722.42-	$19723.00-	0.00501169419
HAYWARD-CA		$0.00	$0.00	$0.00	$354.71-	$356.00-	0.00007404747
HEALTH-CARE	$0.00	$0.00	$0.00	$0.00	$432.79-	$433.00-	0.00010891052
HEMPSTEAD-TOWN	$0.00	$0.00	$0.00	$0.00	$7463.95-	$7464.00-	0.00240537495
HIRI	$0.00	$0.00	$0.00	$0.00	$1439088.14-	$1439088.00-	0.37254025636
HOWELL	$18555.49	$28747.68-	$72359.61-	$339397.83	$899701.85-	$642855.00-	0.22858560231
HRR	$0.00				$0.00	$0.00	0.00000000000

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REPORTING FIRM SHORT NAME	CLAIM(+)/OBLIGATION(-) FOR OCT 1980	NOV 1980	DEC 1980	JAN 1981	PROPORTIONATE SHARE	TOTAL	POST CLEAN-UP PERCENTAGE
HUDSON-OIL	$0.00	$0.00	$0.00	$0.00	$402880.98-	$402881.00-	0.10396358736
HUNT	$0.00	$463393.64	$933219.43	$1107084.87	$756826.53-	$1706871.00	0.20335923979
HUNTWAY	$0.00	$0.00	$0.00	$0.00	$139027.03-	$139027.00-	0.03509645861
HUSKY	$289240.35-	$89075.79	$1212945.95	$1398940.74	$1076900.23-	$1334822.00	0.27174243209
IDAHO-FALLS		$0.00	$0.00	$0.00	$206.74-	$207.00-	0.00004554971
IDEAL-BG-ASSOC				$17868.13	$0.00	$17868.00 [1]	0.00000000000
INDEPENDENT-REF	$2932.80	$0.00	$3060.00	$25442.55-	$1057859.72-	$1077310.00-	0.21040297652
INDIANA-FARM	$0.00	$0.00	$0.00	$0.00	$366322.38-	$366323.00-	0.09157278211
INDIANA-REF		$0.00			$10118.49-	$10118.00-	0.00424272169
INDUST-FUEL	$0.00	$0.00		$1056.93-	$26308.24-	$27365.00-	0.00794807362
INTER-PETRO	$0.00	$0.00	$0.00	$0.00	$140393.61-	$140394.00-	0.03137014214
INTER-PROCESS	$0.00	$0.00	$0.00	$0.00	$340339.62-	$340340.00-	0.08598494251
IONIA			$0.00	$0.00	$31.50-	$32.00-	0.00000496375
IRVING	$0.00	$0.00	$0.00		$51763.53-	$51763.00-	0.01942508166
JACKSON-MI		$0.00	$2809.08-	$0.00	$492.92-	$3303.00-	0.00011971398
KENCO	$11866.40-	$3443.17-	$2125.55	$21374.10	$101418.07-	$93228.00-	0.02448612137
KENOSHA-WI			$0.00	$0.00	$297.02-	$297.00-	0.00005150621
KENTUCKY	$37578.23	$203152.58-	$77574.63	$22940.66	$42275.49-	$106934.00-	0.00956987681
KERN	$105370.61 [1]	$53215.47 [1]	$0.00	$0.00 [1]	$524925.77-	$366335.00-	0.13875912591
KERR-MCGEE	$136602.79	$398234.37	$1421151.16	$3566604.50	$3266148.94-	$2256444.00	0.95876546249
KOCH	$0.00	$0.00	$11102623.17- [1]	$0.00	$3557719.05-	$14660342.00-	0.82927821318
LA-COUNTY	$0.00	$0.00	$0.00	$0.00	$18248.27-	$18248.00-	0.00462691596
LA-CROSSE	$0.00	$0.00	$0.00	$0.00	$118.56-	$118.00-	0.00002914013
LAGLORIA	$0.00	$0.00	$27419.60	$98620.55	$1246508.01-	$1120468.00-	0.31903540893

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LAKE-CHARLES	$0.00	$0.00	$0.00	$0.00	$146314.79-	$146315.00-	0.04337476762
LAKESIDE	$0.00	$0.00	$0.00	$0.00	$76007.99-	$76008.00-	0.02001045380
LAKETON	$0.00	$0.00	$0.00	$0.00	$134273.66-	$134274.00-	0.03817678680
LAKEWOOD-OH	$0.00	$0.00	$0.00	$0.00	$376.12-	$377.00-	0.00021525157
LAMPREY-NH		$0.00	$0.00	$0.00	$1485.67-	$1485.00-	0.00031166512
LIQUID-ENERGY	$0.00	$3379.95	$185.13	$42369.11- [2]	$171418.00-	$210222.00-	0.04363247385
LITTLE-AMER	$13179025.11	$13089426.49	$14172625.44	$12700947.10	$1833249.30-	$51308775.00 [3]	0.46549652325
LOS-ANGELES-CA	$0.00	$0.00		$0.00	$10493.10-	$10494.00-	0.00299495168
LOTEX			$0.00	$0.00	$5363.97-	$5364.00-	0.00092752052
LOUISIANA-LAND	$933458.06	$362746.72	$0.00	$213849.82	$1099454.49-	$410601.00	0.27939752766
MACMILLAN	$0.00	$0.00	$0.00	$97.93	$468510.06-	$468413.00-	0.12318369533
MADISON-CHATHAM	$0.00	$0.00	$0.00	$0.00	$61.35-	$61.00-	0.00001395690
MADISON-CITY-WI	$0.00	$0.00	$0.00	$0.00	$2853.83-	$2853.00-	0.00081364625
MADISON-WI	$0.00	$0.00	$0.00	$0.00	$774.34-	$775.00-	0.00019189274
MALLARD	$0.00	$0.00	$0.00	$0.00	$124458.27-	$124459.00-	0.02961011311
MANATEE	$0.00	$0.00	$0.00		$31358.50-	$31358.00-	0.01824365071
MARATHON	$36728.49	$39144.45	$53650.44	$6212005.18-	$10579683.46-	$16662165.00-	2.63626776421
MARION	$0.00	$0.00	$0.00	$0.00	$635107.13-	$635108.00-	0.16059232719
MARLEX	$184690.39 [2]	$785432.81- [2]	$514967.06- [3]	$1709665.78	$240434.80-	$353522.00	0.06578172001
MARSHALLTOWN			$0.00	$0.00	$250.31-	$250.00-	0.00004157871
MEDFORD			$0.00	$0.00	$53.80-	$54.00-	0.00000835078
MERCED-CA			$0.00	$0.00	$115.98-	$116.00-	0.00001862866
METRO-DENVER	$0.00				$120.15-	$120.00-	0.00007556580
METRO-SEATTLE	$0.00	$0.00	$0.00	$0.00	$2158.65-	$2158.00-	0.00049871090

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PETROPOLITAN	$0.00	$0.00	$0.00	$0.00	$697646.60-	$697647.00-	0.17450414229
MIAMI-DADE	$0.00	$0.00	$0.00	$0.00	$3380.37-	$3379.00-	0.00169287241
MID-AMER	$0.00	$0.00	$0.00	$13237.84	$79694.71-	$66457.00-	0.02043651876
MIDDLETOWN-OH			$0.00	$0.00	$179.35-	$180.00-	0.00002995769
MIDWEST-SCLV	$0.00	$0.00	$0.00	$0.00	$3649.55-	$3650.00-	0.00094071826
MILWAUKEE-WI	$0.00	$0.00	$0.00	$0.00	$2930.27-	$2930.00-	0.00075746828
MOBIL	$471804.94	$505648.14	$15117399.61	$16965965.02-	$19212827.14-	$20083940.00-	4.90882531650
MOBILE-BAY	$10949.00-	$3904.84	$3865.40-	$343.91-	$150065.29-	$161318.00-	0.03839857884
MOBRIDGE-SC		$0.00	$0.00	$0.00	$17.80-	$18.00-	0.00000373741
MOHAWK				$0.00	$0.00	$0.00	0.00000000000
MONOCO	$0.00	$0.00	$0.00	$0.00	$36528.23-	$36528.00-	0.00834990380
MONROE-WI		$0.00		$0.00	$0.00	$0.00	0.00000000000
MONSANTO	$4426.58-	$107978.44-	$2028443.85	$209732.91-	$764091.51-	$942214.00	0.17664433619
MOORHEAD-MN	$0.00		$0.00	$0.00	$147.67-	$148.00-	0.00006622227
MORRISON	$0.00	$0.00	$0.00	$0.00	$57689.37-	$57689.00-	0.01478636949
MOUNTAINEER	$6633.61	$18086.39	$5227.55	$8517.47	$14304.17-	$24161.00	0.00355159247
MSOGC	$0.00	$0.00	$0.00	$0.00	$8931.56-	$8932.00-	0.00214568322
MT-AIRY	$0.00	$0.00	$0.00	$0.00	$190474.82-	$190475.00-	0.04779180454
MURPHY	$27050.80	$24036.43	$1131974.00	$27809.20 [2]	$2199566.04-	$988693.00-	0.57086169847
N-AMER-PETRO	$0.00	$0.00	$0.00	$0.00	$440015.07-	$440015.00-	0.09700727103
N-LITTLE-ROCK	$0.00	$0.00	$0.00	$0.00	$2415.11-	$2416.00-	0.00064166691
N-SAN-MATEO	$0.00		$0.00	$0.00	$27.67-	$27.00-	0.00000630688
NASHVILLE-TENN	$0.00	$0.00	$0.00	$0.00	$12494.23-	$12495.00-	0.00331525956
NASSAU-COUNTY	$0.00	$0.00	$0.00	$0.00	$1432.23-	$1432.00-	0.00036293774

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NATCHEZ	$0.00	$0.00	$0.00	$0.00	$65153.12-	$65153.00-	0.01890061765
NATL-COOP	$152113.12	$153282.19	$254687.77	$618607.01	$1247237.21-	$68548.00-	0.30627424952
NAVAJO	$51843.62	$52934.75-	$27187.39	$2191548.65-	$722510.49-	$2887963.00-	0.18239878260
NEPTUNE	$0.00	$0.00	$0.00	$0.00	$80.99-	$81.00-	0.00002008859
NEVADA	$0.00	$0.00	$0.00	$0.00	$48202.69-	$48203.00-	0.01135268069
NEW-EDGINGTON	$0.00	$0.00	$0.00	$0.00	$790894.98-	$790895.00-	0.18895764853
NEW-ENGL-PETRO	$0.00	$0.00	$0.00	$0.00	$642774.52-	$642774.00-	0.16621047486
NEW-ENGL-POWER	$0.00	$0.00	$0.00		$127072.05-	$127071.00-	0.05329765466
NEW-YORK-EP	$0.00	$0.00	$0.00	$0.00	$17011.32-	$17012.00-	0.00417673301
NEWHALL	$0.00	$0.00	$0.00	$0.00	$455151.29-	$455151.00-	0.11599256441
NORTHEAST-PETRO	$0.00	$0.00	$0.00	$0.00	$151300.44-	$151301.00-	0.04528785534
NORTHLAND		$0.00	$0.00	$0.00	$11355.24-	$11355.00-	0.00177334356
NY-SANITATION	$0.00	$0.00	$0.00	$0.00	$17317.27-	$17317.00-	0.00391470540
OCCOQUAN			$0.00		$68.20-	$68.00-	0.00001722713
OCEAN-TOWNSHIP	$0.00	$0.00	$0.00	$0.00	$41.32-	$40.00-	0.00000957712
OCEAN-UTILITIES	$0.00	$0.00	$0.00	$0.00	$340.55-	$341.00-	0.00008023756
OCONOMOWOC-WI	$0.00	$0.00	$0.00	$0.00	$42.04-	$43.00-	0.00000992750
OKC	$0.00	$0.00	$0.00	$0.00	$390802.67-	$390803.00-	0.09204305364
OKLA-REF	$0.00	$36089.30	$10461.96	$223894.53	$388547.18-	$118101.00-	0.09654891249
OMAHA	$0.00	$0.00	$0.00	$0.00	$8478.24-	$8478.00-	0.00412224855
ORANGE-COUNTY	$0.00	$0.00	$0.00	$0.00	$7280.81-	$7281.00-	0.00174192594
OSCEOLA-AR	$0.00	$0.00	$0.00	$0.00	$1055.55-	$1056.00-	0.00027639329
OXNARD	$0.00	$0.00	$0.00	$0.00	$75339.34-	$75340.00-	0.01925059124
PEERLESS	$0.00	$0.00	$0.00	$0.00	$35957.54-	$35957.00-	0.00536423725

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REPORTING FIRM SHORT NAME	CLAIM(+)/OBLIGATION(-) FOR OCT 1980	NOV 1980	DEC 1980	JAN 1981	PROPORTIONATE SHARE	TOTAL	POST CLEAN-UP PERCENTAGE
PENNZOIL	$129483.53	$125030.89	$8994.81-	$358415.50-	$1239725.66-	$1348622.00-	0.29213573702
PEORIA-IL	$0.00			$0.00	$0.00	$0.00	0.00000000000
PESTER	$4322.42	$13222.86	$45998.57	$208488.77	$667419.42-	$395387.00-	0.17066436032
PETRACC-VALLEY	$0.00	$C.00	$0.00	$0.00	$56196.25-	$56196.00-	0.01563610513
PHILADELPHIA-PA	$0.00	$C.00	$0.00	$0.00	$2295.82-	$2295.00-	0.00055885988
PHILLIPS	$275258.09	$2273098.39	$5541092.56	$4877909.01	$7130977.60-	$5836380.00	1.80725636721
PHILLIPS-PR	$0.00	$0.00	$0.00	$0.00	$1013065.28-	$1013065.00-	0.23774991152
PIMA-AZ		$C.00	$0.00	$0.00	$1040.84-	$1041.00-	0.00019995154
PIONEER	$0.00	$342.41-	$34846.18-	$613.66-	$254255.31-	$290058.00-	0.05649098116
PLACID	$872535.98	$852502.20	$1026559.07	$1858596.37	$1168573.17-	$3441621.00	0.27445065420
PLATEAU	$455059.92	$815181.47	$693490.96	$28899.33	$379000.56-	$1617632.00	0.09247203846
PORT	$0.00	$0.00	$0.00	$0.00	$142562.61-	$142563.00-	0.03390352345
PORTLAND-MI			$0.00		$2.31-	$2.00-	0.00000058397
POWERINE	$0.00	$C.00	$0.00	$0.00	$927357.13-	$927357.00-	0.23158913836
PRIDE	$0.00	$C.00 [1]	$0.00 [1]	$0.00 [1]	$735813.71-	$735813.00-	0.18732965526
QUAD				$0.00	$0.00	$0.00	0.00000000000
QUAKER-ST	$1824.83-	$1338.28-	$15404.49-	$55166.82-	$548189.16-	$621923.00-	0.14531851742
QUITMAN	$0.00	$0.00	$0.00	$0.00	$119603.76-	$119603.00-	0.03005953689
RACINE-WASTE-LT		$C.00	$0.00	$0.00	$302.11-	$302.00-	0.00005682034
RAHWAY	$0.00		$0.00	$0.00	$501.83-	$502.00-	0.00010423875
RAPID-SD		$C.00	$0.00	$0.00	$214.00-	$214.00-	0.00004689284
RAVENNA-CH			$0.00	$0.00	$49.23-	$49.00-	0.00000788360
RESCO	$0.00	$C.00	$0.00	$0.00	$37C85.96-	$37085.00-	0.00998940130
RICHARDS	$0.00	$C.00	$0.00	$0.00	$1573.74-	$1574.00-	0.00038302632

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ROAD-OIL	$0.00	$0.00	$0.00	$0.00	$4797.53-	$4797.00-	0.00121833789
ROANOKE-VA			$0.00	$0.00	$482.05-	$482.00-	0.00008146390
ROCK-ISLAND	$0.00	$0.00	$6829.13	$28731.29	$756321.06-	$760761.00-	0.19707302974
SABER-TEX	$0.00	$0.00	$0.00	$57375.58	$164619.52-	$107244.00-	0.05419924689
SABRE-CAL	$0.00	$0.00	$0.00	$0.00	$267665.54-	$267665.00-	0.06803561299
SAGE-CREEK	$0.00	$0.00	$0.00	$0.00	$3147.10-	$3147.00-	0.00083735546
SALEM-VA	$0.00	$0.00	$0.00	$0.00	$1625.70-	$1626.00-	0.00043832834
SAN-JOAQUIN	$0.00	$0.00	$0.00	$0.00	$320554.51-	$320553.00-	0.08672570923
SAN-JOSE-CA	$0.00	$0.00	$0.00	$0.00	$4320.79-	$4322.00-	0.00117635040
SANTA-CRUZ-CA	$0.00	$0.00	$0.00	$0.00	$342.50-	$342.00-	0.00008829636
SCALLOP	$0.00	$0.00	$0.00	$0.00	$823107.35-	$823107.00-	0.22542182472
SCANOIL	$0.00	$0.00	$0.00	$0.00	$328752.92-	$328754.00-	0.07251717866
SCHULZE	$0.00	$0.00	$0.00	$0.00	$13936.38-	$13937.00-	0.00389806223
SEAVIEW	$0.00	$0.00	$0.00	$0.00	$432245.13-	$432245.00-	0.12136538603
SECTOR		$0.00			$0.00	$0.00	0.00000000000
SEMINOLE	$0.00	$0.00	$0.00	$56356.28	$248948.63-	$192592.00-	0.07146375407
SENTRY	$0.00	$0.00	$0.00	$0.00	$454064.03-	$454063.00-	0.10877819147
SHELL	$976727.15	$5025262.63	$20567096.26	$30949084.65	$21786056.09-	$35732073.00	5.46361217272
SHEPHERD	$0.00	$0.00	$0.00	$0.00	$41652.80-	$41653.00-	0.00908407166
SIGNOR	$36695.42	$15436.03	$51726.49	$46145.45	$441912.97-	$291910.00-	0.11152022548
SILVER-EAGLE	$0.00	$0.00	$0.00	$0.00	$23674.65-	$23675.00-	0.00791852471
SIOUX-FALLS	$0.00	$0.00	$0.00	$0.00	$573.52-	$573.00-	0.00016940987
SLAPCO	$0.00	$0.00	$0.00	$5226.60	$226660.31-	$221435.00-	0.05819331389
SMRSA	$0.00	$0.00	$0.00	$0.00	$165.27-	$164.00-	0.00003854206

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SO-HAMPTON	$15256.80	$0.00	$70587.14	$93447.22	$242098.54-	$62807.00-	0.07331313061
SOHIO	$72153.05-	$561706.48	$1503727.44	$2703118.98	$10854267.58-	$6663384.00-	2.82754967418
SOMERSET	$0.00	$0.00	$0.00	$0.00	$105556.36-	$105556.00-	0.02665825846
SONER	$52019.76	$0.00	$0.00	$0.00	$108463.37-	$56443.00-	0.02923094099
SOUND	$3592.55-	$0.00	$0.00	$0.00	$210814.97-	$214808.00-	0.04988417124
SOUTHERN-UNION	$4370.24-	$164202.75	$37023.13-	$1196007.76	$842764.79-	$476052.00	0.21086816751
SOUTHLAND	$4124.25	$1426452.13	$910093.44	$1533792.45	$471544.45-	$3402916.00	0.12878076166
SOUTHLAND-CT				$0.00	$0.00	$0.00	0.00000000000
SOUTHWEST-PETRO	$0.00	$0.00	$25090.47	$0.00	$85801.01-	$60710.00-	0.02130815329
SOUTHWESTERN	$0.00	$0.00	$0.00	$0.00	$14372.91-	$14373.00-	0.00316792378
SPR	$0.00	$0.00	$0.00		$0.00	$0.00	0.00000000000
SPRAGUE	$0.00	$0.00	$0.00	$0.00	$493052.45-	$493051.00-	0.12109051107
SPRINGFIELD-IL			$0.00	$0.00	$122.10-	$122.00-	0.00002067256
STEAN-CHICAGO	$0.00	$0.00	$0.00	$0.00	$36388.03-	$36389.00-	0.01003080481
ST-CLAIR-IL		$0.00	$0.00	$0.00	$51.60-	$52.00-	0.00001319774
ST-CLOUD-MINN	$0.00	$0.00		$0.00	$104.71-	$105.00-	0.00002534432
ST-JOSEPH-MO	$0.00				$206.04-	$206.00-	0.00012958308
STEUART			$0.00		$75012.91-	$75013.00-	0.01894710171
STEVENS-PT-WI	$0.00	$0.00	$0.00	$0.00	$85.18-	$85.00-	0.00002189890
STINNES-INTER		$0.00		$0.00	$39875.51-	$39875.00-	0.00749321891
STOCKTON-CA	$0.00	$0.00	$0.00	$0.00	$1247.54-	$1248.00-	0.00036398888
STOUGHTON-WI			$0.00		$0.23-	$0.00	0.00000005840
SUNLAND	$0.00	$0.00	$0.00	$0.00	$268529.71-	$268530.00-	0.06875331287
SUNOCO	$509257.74	$2979028.03-	$13851478.99-	$13590840.41	$9863518.38-	$12593927.00-	2.64428743263

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SWANN	$0.00	$0.00	$0.00	$0.00	$317415.72-	$317416.00-	0.07801327648
T&S	$0.00	$0.00	$0.00	$0.00	$26431.15-	$26431.00-	0.00686451615
TACOMA-WA	$0.00	$0.00	$0.00	$0.00	$474.81-	$474.00-	0.00022763174
TARCO	$15345.32	$40599.30-	$62427.36	$54305.49-	$36305.56-	$53434.00-	0.01072380274
TARRICONE	$0.00	$0.00		$0.00	$74846.57-	$74847.00-	0.01717860511
TENNECO	$649370.00-	$338983.72-	$1664651.89	$538914.33	$27C8241.63-	$1493030.00-	0.67391499244
TESORO	$9791.27	$829739.69	$3E3892.79	$2641907.43-	$1406866.19-	$2825350.00-	0.36537195870
TEXACO	$2629565.48	$72502E.18	$5563081.16	$31311104.57	$25158975.18-	$15029804.00	6.40797446723
TEXAS-AMERICAN	$0.00	$0.00	$0.00	$0.00	$2C8848.71-	$208849.00-	0.04996744545
TEXAS-CITY	$0.00	$C.00	$57485.96	$1086412.13	$1969683.17-	$825786.00-	0.49009412461
TEXAS-REFINING		$C.00	$0.00	$0.00	$109005.48-	$109005.00-	0.02183384364
TEXAS-STANDARD	$0.00	$C.00	$0.00	$0.00	$22896.66-	$22896.00-	0.00499581019
THAGARD	$4976.40-	$5182.59-	$3872.43-	$12.53-	$246071.43-	$260115.00-	0.06532558057
THORN-CREEK	$0.00	$C.00	$0.00	$0.00	$213.62-	$214.00-	0.00004695124
THRIFTWAY	$0.00	$2325.44	$1044.34	$133571.64	$72579.80-	$64366.00	0.01514194920
THUNDERBIRD	$405.02-	$58C.95-	$405.90-	$334.29	$182393.25-	$183450.00-	0.04844900506
TIPPERARY	$0.00	$C.00	$0.00	$0.00	$1C3775.22-	$103775.00-	0.03106116328
TOM-BROWN-INC				$64013.80	$0.00	$64014.00 [y]	0.00000000000
TOMAHAWK		$C.00		$0.00	$1.25-	$1.00-	0.00000052557
TONKAWA	$0.00	$109995.47-	$0.00	$1011.49	$292008.26-	$400992.00-	0.07533349373
TOSCO	$31088.76	$306874.52-	$6480218.01	$1159015.48 [y]	$4870737.32-	$2492710.00	1.23305564156
TOTAL-PETROLEUM	$14877.99	$223001.27	$119706.96-	$591052.80-	$3315701.17-	$3788581.00-	0.80938653900
TRI-VALLEY		$C.00		$0.00	$0.00	$0.00	0.00000000000
TURLOCK-CA			$0.00	$0.00	$1235.19-	$1235.00-	0.00019703168

BASED ON DATA SUBMITTED FOR THE CLEAN-UP

REPORTING FIRM SHORT NAME	CLAIM(+)/OBLIGATION(-) FOR OCT 1980	NOV 1980	DEC 1980	JAN 1981	PROPORTIONATE SHARE	TOTAL	POST CLEAN-UP PERCENTAGE
UCC-CARIBE	$0.00	$0.00	$0.00	$0.00	$553743.50-	$553744.00-	0.13914098430
UNI-REF	$0.00	$0.00	$0.00	$0.00	$230649.77-	$230650.00-	0.07950870842
UNION-CARBIDE		$0.00	$0.00	$0.00	$81283.36-	$81283.00-	0.01549922242
UNION-OIL	$165750.72	$119582.85-	$2114290.46	$5126616.53	$9140105.46-	$1853030.00-	2.38202751534
UNTD-IND			$0.00		$0.00	$0.00	0.00000000000
UNTD-REF	$0.00	$2153.06	$212343.65	$156306.05-	$1063187.69-	$1004997.00-	0.25696926033
URBANA-IL	$0.00	$0.00	$0.00	$0.00	$810.37-	$811.00-	0.00035639726
US-OIL	$0.00	$0.00	$0.00	$0.00	$277251.20-	$277251.00-	0.07821276084
USA-PETROCHEM	$0.00	$0.00	$0.00	$0.00	$484903.87-	$484904.00-	0.10196757580
VAL-VERDE	$0.00	$0.00	$0.00	$0.00	$6577.00-	$6577.00-	0.00190140831
VICKSBURG	$0.00	$0.00	$0.00	$0.00	$120895.99-	$120896.00-	0.02998858446
WALLER	$0.00			$0.00	$9545.67-	$9545.00-	0.00236870160
WARRIOR	$0.00	$0.00	$0.00	$33777.44	$77186.53-	$43409.00-	0.01945772561
WATSON	$0.00		$0.00	$0.00	$1931.49-	$1931.00-	0.00047360017
WEST-COAST	$0.00	$0.00	$0.00	$0.00	$235560.17-	$235560.00-	0.09483285645
WEST-MONMOUTH	$0.00	$0.00	$0.00	$0.00	$76.28-	$75.00-	0.00001997179
WESTCHESTER-NY	$0.00		$0.00	$0.00	$1022.06-	$1022.00-	0.00023370504
WESTERN	$0.00	$862.47-	$0.00	$12.74-	$235031.23-	$235906.00-	0.06124053094
WINSTON	$1626.09				$35702.52-	$34076.00-	0.02245448761
WINSTON-SALEM	$0.00	$0.00	$0.00	$0.00	$2758.88-	$2758.00-	0.00128099794
WIREBACK	$0.00	$0.00	$0.00	$0.00	$838.58-	$839.00-	0.00025128255
WITCO	$0.00	$0.00	$0.00	$2508.50	$414356.76-	$411847.00-	0.10199157700
WOOSTER	$0.00	$0.00	$0.00	$0.00	$162.21-	$162.00-	0.00004017718
WYATT		$0.00	$0.00	$0.00	$186317.30-	$186317.00-	0.03671487477

SEPTEMBER 1981

BASED ON DATA SUBMITTED FOR THE CLEAN-UP

REPORTING FIRM SHORT NAME	CLAIM(+)/OBLIGATION(-) FOR OCT 1980	NOV 1980	DEC 1980	JAN 1981	PROPORTIONATE SHARE	TOTAL	POST CLEAN-UP PERCENTAGE
WYOMING	$147221.60 [1]	$41566C.11 [1]	$0.00	$0.00	$239383.30-	$327489.CO	0.06023750302
YETTER	$0.00				$0.00	$C.00	0.000000C0000
YOUNG	$0.00	$C.00	$0.00	$0.00	$76675.21-	$76675.00-	0.02123959514
TOTAL	$40154189.05	$55736347.66	$106386570.78	$185273670.19	$391552777.59-	$0.00	99.80225376894

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[1] Exception from Office of Hearings and Appeals.

[2] Refiners reporting adjustments for the clean-up list were required by § 211.69(d)(2)(ii) to designate the month in the reporting period when the crude oil subject to the adjustment first was reported as a crude oil receipt. Some firms reported adjustments of price-controlled crude oil for certain months which exceeded the volumes originally reported as received in those months. This is not permissible. Therefore, if a firm reported an adjustment for more barrels than originally reported as received during a month, ERA has calculated its claim for the clean-up list by limiting the adjustment to the volume originally reported as received in the respective month for that tier of price-controlled crude oil.

[3] Pursuant to an order of the United States District Court for the District of Wyoming entered September 24, 1981 in *Little America Refining Co. v. DOE*, C.A. No. C81-0263, DOE is required to include an entitlements claim for Little America in the amount $51,306,275.

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Domestic Crude Oil Allocation Program; Entitlements Notice for January 1981

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: January 1981 entitlements notice.

SUMMARY: Under the Department of Energy's (DOE) Domestic Crude Oil Allocation (Entitlements) Program, this is the monthly Entitlements Notice which sets forth the entitlements purchase or sale requirements of domestic refiners and eligible firms for January 1981.

DATE: Payments for entitlements required to be purchased under this notice must be made (20 days from publication). The monthly transaction report specified in § 211.66(i) shall be filed with the DOE (30 days from publication).

FOR FURTHER INFORMATION CONTACT:

David A. Welsh (Entitlements Program Office), Economic Regulatory Administration, 2000 M Street, NW., Room 6212C, Washington, D.C. 20461; (202) 653-3459

Jeffrey Stoermer (Office of General Counsel), Department of Energy, Forrestal Building, 1000 Independence Avenue, SW., Room 6A-127, Washington, D.C. 20585; (202) 252-6754

SUPPLEMENTARY INFORMATION: In accordance with the provisions of 10 CFR 211.67 relating to the Domestic Crude Oil Allocation Program of the Department of Energy (DOE), administered by the Economic Regulatory Administration (ERA), the monthly notice specified in § 211.67(i) is hereby published.

Based on reports for the month of January 1981 [1] submitted to the DOE by refiners and other firms as to crude oil receipts, crude oil runs to stills, eligible product imports, eligible petroleum substitutes, and imported naphtha utilized as a petrochemical feedstock in Puerto Rico; application of the entitlements adjustment for residual fuel oil production shipped in foreign flag tankers for sale in the East Coast market and Michigan provided in § 211.67(d)(4); application of the entitlement adjustments for California lower tier and upper tier crude oil privided in § 211.67(a)(4); and application of the entitlement adjustment for small refiners p-rovided in § 211.67(e), the national domestic crude oil supply ratio (DOSR) for January 1981 is calculated to be .005835.

In accordance with § 211.67(b)(2), to calculate the number of barrels of deemed old oil included in a refiner's adjusted crude oil receipts for the month of January 1981 each barrel of old oil is equal to one barrel of deemed old oil, each barrel of upper tier crude oil (excluding ANS upper tier crude oil) is equal to .719924 of a barrel of deemed old oil and each barrel of ANS upper tier crude oil is equal to .443010 of a barrel of deemed old oil.

The issuance of entitlements for the month of January 1981 to refiners and other firms is set forth in the Appendix to this notice. The Appendix lists the name of each refiner or other firm to which entitlements have been issued, the number of barrels of deemed old oil included in each such refiner's adjusted crude oil receipts, the number of entitlements issued to each such refiner or other firm, and the number of entitlements required to be purchased or sold by each such refiner or other firm.

Pursuant to 10 CFR 211.67(i)(4), the price at which entitlements shall be sold and purchased for the month of January 1981 is hereby fixed at $28.10, which is the exact differential as reported for the month of January 1981 between the weighted average per barrel costs to refiners of old oil and of imported and exempt domestic crude oil.

In accordance with 10 CFR 211.67(b), each refiner that has been issued fewer entitlements for the month of January 1981 than the number of barrels of deemed old oil included in its adjusted crude oil receipts is required to purchase a number of entitlements for the month of January 1981 equal to the difference between the number of barrels of deemed old oil included in those receipts and the number of entitlements issued to and retained by that refiner. Refiners which have been issued a number of entitlements for the month of January 1981 in excess of the number of barrels of deemed old oil included in their adjusted crude oil receipts for the month and other firms issued entitlements shall sell such entitlements to refiners required to purchase entitlements.

The listing of refiners' old oil receipts contained in the Appendix reflects any adjustments made by ERA pursuant to § 211.67(h).

Included in the Appendix are entitlements issued pursuant to the provisions of 10 CFR 211.67(a)(5) under which ERA may approve a firm's application for designation as a producer of a petroleum substitute.

The listing contained in the Appendix identifies, in a separate column labeled "Exceptions and Corrections", additional entitlements issued to refiners pursuant to relief granted by the Office of Hearings and Appeals (prior to March 30, 1978, the Office of Administrative Review of the Economic Regulatory Administration). Also set forth in this column are adjustments for relief granted by the Office of Hearings and Appeals for 1975 and 1976, which adjustments are reflected in monthly installments. The number of installments is dependent on the magnitude of the adjustment to be made. For a full discussion of the issues involved, see *Beacon Oil Company, et al.*, 4 FEA par. 87,024 (November 5, 1976).

The listing contained in the Appendix continues the "Consolidated Sales" entry initiated in the October 1977 entitlements notice. The "Consolidated Sales" entry is equal to the January 1981 entitlements purchase requirement of Arizona Fuels. The purpose of providing for the "Consolidated Sales" entry is to insure that Arizona Fuels is not relieved of its January 1981 entitlements purchase requirement and that no one firm will be unable to sell its entitlements by reason of a default by Arizona Fuels. For a full discussion of the issues involved, see *Entitlements Notice for October 1977* (42 FR 64401, December 23, 1977).

For the month of January 1981 imports of residual fuel oil eligible for entitlement issuances totaled 19,775,946 barrels.

In accordance with § 211.67(a)(4), the number of barrels of California lower tier and upper tier crude oil, as reported by refiners to the DOE, and the weighted average gravity thereof are as follows:

	Volumes	Weighted average gravity (degrees)
California lower tier crude oil	479,091	23
California upper tier crude oil	685,590	25

The total number of entitlements required to be purchased and sold under this notice is 15,793,134.

Based on reports submitted to the DOE by refiners as to their adjusted crude oil receipts for January 1981 the pricing composition and weighted average costs thereof are as follows:

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[1] As used in this notice, "the month of January 1981" means the first 27 days of January 1981. *See* Ruling 1981-1, Q&A #2, 46 FR 12945 (February 19, 1981).

	VOLUMES IN THOUSANDS OF B/D	WEIGHTED AVERAGE COST	% OF TOTAL VOLUMES*
Lower Tier	489	$ 7.85	3.6
Upper Tier (Excluding ANS)	781	15.72	5.7
ANS Upper Tier	411	23.50	3.0
Exempt Domestic:			
Other ANS	1086	32.91	8.0
Heavy and Market Tier	2576	35.02	18.9
Naval Petroleum Reserve	68	31.73	0.5
Newly Discovered	688	38.28	5.1
Stripper	2003	33.94	14.7
Tertiary	393	35.76	2.9
Synthetic	1	32.89	0.0**
Total Domestic	8496	$30.87	62.4
Imported	5121	$37.59	37.6
Total Uncontrolled (Exempt Domestic and Imported)	11936	$35.94	87.7
Total Reported Crude Oil Receipts	13617	$33.40	
Total Reported Crude Oil Runs to Stills*	13963		

*Volumes may not total 100% due to rounding.

**Percentage volume insignificant.

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Payment for entitlements required to be purchased under 10 CFR 211.67(b) for January 1981 must be made by the date indicated in the **DATES** section of this notice.

On or prior to the date indicated in the **DATES** section of this notice, each firm which is required to purchase or sell entitlements for the month of January 1981 shall file with the DOE the monthly transaction report specified in 10 CFR 211.66(i) certifying its purchases and sales of entitlements for the month of January 1981.

ERA is adopting, concurrently with this issuance of this notice, a final rule amending 10 CFR 211.66 and 211.67, effective immediately. These amendments prescribe new time limits for the purchase and sale of entitlements and the reporting to ERA of such transactions. These amendments were made necessary because issuance of this notice was delayed by over a month from the time it normally would be issued due to court orders.

The monthly transaction report forms (ERA–116) for the month of January 1981 have been mailed to all reporting firms. Firms that have been unable to locate other firms for the required entitlements transactions by the required date are requested to contact the ERA at (202) 653–3873 to expedite consummation of these transactions. For firms that have failed to consummate required entitlement transactions on or prior to the required date, the ERA may direct sales and purchases of entitlements pursuant to the provisions of 10 CFR 211.67(k).

This notice is issued pursuant to Subpart G, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with the Office of Hearings and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed within 30 days following publication of this notice in the **Federal Register.**

Issued in Washington, D.C. on ———.

Barton R. House,

Acting Administrator, Economic Regulatory Administration.

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NOTICE OF ENTITLEMENTS FOR DOMESTIC CRUDE OIL — PAGE: 11
JANUARY 1981

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	TOTAL ISSUED	EXCEPTIONS AND CORRECT.	ENTITLEMENT POSITION ENTITLEMENTS PRODUCT	CALIFORNIA	REQUIRED TO BUY	REQUIRED TO SELL
-CONSOL'D-SALES	-20,958	0	0	0	0.	0.	20,958 1/
A-JOHNSON	0	6,634	0	0	0.	0.	6,634
ADM	0	262	0	0	0	0.	262
AKRON-OHIO	0	1,422	1,372 5/	0	0.	0.	1,422
ALEXANDRIA-VA	0	3	0	0	0.	0	3
ALLIED	0	1,911	0	0	0.	0.	1,911
AMER-AGRI-FUELS	0	148	145 5/	0	0	0.	148
AMER-PETROFINA	-634,269	21,229	0	0	0.	0.	655,498
AMERADA-HESS	1,749,579	74,828	0	2,092	0	1,674,751	0.
AMES-IOWA	0	16	0	0	0	0.	16
AMOCO	1,030,990	136,966	0	0	0.	894,024	0
ANCHOR	0	1,374	0	0	0	0.	1,374
APEX	0	698	0	698	0.	0.	698
ARCO	-4,315,429	97,283	0	0	0.	0.	4,412,712
ARIZONA	21,964	1,006	0	0	149	20,958 1/	0
ARIZONA-CHEM	0	56	0	0	0	0.	56
ARLINGTON-VA	0	-229	-229 4/	0	0.	229	0
ASAMERA	-2,511 7/	133,766	129,324 6/	0	0	0	136,277
ASHLAND	385,509 7/	51,222	0	0	0.	334,287 8/	0
ATLANTA	0	7	0	0	0.	0	7
AUSTIN-MINN	0	1	0	0	0	0	1
AZUSA-LAND	0	12	0	0	0.	0.	12
BALT-METHANE	0	6	0	0	0.	0	6
BAYOU	0	322	0	0	0.	0	322
BEACON	91,611	12,664	5,112 5/	0	3,333	78,947	0
BELCHER	0	3,266	0	3,266	0.	0.	3,266
BELOIT-WI	0	4	4 5/	0	0.	0	4
BERGEN-COUNTY	0	7	0	0	0	0	7
BI-PETRO	0	333	0	0	0	0.	333
BOISE-IDAHO	0	2	0	0	0	0	2
BOSTON-QUINCY	0	839	831 5/	0	0.	0.	839
BRAINTREE	0	1,225	1,168 4/	0	0.	0.	1,225
BRONCO	0	253	0	0	0.	0.	253
BROOKINGS-SD	0	0	0	0	0	0.	0
BROWN-WOOD	0	-318	-318 4/	0	0.	318	0
BRUIN	15,628	0	0	0	0.	15,628	0
C&H	0	13	0	0	0.	0.	13
CADENCE-CHEM	0	72	0	0	0.	0	72
CALCASIEU	-25,429	3,317	0	0	0	0.	28,746
CALUMET	0	692	0	0	0.	0	692
CANAL	6,951	2,060	-101 4/	0	0.	4,891	0
CARBONIT	0	7,430	5,087 4/	0	0	0.	7,430
CARIBOU	18,948	114,717	112,717 4/ 5/	0	0	0	95,769

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	TOTAL ISSUED	EXCEPTIONS AND CORRECT.	ENTITLEMENT POSITION ENTITLEMENTS PRODUCT	ENTITLEMENTS CALIFORNIA	REQUIRED TO BUY	REQUIRED TO SELL
CASTLE	0	2,800	0	2,800	).	).	2,800
CEA	0	628	628 5/	0	)	).	628
CENTRAL	0	1,051	0	1,051	)	).	1,051
CHAMPLIN	-316,577	-41,545	-61,022 4/ 5/	0	-10,934	).	275,032
CHARTER	0	6,985	-4,456 5/	0	)	).	6,985
CHEVRON	-4,093,110	72,425	-77,738 4/	0	-16,663	).	4,165,535
CIBRO	-1,075	7,297	1,269 4/	2,200	)	).	8,372
CITGO	224,216 9/	29,112	-9,426 5/	0	).	195,104	).
CITRONELLE	0	-21,756	-21,756 5/	0	).	21,756	0
CITY-OF-WICHITA	0	7	0	0	)	).	7
CLAIBORNE	8,418	1,312	0	0	).	7,106	0
CLARK	-185,283	19,119	0	0	).	).	204,402
CLINTON-IOWA	0	1	0	0	)	).	1
CLINTON-MANGES	4,853	398	0	0	).	4,455	0
COASTAL	22,469	21,889	0	2,298	).	580	0
COASTAL-PETRO	0	2,351	0	0	).	).	2,351
COLDWATER	0	88	83 5/	0	).	).	88
COLONIAL	0	642	0	642	).	).	642
COLUMBUS-OHIO	0	3	0	0	)	).	3
CONOCO	-812,240	29,898	0	690	-16,106	).	842,138
CONSUMERS-POWER	0	815	0	815	).	).	815
COPANO	0	2,529	0	0	)	).	2,529
CORAL	0	5,225	0	0	).	).	5,225
CORCO	0	35,620	0	24,551	).	).	35,620
CRA-FARMLAND	74,073	8,517	-5,918 4/	0	).	65,556	0
CROSS	8,408	2,372	0	0	).	6,036	0
CROWN	27,389	12,357	0	0	).	15,032	0
CRYSTAL-OIL	25,657	4,957	0	0	).	20,700	0
CRYSTAL-REF	0	595	0	0	).	).	595
CUMBERLAND	0	4	4 5/	0	).	).	4
DEEPWATER	0	523	0	523	).	)	523
DEKALB-IL	0	0	0	0	).	).	0
DELTA	141,908	10,455	0	0	).	131,453	0
DEMENNO	0	3,760	0	0	)	).	3,760
DETROIT-ED	0	942	0	942	).	).	942
DFSC	0	450	0	450	).	).	450
DIAMOND	12,342	11,338	591 5/	0	).	1,004	0
DORCHESTER	3,825	4,617	0	0	).	)	792
DOW	1,859	-367,116	-367,116 5/	0	).	368,975	0
DOWNERS-GROVE	0	14	14 4/	0	)	)	14
E-SEABOARD	0	946	0	946	).	)	946
EAGLE-REFINING	0	119	0	0	).	).	119
EAST-BAY-MUD	0	0	5/	0	).	).	0

...ENTITLEMENTS FOR DOMESTIC CRUDE OIL
JANUARY 1981

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	TOTAL ISSUED	EXCEPTIONS AND CORRECT.	ENTITLEMENT POSITION ENTITLEMENTS PRODUCT	CALIFORNIA	REQUIRED TO BUY	REQUIRED TO SELL
EAST-MOLINE-IL	0	1	0	0	0	0	1
EASTERN-MWD	0	11	10 5/	0	0	0	11
EDDY	4,060	1,285	0	0	0	2,775	0
EL-PASO-TX	0	5	0	0	0	0	5
ELGIN-IL	0	26	25 4/	0	0	0	26
ENERGY-COOP	0	13,075	0	0	0	0	13,075
ENTERPRISE	0	4,173	4,041 5/	132	0	0	4,173
ERGON	8,629	21,179	17,906 5/	0	0	0	12,550
ESSEX-UNION	0	8	0	0	0	0	8
EVANGELINE	0	499	0	0	0	0	499
EWING-LAWRENCE	0	1	0	0	0	0	1
EXXON	2,989,926	206,324	-237 4/	10,506	0	2,783,602	0
EZ-SERVE	23,219	6,518	1,356 4/	0	0	16,701	0
FARMERS-UN	55,917	5,897	0	0	0	50,020	0
FLETCHER	10,343	23,776	17,768 5/	0	0	0	13,433
FLINT	3,010	147	0	0	0	2,863	0
FORT-WORTH-TX	0	2	0	0	0	0	2
FRESNO-CA	0	2	0	0	0	0	2
FRIENDSWOOD	2,685	2,768	0	0	0	0	83
FUNDING	21,014	1,170	0	0	0	19,844	0
GARY	4,223	7,148	3,683 5/	0	0	0	2,925
GETTY	207,779	38,785	0	0	2,648	168,994	0
GETTY-SYN	0	33	0	0	0	0	33
GIANT	0	1,942	0	0	0	0	1,942
GIBSON	0	944	0	0	0	0	944
GLACIER-PARK	81,559	1,317	0	0	0	80,242	0
GLADIEUX	25	3,726	0	0	0	0	3,731
GLENCOE-MN	0	0	0	0	0	0	0
GLENROCK	0	784	0	0	0	0	784
GOLDEN-EAGLE	0	3,228	0	0	0	0	3,228
GOLDKING	-229,350	7,776	0	0	0	0	237,126
GOOD-HOPE	9,513	11,238	0	0	0	0	1,725
GREEN-BAY-WI	0	8	0	0	0	0	8
GUAM	0	8,116	0	0	0	0	8,116
GULF	428,201	124,997	0	1,113	3,008	303,204	0
GULF-ENERGY	0	1,076	0	0	0	0	1,076
GULF-STS	-45,293	4,119	0	0	0	0	49,412
HARRISBURG-PA	0	120	0	0	0	0	120
HAYWARD-CA	0	2	0	0	0	0	2
HEALTH-CARE	0	3	0	0	0	0	3
HEMPSTEAD-TOWN	0	28	0	0	0	0	28
HIRI	0	7,912	-2,973 4/	0	0	0	7,912
HOWELL	299,451	8,772	0	0	0	299,673	0

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	TOTAL ISSUED	EXCEPTIONS AND CORRECT.	ENTITLEMENT POSITION ENTITLEMENTS PRODUCT	ENTITLEMENTS CALIFORNIA	REQUIRED TO BUY	REQUIRED TO SELL
HUDSON-OIL	0	4,022	0	0	0	0	4,022
HUNT	93,364	14,842	7,432 5/	0	0	78,522	0
HUNTWAY	0	1,550	0	0	0	0	1,550
HUSKY	290,640	290,640	290,486 2/4/5/	0	0	0	0
IDAHO-FALLS	0	1	0	0	0	1	1
INDEPENDENT-REF	0	-2,286	-13,797 4/	0	0	2,286	0
INDIANA-FARM	7,455	3,931	0	0	0	3,524	0
INDUST-FUEL	0	307	0	0	0	0	307
INTER-PETRO	0	865	0	865	0	0	865
INTER-PROCESS	0	4,254	0	0	0	0	4,254
IONIA	0	0	0	0	0	0	0
JACKSON-MI	0	1	0	0	0	0	1
KENCO	18,097	1,206	0	0	0	16,891	0
KENOSHA-WI	0	2	0	0	0	0	2
KENTUCKY	7,355	555	0	0	0	6,800	0
KERN	-46,773	-65,357	-67,557 5/	0	-2,573	18,584	0
KERR-MCGEE	389,495	16,245	0	0	0	373,160	0
KOCH	0	21,424	0	690	0	0	21,424
LA-COUNTY	0	107	0	0	0	0	107
LA-CROSSE	0	14	15 5/	0	0	0	14
LAGLORIA	58,069	9,536	0	0	0	48,533	0
LAKE-CHARLES	0	1,413	0	0	0	0	1,413
LAKESIDE	112	822	0	0	0	0	710
LAKETON	20,742	52,294	51,052 5/	0	0	0	31,552
LAKEWOOD-OH	0	0	0	0	0	0	0
LAMPREY-NH	0	10	0	0	0	0	10
LIQUID-ENERGY	0	2,111	0	0	0	0	2,111
LITTLE-AMER	154,886	14,731	0	0	0	140,155	0
LOS-ANGELES-CA	0	887	910 4/	0	0	0	887
LOTEX	0	78	0	0	0	0	78
LOUISIANA-LAND	26,302	8,973	0	0	0	17,329	0
MACMILLAN	4,618	5,096	0	0	195	0	478
MADISON-CHATHAM	0	6	6 5/	0	0	0	6
MADISON-CITY-WI	0	17	0	0	0	0	17
MADISON-WI	0	198	193 5/	0	0	0	198
MALLARD	0	1,629	0	0	0	0	1,629
MARATHON	490,848	62,186	0	0	0	428,662	0
MARION	3,347	5,933	0	0	0	0	2,586
MARLEX	782	-33,709	-35,442 4/	0	54	34,491	0
MARSHALLTOWN	0	2	0	0	0	0	2
MEDFORD	0	0	0	0	0	0	0
MERCED-CA	0	1	0	0	0	0	1
METRO-SEATTLE	0	14	0	0	0	0	14

NOTICE OF ENTITLEMENTS FOR DOMESTIC CRUDE OIL
JANUARY 1981

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	E N T I T L E M E N T P O S I T I O N EXCEPTIONS AND CORRECT.	ENTITLEMENTS PRODUCT	ENTITLEMENTS CALIFORNIA	REQUIRED TO BUY	********** REQUIRED TO SELL
METROPOLITAN	0	3,845	0	3,845	0	0	3,845
MIAMI-DADE	0	6	0	0	0	0	6
MID-AMER	2,483	9,998	9,0[illegible]88 5/	0	0	0	7,515
MIDDLETOWN-OH	0	1	0	0	0	0	1
MIDWEST-SOLV	0	496	477 5/	0	0	0	496
MILWAUKEE-WI	0	17	0	0	0	0	17
MOBIL	360,016	141,541	24,690 4/	0	7,830	218,475	0
MOBILE-BAY	777	1,301	0	0	0	0	524
MOBRIDGE-SD	0	0	0	0	0	0	0
MOHAWK	0	-178,267	-178,267 5/	0	0	178,267	0
MONOCO	0	254	0	254	0	0	254
MONROE-WI	0	14	14 5/	0	0	0	14
MONSANTO	-180,508	7,517	0	0	0	0	188,025
MOORHEAD-MN	0	0	0	0	0	0	0
MORRISON	0	696	0	0	0	0	696
MOUNTAINEER	1,747	180	0	0	0	1,567	0
MSDGC	0	55	0	0	0	0	55
MT-AIRY	2,835	2,112	0	0	0	723	0
MURPHY	-59,658	16,898	0	0	0	0	76,556
N-AMER-PETRO	0	4,324	0	0	0	0	4,324
N-LITTLE-ROCK	0	14	0	0	0	0	14
N-SAN-MATEO	0	0	0	0	0	0	0
NASHVILLE-TENN	0	63	0	0	0	0	63
NASSAU-COUNTY	0	8	0	0	0	0	8
NATCHEZ	0	699	0	0	0	0	699
NATL-COOP	56,885	10,075	0	0	0	46,810	0
NAVAJO	66,276	253,538	246,714 5/	0	0	0	187,252
NEPTUNE	0	6	6 5/	0	0	0	6
NEVADA	0	630	0	0	0	0	630
NEW-EDGINGTON	-44,471	-26,806	-31,746 5/	0	-3,475	0	17,655
NEW-ENGL-PETRO	0	3,693	0	3,693	0	0	3,693
NEW-YORK-EP	0	104	0	0	0	0	104
NEWHALL	257	-74,380	-78,835 5/	0	12	74,637	0
NORTHEAST-PETRO	0	468	0	468	0	0	468
NORTHLAND	10,107	10,107	9,906 5/	0	0	0	0
NY-SANITATION	0	113	0	0	0	0	113
OCEAN-TOWNSHIP	0	4	4 5/	0	0	0	4
OCEAN-UTILITIES	0	43	41 5/	0	0	0	43
OCONOMOWOC-WI	0	3	3 5/	0	0	0	3
OKC	112	4,415	0	0	0	0	4,303
OKLA-REF	12,551	4,026	0	0	0	8,525	0
OMAHA	0	18	0	0	0	0	18
ORANGE-COUNTY	0	45	0	0	0	0	45

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	ENTITLEMENT POSITION EXCEPTIONS AND CORRECT.	ENTITLEMENTS PRODUCT	ENTITLEMENTS CALIFORNIA	REQUIRED TO BUY	******** REQUIRED TO SELL
OSCEOLA-AR	0	6	0	0	0.	0.	6
OXNARD	0	867	0	0	0.	0.	867
PEERLESS	0	682	0	0	0.	0	682
PENNZOIL	-189,189	12,565	0	0	0.	0.	201,755
PESTER	56,971	6,495	408 5/	0	0.	50,476	0
PETRACO-VALLEY	0	624	0	0	0	0.	624
PHILADELPHIA-PA	0	296	283 5/	0	0.	0.	296
PHILLIPS	26,240	42,382	0	0	0.	0.	16,142
PHILLIPS-PR	0	31,980	0	31,980	0.	0.	31,980
PIMA-AZ	0	7	0	0	0.	0.	7
PIONEER	16,753	3,283	0	0	0.	13,470	0
PLACID	351,221	11,415	0	0	0.	349,806	0
PLATEAU	42,170	87,300	82,963 5/	0	0.	0.	45,130
PORT	0	1,313	0	0	0.	0.	1,313
POWERINE	-52,526	5,209	0	0	-2,803	0.	57,735
PRIDE	0	6,583	0	0	0.	0.	6,583
QUAKER-ST	6,690	5,602	0	0	0.	1,088	0
QUITMAN	0	1,474	0	0	0.	0.	1,474
RACINE-WASTE-UT	0	36	34 5/	0	0.	0.	36
RAHWAY	0	66	62 5/	0	0.	0.	66
RAPID-SD	0	1	0	0	0.	0.	1
RAVENNA-OH	0	0	0	0	0	0.	0
RESCO	0	198	0	0	0.	0.	198
RICHARDS	0	19	0	0	0.	0.	19
ROAD-OIL	0	55	0	0	0.	0.	55
ROANOKE-VA	0	4	0	0	0.	0.	4
ROCK-ISLAND	17,341	7,215	0	0	0.	10,126	0
SABER-TEX	9,435	879	0	0	0.	8,556	0
SABRE-CAL	0	-17,539	-20,424 5/	0	0.	17,539	0
SAGE-CREEK	1,892	6,177	5,177 5/	0	0	0.	4,285
SALEM-VA	0	9	0	0	0.	0.	9
SAN-JOAQUIN	0	-20,226	-23,513 5/	0	0.	20,226	0
SAN-JOSE-CA	0	23	0	0	0	0	23
SANTA-CRUZ-CA	0	47	45 5/	0	0.	0.	47
SCALLOP	0	3,740	665 4/	3,075	0.	0.	3,740
SCANOIL	0	2,771	0	2,771	0	0.	2,771
SCHULZE	0	152	0	0	0.	0	152
SEAVIEW	0	3,683	0	0	0.	0.	3,683
SEMINOLE	8,745	2,159	0	0	0.	6,586	0
SENTRY	0	5,041	0	0	0.	0.	5,041
SHELL	3,156,229	130,485	1,376 4/	0	1,512	3,025,744	0
SHEPHERD	-13,578	-1,813	-2,346 4/	0	0.	0.	11,755
SIGMOR	2,903	4,861	0	0	0.	0	1,958

NOTICE OF ENTITLEMENTS FOR DOMESTIC CRUDE OIL
JANUARY 1981

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	TOTAL ISSUED	ENTITLEMENT POSITION EXCEPTIONS AND CORRECT.	ENTITLEMENTS PRODUCT	ENTITLEMENTS CALIFORNIA	REQUIRED TO BUY	REQUIRED TO SELL
SILVER-EAGLE	309	-2,395	-2,395 4/	0	0	2,704	0
SIOUX-FALLS	0	3	0	0	0	0	3
SLAPCO	-11,685	2,563	0	0	0	0	14,248
SMRSA	0	17	16 5/	0	0	0	17
SO-HAMPTON	2,998	1,976	0	0	0	1,022	0
SOHIO	1,041,175	62,310	0	0	0	978,865	0
SOMERSET	10,993	6,208	4,985 5/	0	0	4,785	0
SOONER	7,644	1,198	0	0	0	6,446	0
SOUND	0	2,749	0	0	0	0	2,749
SOUTHERN-UNION	86,961	8,166	0	0	0	78,795	0
SOUTHLAND	121,151	36,175	31,396 5/	0	0	84,975	0
SOUTHLAND-CT	0	535,108	535,108 10/	0	0	0	535,108
SOUTHWEST-PETRO	0	1,036	0	0	0	0	1,036
SOUTHWESTERN	-149	6,114	5,924 4/5/	0	0	0	6,263
SPRAGUE	0	2,866	0	2,866	0	0	2,866
SPRINGFIELD-IL	0	1	0	0	0	0	1
ST&SAN-CHICAGO	0	393	0	0	0	0	393
ST-CLOUD-MINN	0	9	8 4/	0	0	0	9
STEVENS-PT-WI	0	7	7 5/	0	0	0	7
STINNES-INTER	0	379	0	379	0	0	379
STOCKTON-CA	0	7	0	0	0	0	7
SUNLAND	0	3,038	0	0	0	0	3,038
SUNOCO	187,134	55,071	0	940	0	132,064	0
SWANN	0	1,534	0	1,534	0	0	1,534
T&S	0	44	0	0	0	0	44
TACOMA-WA	0	1	0	0	0	0	1
TARCO	4,468	312	0	0	0	4,155 3/	0
TARRICONE	0	623	0	623	0	0	623
TENNECO	-405,827	14,082	0	0	-3,381	0	419,909
TESORO	-171,670	12,353	0	0	0	0	184,023
TEXACO	-1,794,959	140,643	0	2,460	-443	0	1,935,602
TEXAS-AMERICAN	824	2,557	0	0	0	0	1,733
TEXAS-CITY	74,168	-126,215	-140,660 5/	0	0	200,383	0
TEXAS-REFINING	0	20,415	19,642 4/	0	0	0	20,415
TEXAS-STANDARD	0	342	0	0	0	0	342
THAGARD	3,015	4,215	1,434 5/	0	175	0	1,200
THORN-CREEK	0	12	10 5/	0	0	0	12
THRIFTWAY	10,325	1,024	0	0	0	9,301	0
THUNDERBIRD	15,249	1,999	0	0	0	13,250	0
TIPPERARY	0	828	0	0	0	0	828
TONKAWA	2,088	3,272	0	0	0	0	1,184
TOSCO	-292,616	21,345	0	0	-7,223	0	313,961
TOTAL-PETROLEUM	4,[illegible]14	27,108	0	0	0	0	23,094

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	ENTITLEMENT POSITION EXCEPTIONS AND CORRECT.	ENTITLEMENTS PRODUCT	ENTITLEMENTS CALIFORNIA	REQUIRED TO BUY	********** REQUIRED TO SELL
TURLOCK-CA	0	11	0	0	0	0	11
UCC-CARIBE	0	11,944	0	11,944	0	0	11,944
UNI-REF	0	1,205	0	0	0	0	1,205
UNION-CARBIDE	0	640	0	640	0	0	640
UNION-OIL	1,292,425	52,616	0	0	351	1,239,809	0
UNTD-REF	25,953	9,022	0	0	0	16,931	0
URBANA-IL	0	2	0	0	0	0	2
US-OIL	0	2,843	0	0	0	0	2,843
USA-PETROCHEM	-15,155	5,656	0	0	0	0	20,811
VAL-VERDE	0	11	0	0	0	0	11
VICKSBURG	0	1,325	0	0	0	0	1,325
WALLER	0	88	0	88	0	0	88
WARRIOR	31,891	1,453	513 5/	0	0	30,438	0
WATSON	0	12	0	0	0	0	12
WEST-COAST	0	179	0	0	0	0	179
WEST-MONMOUTH	0	14	14 5/	0	0	0	14
WESTCHESTER-NY	0	137	130 5/	0	0	0	137
WESTERN	0	2,610	0	0	0	0	2,610
WINSTON-SALEM	0	6	0	0	0	0	6
WIREBACK	0	8	0	0	0	0	8
WITCO	865	5,122	0	0	0	0	4,257
WOOSTER	0	1	0	0	0	0	1
WYATT	0	1,341	0	1,341	0	0	1,341
WYOMING	0	2,609	0	0	0	0	2,609
YOUNG	20,896	-186,051	-185,895 5/	0	0	236,947	0
TOTAL	2,797,057	2,797,057	291,507	126,171	44,339	15,793,134	15,793,134

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[1] See discussion in Notice.

[2] Pursuant to court order, DOE has been enjoined from requiring Husky Oil Corp. to purchase any entitlements pending a decision and order from OHA with regard to an exception request for the period of 1976–March 1978. *See Husky Oil Co.* v. *DOE*, Civ. Action No. C77–190B (D. Wy., filed March 1978), remanded, 582 F. 2d 644 (TECA 1978). Consequently, Husky's purchase obligations have been accruing since March 1978 and as of December 31, 1980, approximate $148 million. Under the terms of the court decision, Husky may qualify for exception relief for some portion of this amount. OHA has issued the decision and order with respect to the period of 1976–March 1978, resulting in a net purchase obligation by Husky for that period of $840,768.36. To maintain the status quo with respect to the March 1978–December 1980 period, OHA has temporarily stayed Husky's accrued purchase obligations pending a determination of the level of exception relief for which Husky may qualify. In the absence of further exception relief, Husky will have obligations on the "clean-up" entitlements list of this $148 million, plus or minus whatever normal adjustments or amendments are appropriate.

[3] This does not include the purchase obligation stayed by court order in *Texas Asphalt & Refinery Co.* v. *FEA*, Civ. Action No. 4–75–268 (N.D. Tex., filed October 31, 1975).

[4] Correction of prior month.

[5] Exception from Office of Hearings and Appeals.

[6] Pursuant to order of the United States District Court for Colorado entered January 22, 1981 in *Asamera Oil (U.S.) Inc. v. DOE* (No. 80–W–1800), DOE has been directed to issue additional entitlements to Asamera amounting to $3,634,008.00 in this Notice.

[7] This number does not reflect a claimed "adjustment" by Ashland to subtract from its crude oil receipts its entire inventory in November 1974. Such a subtraction is not an "adjustment" as defined on the ERA–49 and as reflected in the regulations and is not authorized under applicable regulations.

[8] DOE has been restrained from enforcing this purchase obligation by the United States District Court for the Western District of Kentucky pending further order of the court. *Ashland Oil* v. *DOE*, C 81–0187L(A), April 14, 1981. A hearing on DOE's motion to dismiss Ashland's claim was held on April 21, 1980, and DOE expects a further order of the court before transactions pursuant to this list are required to be completed.

[9] Cities Service reported a negative number of unadjusted old oil crude oil receipts. Such a report is not possible under the instructions to the ERA–49. Therefore, we have calculated the unadjusted old oil crude receipts for the firm to be zero. This is without prejudice to the disallowed negative volumes, if otherwise proper, being reported as an adjustment for the "clean-up" list.

[10] A temporary restraining order entered by the United States District Court for the Southern District of Mississippi requires DOE to issue these entitlements to Southland. Any monies received by Southland pursuant to this entry must be placed in an escrow account pending final decisions on administrative reviews of several OHA decision and orders. *VGS Corp.* v. *DOE*, Civil Action No. J 81–0170(C), Southern District of Mississippi (Jackson Div.) April 13, 1981.

[FR Doc. 82–20857 Filed 7–29–82; 4:04 pm]

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federal register

Monday
August 2, 1982

Part VIII

Department of the Treasury

Internal Revenue Service

Disclosures of Return Information to Officers and Employees of Bureaus of the Census and Economic Analysis and to Designee of Taxpayer

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[T.D. 7824]

Disclosures of Return Information to Officers and Employees of Bureaus of the Census and Economic Analysis and to Designee of Taxpayer

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to disclosures of return information to officers and employees of the Bureaus of the Census and Economic Analysis of the Department of Commerce for certain statistical purposes. These regulations affect disclosures of return information under section 6103 (j)(1) of the Internal Revenue Code of 1954 and provide Internal Revenue Service and Social Security Administration personnel and other persons with the guidance needed to comply with the law. In addition, the regulations under section 6103 (p)(2)(B) are amended to permit the Service to authorize other Federal agencies to which returns and return information have been disclosed by the Internal Revenue Service to further disclose such returns and return information to the taxpayer's designee.

DATE: The regulations apply to disclosures of return information made after August 2, 1982.

FOR FURTHER INFORMATION CONTACT: David E. Dickinson of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T, 202–566–3373, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

On January 21, 1982 (47 FR 3007), the **Federal Register** published proposed amendments to the Regulations on Procedure and Administration (26 CFR Part 301) under section 6103 (j)(1) and (p)(2)(B) relating to disclosures of return information to officers and employees of the Bureaus of the Census and Economic Analysis for statistical purposes as authorized by section 6103(j)(1) and to the regulations under section 6103(p)(2)(B) to authorize the direct disclosure of return information to the taxpayer's designee by a Federal agency to which such return information had initially been disclosed for a purpose described in section 6103. No comments on the proposed regulations were received, and no public hearing was requested or held.

The amendments to § 301.6103(j)(1)–1(b) of the Regulations on Procedure and Administration provide for the disclosure to the Census Bureau of additional items of return information for purposes of conducting the 1982 economic and agricultural censuses. These additional items relate principally to cost of goods sold, royalty and farm income, and receipts of exempt organizations reported on Form 990. Also § 301.6103(j)(1)–1(b)(4) is amended to permit the additional disclosure of business related employment codes and service center, district and area office codes.

Further, § 301.6103(j)(1)–1(b) is amended to delete present disclosure authority with respect to several items, principally having to do with labor hired, number of employees, and taxable wages paid under the Federal Insurance Contribution Act, which the Census Bureau no longer needs for authorized statistical purposes.

Also, the regulations under § 301.6103(j)(1)–1(c) are amended to permit the Social Security Administration to disclose to the Bureau of Economic Analysis for authorized statistical purposes certain described return information from employment tax returns of corporations.

Finally, in certain instances, returns and return information which the Internal Revenue Service has disclosed to another Federal agency for an authorized purpose may be more readily available from that agency than the Service when yet another person requests the Service to disclose the returns and return information for an authorized purpose. An example would be employment tax returns and return information filed directly with the Social Security Administration for processing purposes as authorized by section 6103(l)(5). When another person requests this data for a purpose authorized by section 6103, it may be more feasible for the Social Security Administration to make the disclosure rather than the Service. For this reason, § 301.6103(p)(2)(B)–1(a) of present regulations authorizes the use of this mechanism with the Service's consent. The amendment to this regulation specifically authorizes the use of the mechanism where disclosure is to be made to the taxpayer's designee under section 6103(c).

Regulatory Flexibility Act and Executive Order 12291

The Commissioner of Internal Revenue has determined that this rule is not a major rule for purposes of Executive Order 12291. Accordingly, a regulatory impact analysis is not required. The Secretary of the Treasury has certified that this regulation if promulgated will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required.

Drafting Information

The principal author of these regulations was David E. Dickinson of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

List of Subjects in 26 CFR Part 301

Administrative practice and procedure, Bankruptcy, Courts, Crime, Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Internal Revenue Service, Investigations, Law enforcement, Penalties, Pensions, Statistics, Taxes, Disclosure of information, Filing requirements.

Adoption of the Regulations

Accordingly, the regulations regarding disclosures of return information to the Bureau of the Census and Economic Analysis and to the designee of the taxpayer are adopted as proposed in the **Federal Register** on January 21, 1982, as set forth below.

This Treasury decision is issued under the authority contained in sections 6103 (j)(1) and (q) and 7805 of the Internal Revenue Code of 1954 (90 Stat. 1678 and 1685, 68A Stat. 917; 26 U.S.C. 6103 (j)(1) and (q), 7805).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: July 27, 1982.

John E. Chapoton,

Assistant Secretary of the Treasury.

Accordingly, 26 CFR Part 301 is amended as follows:

PART 301—PROCEDURE AND ADMINISTRATION

Paragraph 1. Paragraphs (b)(2) (i), (ii), (iii), and (iv), (b)(3), (b)(5)(ii), and (c) of § 301.6103(j)(1)–1 are revised to read as follows:

§ 301.6103(j)(1)-1 Disclosures of return information to officers and employees of the Department of Commerce for certain statistical purposes and related activities.

* * * * *

(b) *Disclosure of return information to officers and employees of the Bureau of the Census.*

* * * * *

(2) * * *

(i) From the business master files of the Service, the taxpayer name directory and entity records consisting of taxpayer identity information (as defined in section 6103(b)(6)) with respect to taxpayers engaged in a trade or business, the principal industrial activity code, the filing requirement code, the employment code, the service center and district and area office codes, and monthly corrections of, and additions to, such entity records;

(ii) From Form SS-4, all return information reflected on such return;

(iii) From an employment tax return—

(A) Taxpayer identifying number (as described in section 6109) of the employer and any employee identified on such return,

(B) Total compensation reported,

(C) Total number of employees reflected on such return,

(D) Master file tax account number,

(E) Taxable period covered by such return,

(F) Employment code,

(G) Document locator number,

(H) Record code,

(I) Total number of individuals employed in the taxable period covered by the return,

(J) Taxable wages paid for purposes of chapter 21 to each such employee,

(K) Taxable tip income for purposes of chapter 21 reported on the return with respect to each such employee,

(L) Total taxable wages paid for purposes of chapter 21, and

(M) Total taxable tip income reported for purposes of chapter 21; and

(iv) From Form 1040, Schedule SE—

(A) Taxpayer identifying number of self-employed individual,

(B) Business activities subject to the tax imposed by chapter 21,

(C) Net earnings from farming,

(D) Net earnings from nonfarming activities,

(E) Total net earnings from self-employment, and

(F) Taxable self-employment income for purposes of chapter 2.

(3) Officers or employees of the Service will disclose the following business related return information reflected on the return of a taxpayer to officers and employees of the Bureau of the Census for purposes of, but only to the extent necessary in, conducting and preparing, as authorized by chapter 5 of Title 13, United States Code, demographic, economic, and agricultural statistics programs and censuses—

(i) From Form 1040, Schedule C, taxpayer identity information (as defined in section 6103(b)(6)), the principal industrial activity code, reported gross receipts, returns and allowances, cost of labor, and salaries and wages;

(ii) From Form 1120F, Section II, and Forms 1065, 1120, 1120S, 990C, and 990T, the taxpayer identifying number (as described in section 6109), the principal industrial activity code, the consolidated return indicator (if any), and reported gross receipts less returns and allowances;

(iii) From Forms 1120, 1120S, and 1065, cost of goods sold, and royalty income;

(iv) From Form 990C, cost of goods sold;

(v) From Form 1040 Schedule F, taxpayer identity information and reported gross profits;

(vi) From Form 1040, Schedule C, and Forms 1065 and 1120S, answers to the business activity questions;

(vii) From Forms 1040, Schedule C, business address, answer to the question relating to Form 941, and cost of goods sold and, or, operations;

(viii) From Form 990—

(A) Taxpayer identifying number;

(B) Reported gross receipts;

(C) Cost of goods sold;

(D) Membership dues and assessments; and

(E) Total contributions, gifts, grants, and similar amounts received;

(ix) From Form 990PF, the taxpayer identifying number, the principal industrial activity code, and reported total receipts;

(x) From Form 1065, the names and taxpayer identifying numbers of no more than 10 members of the partnership;

(xi) From Form 1065, including Schedule F, if any, total sales of livestock and produce raised and other farm income and gross and net profits from farming; and

(xii) From Form 1120S, the names and taxpayer identifying numbers of, and the number of shares of stock owned by, no more than 10 shareholders of the corporation.

* * * * *

(5) * * *

(ii) From an employment tax return—

(A) Taxpayer identifying number (as described in section 6109) of the employer and any employee identified on such return,

(B) Total compensation reported,

(C) Taxable wages paid for purposes of chapter 21 to each such employee,

(D) Taxable tip income for purposes of chapter 21 reported on the return with respect to each such employee,

(E) Employee code; and

* * * * *

(c) *Disclosure of return information to officers and employees of the Bureau of Economic Analysis.* (1) Officers or employees of the Service will disclose to officers and employees of the Bureau of Economic Analysis for purposes of, but only to the extent necessary in, conducting and preparing, as authorized by law, statistical analyses return information consisting of Statistics of Income transcript-edit sheets containing return information reflected on returns of designated classes or categories of corporations with respect to the tax imposed by chapter 1 and microfilmed records of return information reflected on such returns where needed for further use in connection with such conduct or preparation.

(2) Subject to the requirements of paragraph (d) of this section and § 301.6103(p)(2)(B)-1, officers and employees of the Social Security Administration to whom the following return information reflected on returns of designated classes or categories of corporations of designated classes or categories of corporations has been disclosed as provided by section 6103(l)(1)(A)(5) may disclose such return information to officers and employees of the Bureau of Economic Analysis for necessary purposes described in paragraph (c)(1) of this section—

(i) From Form SS-4, principal industrial activity and geographic codes; and

(ii) From an employment tax return—

(A) Total compensation reported, and

(B) Taxable wages paid for purposes of chapter 21 to each employee.

* * * * *

§ 301.6103(p)(2)(B)-1 [Amended]

Par. 2. Paragraph (a) of § 301.6103(p)(2)(B)-1 is amended by removing the words "a person described in section 6103(e)" in the first sentence and inserting in lieu thereof the words "to a person described in section 6103 (c) or (e)".

[FR Doc. 82-20967 Filed 7-30-82; 10:13 am]

BILLING CODE 4830-01-M

Reader Aids

Federal Register
Vol. 47, No. 148
Monday, August 2, 1982

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Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419
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Corrections	523-5237
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FEDERAL REGISTER PAGES AND DATES, AUGUST

33245-33478.....2

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

TABLE OF EFFECTIVE DATES AND TIME PERIODS—AUGUST 1982

This table is for determining dates in documents which give advance notice of compliance, impose time limits on public response, or announce meetings.

Agencies using this table in planning publication of their documents must allow sufficient time for printing production.

In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or a holiday, the next Federal business day is used. (see 1 CFR 18.17)

A new table will be published in the first issue of each month.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
August 2	August 17	September 1	September 16	October 1	November 1
August 3	August 18	September 2	September 17	October 4	November 1
August 4	August 19	September 3	September 20	October 4	November 2
August 5	August 20	September 7	September 20	October 4	November 3
August 6	August 23	September 7	September 20	October 5	November 4
August 9	August 24	September 8	September 23	October 8	November 8
August 10	August 25	September 9	September 24	October 12	November 8
August 11	August 26	September 10	September 27	October 12	November 9
August 12	August 27	September 13	September 27	October 12	November 10
August 13	August 30	September 13	September 27	October 12	November 12
August 16	August 31	September 15	September 30	October 15	November 15
August 17	September 1	September 16	October 1	October 18	November 15
August 18	September 2	September 17	October 4	October 18	November 16
August 19	September 3	September 20	October 4	October 18	November 17
August 20	September 7	September 20	October 4	October 19	November 18
August 23	September 7	September 22	October 7	October 22	November 22
August 24	September 8	September 23	October 8	October 25	November 22
August 25	September 9	September 24	October 12	October 25	November 23
August 26	September 10	September 27	October 12	October 25	November 24
August 27	September 13	September 27	October 12	October 26	November 26
August 30	September 14	September 29	October 14	October 29	November 29
August 31	September 15	September 30	October 15	November 1	November 29

CFR CHECKLIST; 1981–82 ISSUANCES

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1981/82. New units issued during the month are announced on the back cover of the daily **Federal Register** as they become available.

For a checklist of current CFR volumes comprising a complete CFR set, see the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1982):

Title	Price
1–2	$5.50
3	7.00
4	7.50
5 Parts:	
1–1199	8.00
1200–end	6.00
7 Parts:	
0–45	8.50
46–51	7.50
52	8.50
53–209	8.50
210–299	8.00
300–399	6.50
400–699	7.50
700–899	7.50
900–999	9.50
1000–1059	7.50
1060–1119	7.50
1120–1199	6.50
1200–1499	7.50
1500–1899	6.50
1900–1944	8.50
1945–end	8.50
8	6.00
9 Parts:	
1–199	7.50
200–end	7.50
10 Parts:	
0–199	8.50
200–399	7.50
400–499	8.00
500–end	8.00
12 Parts:	
1–199	6.50
300–499	7.00
500–end	8.50
13	8.00
14 Parts:	
1–59	8.00
60–139	8.00
140–199	6.50
200–1199	8.50
1200–end	6.50
15 Parts:	
0–299	6.50
300–399	7.50
400–end	7.50
16 Parts:	
0–149	7.00
150–999	7.00
1000–end	7.50
CFR Index	9.50

CFR Unit (Rev. as of Apr. 1, 1982):

18 Parts:	
400–end	7.50
20 Parts:	
1–399	6.50
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21 Parts:	
1–99	7.00
170–199	7.00
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600–799	6.00
800–1299	7.00
1300–end	5.50
24 Parts:	
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800–1699	7.50
26 Parts:	
1 (§§ 1.0–1.169)	9.00
1 (§§ 1.170–1.300)	7.50
1 (§§ 1.301–1.400)	7.00
1 (§§ 1.401–1.500)	7.50
1 (§§ 1.501–1.640)	7.50
1 (§§ 1.641–1.850)	7.50
1 (§§ 1.851–1.1200)	8.50
1 (§§ 1.1201–end)	9.00
30–39	7.00
40–299	8.50
300–499	7.00
600–end	5.50

CFR Unit (Rev. as of July 1, 1981):

28 (Rev. 11/1/81)	**8.00**
29 Parts:	
0–99	9.50
100–499	6.50
500–899	9.00
900–1899	6.50
1900–1910	9.00
1911–1919	6.00
1920–end	8.50
30 Parts:	
0–199	8.50
200–end	9.00
31 Parts:	
0–199	7.00
200–end	8.00
32 Parts:	
1–39, Vol. I (rev. Aug. 1, 1981)	9.00
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1–39, Vol. III (rev. Aug. 1, 1981)	9.50
40–399	13.00
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700–799	8.50
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33 Parts:	
1–199	9.50
200–end	8.50
34 Parts:	
1–399	14.00
400–end	8.50
35 (Rev. 12/31/81)	**6.50**
36 Parts:	
1–199	6.50
200–end	7.50
37	6.50
38 Parts:	
0–17	8.00
18–end	7.00
39	6.50
40 Parts:	
0–51	8.50
52	9.50
53–80	9.00
81–99	9.50
100–149	12.00
150–189	7.50
190–399	13.00
400–424	8.00
425–end	8.00
41 Chapters:	
1 (1–1 to 1–10)	8.00
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102–end	7.00

CFR Unit (Rev. as of Oct. 1, 1981):

42 Parts:	
1–60	7.50
61–399	6.50
400–end	9.00
43 Parts:	
1–999	7.00
1000–3999	8.50
4000–end	6.50
44	**7.50**
45 Parts:	
1–199	7.00
200–499	6.00
500–1199	7.50
1200–end	7.00
46 Parts:	
1–29	5.50
30–40	5.50
41–69	7.50
70–89	6.00
90–109	6.50
140–155	6.50
156–165	7.00
166–199	6.50
200–399	8.00
400–end	8.00
47 Parts:	
0–19	7.50
20–69	9.50
70–79	8.00
80–end	8.50
49 Parts:	
1–99	6.00
100–177	9.00
178–199	8.00
200–399	7.50
400–999	8.00
1000–1199	7.50
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1300–end	7.00
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List of Public Laws

Last Listing July 30, 1982

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

H.R. 4688 / Pub. L. 97–226 To amend the Military Personnel and Civilian Employees' Claims Act of 1964 to increase from $15,000 to $25,000 the maximum amount the United States may pay in settlement of a claim under section 3 of that Act. July 28, 1982; 96 Stat. 245) Price: $1.75.