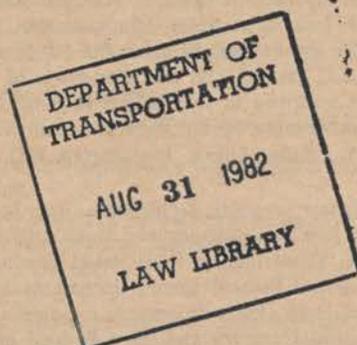


# Federal Register

Monday  
August 30, 1982



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- Anchorage Grounds**  
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- Aviation Safety**  
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- Banks, Banking**  
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- Maritime Carriers**  
Maritime Administration
- Meat and Poultry Inspection**  
Food Safety and Inspection Service
- National Defense**  
Maritime Administration

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### **Natural Gas**

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### **Nuclear Power Plants and Reactors**

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Memorandum of August 10, 1982

The President

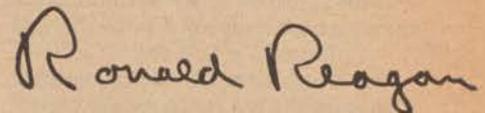
Certification Concerning El Salvador

### Memorandum for the Secretary of State

By the authority vested in me by Section 621 of the Foreign Assistance Act of 1961, as amended, Section 301 of Title 3 of the United States Code, and as President of the United States, I hereby delegate to you the functions conferred upon me by Section 728(e) of the International Security and Development Cooperation Act of 1981, as amended.

This memorandum shall be published in the **Federal Register**.

THE WHITE HOUSE,  
Washington, August 10, 1982.



[FR Doc. 82-23848  
Filed 8-26-82; 4:33 pm]  
Billing code 3195-01-M



# 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

### Animal and Plant Health Inspection Service

[Docket No. 82-332]

#### 7 CFR Part 319

#### Cut Flowers; Interim Rule

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Interim rule.

**SUMMARY:** This document amends the cut flowers regulations on an emergency basis to state that cut flowers imported from any country or locality and found upon inspection at the port of entry to be infested with agromyzids (insects of the family Agromyzidae) shall be fumigated at the time of importation with methyl bromide under specified conditions, except that such fumigation shall not be required for cut flowers imported from Canada or Mexico because of the finding of agromyzids and shall not be required for cut flowers of *Chrysanthemum* spp. imported from Colombia because of the finding of the agromyzid *Liriomyza trifolii* (Burgess). The amendments specify the previous requirements under the regulations except for cut flowers of *Chrysanthemum* spp. from Colombia found to be infested with agromyzids. Previously, such cut flowers of *Chrysanthemum* spp. from Colombia were not required to be fumigated at the time of importation even though found to be infested with agromyzids. Under the amended regulations such infested cut flowers must be treated unless the agromyzids are determined to be *Liriomyza trifolii* (Burgess). The amendments are necessary to clarify the regulations concerning these matters and to prevent the movement of

injurious agromyzids into the United States.

**DATES:** Effective date of amendment August 30, 1982. Written comments concerning this rule must be received on or before October 29, 1982.

**ADDRESSES:** Written comments should be submitted to Thomas Lanier, Assistant Director, Regulatory Services Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 643 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments received may be inspected at Room 641 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

#### FOR FURTHER INFORMATION CONTACT:

Frank Cooper, Staff Officer, Regulatory Services Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 637 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8248.

#### SUPPLEMENTARY INFORMATION:

##### Emergency Action

Harvey L. Ford, Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists which warrants publication of this interim rule without prior opportunity for public comment. This action is necessary in order to clarify the requirements imposed with respect to cut flowers found upon importation from foreign countries and localities to be infested with agromyzids, and to prevent injurious agromyzids from being spread artificially to noninfested areas of the United States, by means of cut flowers imported from Colombia.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this rule are impracticable and contrary to the public interest; and good cause is found for making this rule effective less than 30 days after publication of this document in the Federal Register. Comments are being solicited for 60 days after publication of this document, and a final document discussing comments received and any amendments required will be

published in the Federal Register as soon as possible.

#### Background

The cut flowers regulations (contained in 7 CFR 319.74 through 319.74-7 and referred to below as the regulations) set forth provisions relating to the importation of certain cut flowers into the United States. This document amends the regulations to set forth requirements for imported cut flowers found upon inspection at the port of entry to be infested with agromyzids (insects of the family Agromyzidae).

Some agromyzids do not present a significant threat of causing damage to agricultural products grown in the United States. However, the movement into the United States of certain agromyzids that do not occur in the United States or are not widespread within the United States, e.g., *Agromyza varicornis* Strobl, *Liriomyza huidobrensis* (Blanchard), *Liriomyza strigata* (Meigen), *Paraphytomyza dianthicola* (Venturi), *Phytomyza horticala* Goreau, could cause a substantial reduction in the marketability of cut flowers and other agricultural products grown in the United States. In order to prevent the movement into the United States of these injurious insects of cut flowers and other agricultural products, the Animal and Plant Health Inspection Service (referred to below as APHIS) has required all imported cut flowers found to be infested with agromyzids to be fumigated at the time of importation with methyl bromide in accordance with specified procedures, except that fumigation has not been required for infested cut flowers from Canada or Mexico or for infested cut flowers of *Chrysanthemum* spp. from Colombia. Other than for these exceptions, fumigation has been required for all imported cut flowers upon a finding of any agromyzids. There are more than 1,800 species of agromyzids throughout the world that have been described and it has not been feasible to differentiate species of agromyzids at the time of importation. Because of infestations of agromyzids in imported cut flowers, it is necessary to continue requiring fumigation of such flowers as before, except for the change explained below for cut flowers of *Chrysanthemum* spp. from Colombia.

Action to require fumigation has been taken in accordance with § 319.74-3(a) of the regulations which, among other things, provides that:

Whenever, during the inspection of cut flowers, imported in accordance with the regulations in this subpart, the inspector shall find them to be infested with an injurious insect of infected with an injurious plant disease, which can be eliminated by a method of treatment selected by him in accordance with administratively authorized procedures known to be effective under the conditions applied, he may prescribe as a condition of entry that such treatment be applied by the importer or his agent.

Fumigation has not been required for cut flowers infested with agromyzids imported from Canada or Mexico or for cut flowers of *Chrysanthemum* spp. imported from Colombia because it had been determined that all of the species of agromyzids occurring in Canada or Mexico or infesting cut flowers of *Chrysanthemum* spp. in Colombia were not injurious insects in that they were species that do not present significant risk of causing economic damage to cut flowers or other agricultural crops grown in the United States. It appears that these determinations are still valid with respect to Canada and Mexico and that it is not necessary to fumigate cut flowers from Canada or Mexico found to be infested with agromyzids. However it is necessary to make a change with respect to cut flowers of *Chrysanthemum* spp. imported from Colombia.

Based on past interception records and a recent survey in Colombia, APHIS has now determined that agromyzids of the species *Liriomyza huidobrensis* (Blanchard) (referred to below as *L. huidobrensis*) infest cut flowers of *Chrysanthemum* spp. in Colombia. *L. huidobrensis* occurs in the United States but is not widespread within the United States. The movement of *L. huidobrensis*, an injurious insect pest, into the United States could cause infestations resulting in substantial reductions in the marketability of cut flowers and other agricultural products grown in the United States. Therefore, it is necessary to take action to prevent the movement of *L. huidobrensis* into the United States in cut flowers of *Chrysanthemum* spp. from Colombia.

It has been determined that only two species of agromyzids infest cut flowers of *Chrysanthemum* spp. in Colombia. The pest interception records and the survey establish that in addition to *L. huidobrensis*, cut flowers of *Chrysanthemum* spp. in Colombia are also infested by *Liriomyza trifolii* (Burgess) (referred to below as *L. trifolii*). *L. trifolii* is widespread within

the United States, and based on departmental expertise it appears that it is not necessary to take action against *L. trifolii* since its movement into the United States would not cause significant additional damage to cut flowers or other agricultural products grown in the United States. Further, it should be noted that inspectors at ports of entry are now able to differentiate between *L. huidobrensis* and *L. trifolii* infesting cut flowers of *Chrysanthemum* spp. from Colombia based on taxonomic characteristics discernible by microscopic examinations and based on the finding that only these two species of agromyzids are known to infest cut flowers of *Chrysanthemum* spp. in Colombia. Accordingly, the Department believes that it is necessary to require fumigation for those cut flowers of *Chrysanthemum* spp. from Colombia found to be infested with agromyzids, except for such flowers found to be infested only with *L. trifolii*.

Pursuant to the provisions in § 319.74-3(a) of the regulations, cut flowers that have been required to be treated for agromyzids have been required to be fumigated with methyl bromide at normal atmospheric pressure in a chamber or under a tarpaulin in accordance with one of the following schedules:

- 1½ lbs. for 2 hours at 80°-90° F.  
(19 oz. concentration at first ½ hour)  
(12 oz. concentration at 2 hours); or
- 2 lbs. for 2 hours at 70°-79° F.  
(24 oz. concentration at first ½ hour)  
(16 oz. concentration at 2 hours); or
- 2½ lbs. for 2 hours at 60°-69° F.  
(30 oz. concentration at first ½ hour)  
(20 oz. concentration at 2 hours); or
- 3 lbs. for 2 hours at 50°-59° F.  
(36 oz. concentration at first ½ hour)  
(24 oz. concentration at 2 hours); or
- 3½ lbs. for 2 hours at 40°-49° F.  
(41 oz. concentration at first ½ hour)  
(27 oz. concentration at 2 hours)

Based on departmental expertise, it has been determined that these treatments are adequate to destroy agromyzids in cut flowers. Further, it appears that these are the only feasible methods for destroying agromyzids in cut flowers. In addition, a note is added to explain that there is a possibility that some cut flowers could be damaged by fumigation.

Recently, confusion has arisen in the cut flower industry concerning what requirements should be imposed under the regulations with respect to cut flowers found upon importation to be infested with agromyzids. Accordingly, the Department believes it is necessary

to specify the requirements in the regulations on an emergency basis. Further, in order to prevent the movement into the United States of agromyzids of the species *L. huidobrensis* in cut flowers of *Chrysanthemum* spp. from Colombia, it appears to be necessary on an emergency basis to change the requirements previously imposed under the regulations by requiring fumigation of those cut flowers of *Chrysanthemum* spp. from Colombia found upon inspection to be infested with agromyzids not identified as *L. trifolii*.

#### Executive Order 12291 and Regulatory Flexibility Act.

This rule is issued in conformance with Executive Order 12291 and Secretary's Memorandum No. 1512-1, and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this rule will have an annual effect on the economy of between \$35,000 and \$150,000; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Under the circumstances explained above, any effect on the economy caused by the amendments would be limited to cut flowers of *Chrysanthemum* spp. imported from Colombia and found to be infested with agromyzids not determined to be *L. trifolii*.

Approximately 475 million individual cut flowers of *Chrysanthemum* spp., valued at approximately \$60 million at the time of importation, are imported into the United States annually from Colombia. Based on pest interception records and a recent survey in Colombia, it is projected that approximately .5% to 2% of these cut flowers would require fumigation at the time of importation because of the finding of agromyzids not identified as *L. trifolii*. It is estimated that the total costs for fumigation of such cut flowers and any resulting damage would be between \$35,000 and \$150,000 annually.

Cut flowers of *Chrysanthemum* spp. imported from Colombia compete on the market in the United States with cut flowers grown in the United States and cut flowers imported from many parts of the world. Based on departmental

expertise, it appears that the number of cut flowers of *Chrysanthemum* spp. from Colombia which would be required to be fumigated because of agromyzids would be substantially less than 1% of the cut flowers imported into the United States. Further, there are many small entities which import cut flowers of *Chrysanthemum* spp. from Colombia into the United States and thousands of small entities in the United States which sell cut flowers of *Chrysanthemum* spp. from Colombia.

#### Alternatives

Alternatives were considered in connection with the interim rule. Alternatives considered were (1) to allow the importation without fumigation of any cut flowers of *Chrysanthemum* spp. from Colombia found to be infested with any agromyzids, (2) to require fumigation for any cut flowers of *Chrysanthemum* spp. imported from Colombia found to be infested with any agromyzids, or (3) to require fumigation for any cut flowers of *Chrysanthemum* spp. imported from Colombia because of a finding of agromyzids unless the agromyzids are determined to be *L. trifolii*.

Alternative (1) is not adopted because under this alternative there would be a substantial risk of spread of *L. huidobrensis* within the United States.

Alternative (2) is not adopted because it would be unnecessarily restrictive. Alternative (3) is adopted because under the conditions imposed by the interim rule, cut flowers of *Chrysanthemum* spp. from Colombia can be imported without a significant risk of spreading injurious agromyzids into noninfested areas of the United States. As previously stated in this document, the fumigation procedures set forth in this document are the only known feasible methods of destroying agromyzids in cut flowers. Therefore, it appears that there are no other feasible alternatives to consider in compliance with the requirement that agencies choose the alternative that maximizes net benefits to society at the lowest net cost.

Also, under the circumstances explained above, Dr. H. C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action would not have a significant economic impact on a substantial number of small entities.

#### List of Subjects in 7 CFR Part 319

Agricultural commodities, Flowers, Imports, Plant pests, Plants (agriculture), Quarantine, Transportation.

### PART 319—FOREIGN QUARANTINE NOTICES

Accordingly, § 319.74-3 of "Subpart—Cut Flowers" in 7 CFR Part 319 is amended as follows:

#### § 319.74-3 [Amended]

1. Paragraph (a) is amended by adding the following immediately after the first sentence:

(a) \* \* \* Cut flowers imported from any country or locality and found upon inspection to be infested with agromyzids (insects of the family Agromyzidae) shall be fumigated at the time of importation with methyl bromide in accordance with a procedure specified in paragraph (d) of this section, except that such fumigation shall not be required for cut flowers imported from Canada (including Labrador and Newfoundland) or Mexico because of the finding of agromyzids, and shall not be required for cut flowers of *Chrysanthemum* spp. imported from Colombia because of the finding of agromyzids, when such agromyzids are identified by an inspector to be only agromyzids of the species *Liriomyza trifolii* (Burgess).

2. A new paragraph (d) is added to § 319.74-3 to read as follows:

(d) Fumigation of cut flowers for agromyzids (insects of the family Agromyzidae) shall consist of fumigation with methyl bromide at normal atmospheric pressure in a chamber or under a tarpaulin in accordance with one of the following schedules:

1½ lbs. for 2 hours at 80°-90°F.

(19 oz. concentration at first ½ hour)

(12 oz. concentration at 2 hours); or

2 lbs. for 2 hours at 70°-79°F.

(24 oz. concentration at first ½ hour)

(16 oz. concentration at 2 hours); or

2½ lbs. for 2 hours at 60°-69°F.

(30 oz. concentration at first ½ hour)

(20 oz. concentration at 2 hours); or

3 lbs. for 2 hours at 50°-59°F.

(36 oz. concentration at first ½ hour)

(24 oz. concentration at 2 hours); or

3½ lbs. for 2 hours at 40°-49°F.

(41 oz. concentration at first ½ hour)

(27 oz. concentration at 2 hours)

Note.—There is a possibility that some cut flowers could be damaged by such fumigation.

(Secs. 5 and 9, 37 Stat. 316, 318, as amended, 7 U.S.C. 159, 162; 7 CFR 2.17, 2.51, and 371.2.)

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

Richard R. Backus,

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

[FR Doc. 82-23691 Filed 8-27-82; 8:45 am]

BILLING CODE 3410-34-M

#### 7 CFR Part 371

#### Organization, Functions and Delegations of Authority

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This document revises the statement of organization, functions and delegations of authority of the Animal and Plant Health Inspection Service to Authorize Area Veterinarians in Charge of Veterinary Services programs to issue permits to operate facilities to treat garbage pursuant to Section 5(a) of the Swine Health Protection Act (7 U.S.C. 3804).

**EFFECTIVE DATE:** August 30, 1982.

**FOR FURTHER INFORMATION CONTACT:** John C. Frey, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, MD 20782, (301) 436-5591.

**SUPPLEMENTARY INFORMATION:** The statement of organization, functions and delegations of authority of the Animal and Plant Health Inspection Service is being amended to delegate directly to the Area Veterinarians in Charge of Veterinary Services programs the authority to issue permits to operate garbage treatment facilities as pursuant to Section 5(a) of the Swine Health Protection Act (7 U.S.C. 3804). That section requires that persons desiring to obtain a permit to operate a facility to treat garbage that is to be fed to swine shall apply to (1) the Secretary (of Agriculture), or (2) the chief agricultural or animal health official of the State where the facility is located. Due to the volume of permit applications anticipated and in order to facilitate handling of such requests, authority to issue permits to operate garbage treatment facilities is being delegated to the lowest practicable administrative level within the Service.

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

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

#### List of Subjects in 7 CFR Part 371

Organization and functions  
(Government agencies).

#### PART 371—ORGANIZATION, FUNCTIONS AND DELEGATIONS OF AUTHORITY

Accordingly, 7 CFR Part 371 is amended as follows:

1. The authority citation for Part 371 reads as follows:

Authority: 5 U.S.C. 301.

2. Section 371.6 is amended by adding a new paragraph (e) to read as follows:

#### § 371.6 Delegations of authority.

(e) *Area Veterinarians in Charge, Veterinary Services.* Area Veterinarians in Charge of Veterinary Services programs are hereby delegated authority to issue permits to operate facilities to treat garbage pursuant to Section 5(a) of the Swine Health Protection Act (7 U.S.C. 3804).

Issued at Washington, D.C. this 23rd day of August 1982.

Harry C. Mussman,  
Administrator.

[FR Doc. 82-23729 Filed 8-27-82; 8:45 am]

BILLING CODE 3410-34-M

#### FEDERAL RESERVE SYSTEM

#### 12 CFR Part 204

[Docket No. R-0416; Regulation D]

#### Reserve Requirements of Depository Institutions; Time Deposits With Original Maturities or Notice Periods of Seven to Thirteen Days

**AGENCY:** Board of Governors of the Federal Reserve System.

**ACTION:** Final rule.

**SUMMARY:** The Board of Governors has amended Regulation D—Reserve Requirements of Depository Institutions (12 CFR Part 204) to define the new

seven to 31 day deposit category authorized by the Depository Institutions Deregulation Committee ("DIDC") as a "time deposit" for purposes of Regulation D. Accordingly, these deposits will be subject to no basic reserve requirements if they are personal time deposits and to a 3 percent reserve requirement if they are nonpersonal time deposits. All other deposit categories, with original maturities or notice periods of less than 14 days, will continue to be defined as "demand deposits" and subject to transaction account reserve requirements. This action was taken in view of the DIDC's authorization of a new category of deposit with an original maturity or notice period of no less than seven nor more than 31 days and a ceiling rate based on the 91-day Treasury bill rate (auction average on a discount basis).

**EFFECTIVE DATE:** September 1, 1982. The first reserve maintenance period to which this amendment applies commences September 9, 1982.

**FOR FURTHER INFORMATION CONTACT:** Gilbert T. Schwartz, Associate General Counsel (202/452-3625), Paul S. Pilecki, Senior Attorney (202/452-3281), or Robert G. Ballen, Attorney (202/452-3285), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

**SUPPLEMENTARY INFORMATION:** The Monetary Control Act of 1980 ("MCA") (Title I of Pub. L. 96-221; 94 Stat. 132) defines "transaction account" as a deposit or account on which the depositor or account holder is permitted to make payments or transfers to third persons or others including demand deposits (12 U.S.C. 461(b)(1)(C)). The Board is empowered to determine which deposits or accounts are demand deposits and, thus, transaction accounts for reserve requirement purposes (12 U.S.C. 461(a)). The Board at present defines "demand deposit" to include any deposit or account with a maturity or required notice period of less than 14 days (12 CFR 204.2(b)(1)). Deposits or accounts with a maturity or required notice period of 14 days or more currently are defined as "time deposits."

The Depository Institutions Deregulation Committee ("DIDC"), pursuant to its authority under the Depository Institutions Deregulation Act of 1980 (Title II of Pub. L. 96-221), authorized Federally-insured commercial banks, mutual savings banks, and savings and loan associations<sup>1</sup> to offer, effective

<sup>1</sup>Generally, United States branches and agencies of foreign banks and Edge or Agreement

September 1, 1982, a new category of time deposit with an original maturity or required notice period of seven to 31 days, at the discretion of the depository institution, with a required minimum deposit balance of \$20,000 and a ceiling rate tied to the 91-day Treasury bill rate (auction average on a discount basis). Thrift institutions may pay the bill rate and commercial banks may pay 25 basis points less than the bill rate. The interest rate ceilings will be suspended whenever the 91-day Treasury bill rate has been nine percent or below for four consecutive Treasury bill auctions and, in any event, will be eliminated on May 1, 1983. 47 FR 34127; August 6, 1982.

Under the Board's Regulation D, the new instrument, if issued with an original maturity or required notice period of seven to 13 days, would be considered a transaction account and as such subject to a three or twelve percent reserve requirement, depending upon the level of total net transaction accounts at the depository institution. If issued with an original maturity or required notice period of 14 to 31 days, the new instrument would be considered a time deposit and as such would not be subject to basic reserve requirements if nontransferable and held by a natural person or would be subject to a 3 percent reserve requirement if transferable or if held by other than a natural person. Thus, the existing reserve requirement structure presents a disincentive for issuing the new instrument with an original maturity or required notice period of seven to 13 days.

In light of the DIDC's objective in authorizing this new instrument to enable depository institutions to compete more effectively with short-term market instruments, the Board has amended its regulations so that the new instrument, when issued with an original maturity or required notice period of seven to 13 days will be regarded as a time deposit for reserve requirement purposes. The new instrument has various restrictions that limit its transactional capabilities, including a \$20,000 minimum deposit balance, prohibitions against third party negotiable drafts drawn directly on the instrument and sweep arrangements involving the instrument, and a requirement that it be issued in nonnegotiable form. Deposits or accounts issued by depository

Corporations may offer this account pursuant to section 7(a)(1)(A) of the International Banking Act of 1978 (12 U.S.C. 3105(a)(1)(A)), section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)), sections 25 and 25(a) of the Federal Reserve Act (12 U.S.C. 601 *et seq.*, 611 *et seq.*) and 12 CFR 211.4(d).

institutions subject to the rules of the DIDC with original maturities or required notice periods of less than 14 days that do not have *all* of the characteristics of the new seven to 31 day instrument will continue to be treated as demand deposits and will be subject to reserve requirements at the ratios applicable to transaction accounts.

A deposit or account issued with an original maturity or required notice period of seven to 13 days by depository institutions that are not subject to the rules of the DIDC will be regarded as a time deposit for purposes of Regulation D only if a minimum deposit balance of \$20,000 is maintained, it is in nonnegotiable form, and the account otherwise would not be classified as a transaction account under Regulation D. This, however, will not affect the ability of such institutions to offer other types of time deposits. It should be noted that the Board also is seeking public comment on a proposed amendment that would regard any deposit issued with an original maturity or required notice period of seven days or more as a time deposit.

In view of the fact that commercial banks, mutual savings banks, and savings and loan associations may offer the new time deposit category authorized by the DIDC as of September 1, 1982, the Board finds that application of the notice and public participation provisions of 5 U.S.C. 553 to this action would be contrary to the public interest, and that good cause exists for making this action effective September 1, 1982.

#### List of Subjects in 12 CFR Part 204

Banks, banking, Currency, Federal Reserve System, Penalties, Reporting requirements.

#### PART 204—RESERVE REQUIREMENTS OF DEPOSITORY INSTITUTIONS

Pursuant to its authority under sections 19, 25, and 25(a) of the Federal Reserve Act (12 U.S.C. 461, 601 *et seq.*, 611 *et seq.*) and under section 7 of the International Banking Act of 1978 (12 U.S.C. 3105), the Board amends Regulation D (12 CFR Part 204) effective September 1, 1982, as follows:

1. By amending § 204.2(b)(2) to read as follows:

#### § 204.2 Definitions.

(b) \* \* \*

(2) A "demand deposit" does not include (i) checks or drafts drawn by the depository institution on the Federal Reserve or on another depository institution; (ii) a deposit or account

issued pursuant to 12 CFR 1204.121, including those with an original maturity or required notice period of seven to 13 days; or (iii) for depository institutions not subject to the rules of the Depository Institutions Deregulation Committee under 12 U.S.C. § 3501 *et seq.*, a deposit or account issued with an original maturity or required notice period of seven to 13 days if such deposit or account is nonnegotiable, subject to a minimum balance of \$20,000, and not otherwise a transaction account under section 204.2(e) of this Part.

\* \* \* \* \*

2. By amending subparagraph (1) of § 204.2(c) by revising subparagraphs (i)(E) and (ii) and adding (iii) to read as follows:

#### § 204.2 Definitions.

\* \* \* \* \*

(c) \* \* \*

(1) \* \* \*

(i) \* \* \*

(E) that constitute a "savings deposit" which is not regarded as a "transaction account;"

(ii) borrowings, regardless of maturity, represented by a promissory note, an acknowledgment of advance, or similar obligation described in section 204.2(a)(1)(vii) that is issued to any office located outside the United States of another depository institution or Edge or agreement corporation organized under the laws of the United States, to any office located outside the United States of a foreign bank, or to institutions whose time deposits are exempt from interest rate limitations under section 217.3(g) of Regulation Q (12 CFR 217.3(g)); and

(iii) a deposit or account issued pursuant to 12 CFR § 1204.121, including those with an original maturity or required notice period of seven to 13 days; or for depository institutions not subject to the rules of the Depository Institutions Deregulation Committee under 12 U.S.C. § 3501 *et seq.*, a deposit or account issued with an original maturity or required notice period of seven to 13 days if such deposit or account is nonnegotiable, subject to a minimum balance of \$20,000, and is not otherwise a transaction account under section 204.2(e) of this Part.

\* \* \* \* \*

By order of the Board of Governors, August 24, 1982.

William W. Wiles,  
Secretary of the Board.

[FR Doc. 82-23742 Filed 8-27-82; 8:45 am]

BILLING CODE 6210-01-M

#### FEDERAL DEPOSIT INSURANCE CORPORATION

#### 12 CFR Part 341

#### Registration of Securities Transfer Agents

**AGENCY:** Federal Deposit Insurance Corporation.

**ACTION:** Final rule.

**SUMMARY:** The amendments revise Part 341 of the rules and regulations of the Federal Deposit Insurance Corporation (the "FDIC"). Part 341 governs registration of insured nonmember banks, or subsidiaries of such banks, that act as transfer agents for qualifying securities under section 12 of the Securities Exchange Act of 1934 (the "Act"). The amendments add a section dealing with deregistration of transfer agents, add a section containing definitions, allow 60 days instead of 21 days to amend registration after changed circumstances, and adopt a revised format for the part. The changes integrate the regulation with a simplified Form TA-1 for initial registration of transfer agents and for amendments to registration.

**DATES:** The amendments are effective September 30, 1982.

**FOR FURTHER INFORMATION CONTACT:** John F. Harvey, Chief, Review Unit, Division of Bank Supervision, (202) 389-4295, or James L. Meador, Attorney, Legal Division, (202) 389-4171, Federal Deposit Insurance Corporation, 550-17th Street, NW., Washington, D.C. 20429.

**SUPPLEMENTARY INFORMATION:** On May 3, 1982, FDIC caused to be published in the *Federal Register* (47 FR 18910) a notice of proposed rulemaking which would amend the FDIC's transfer agent registration regulations to conform them to a simplified Form TA-1. Interested persons were given the opportunity to submit not later than July 2, 1982, data, views or arguments regarding the proposed amendments.

Two written comments were received. Both were generally in favor of the amendments, and particularly in favor of the extension of time to 60 days for filing amendments to registration.

Registration under Part 341 must be accomplished before a bank can lawfully perform the functions of a transfer agent with respect to any security registered under section 12 of the Act.

In most cases, a bank is required to register a transfer agent whenever it acts as a transfer agent and/or registrar of certain securities:

1. Securities issued by the bank: When the bank has \$1 million or more in assets and 500 or more stockholders.

2. Securities issued by the bank's parent company or an outside company: When the company has 500 or more stockholders and \$1 million or more in assets.

3. Securities registered on a national securities exchange.

A description of the changes to Part 341 follows.

#### Revised Form TA-1

The amendments integrate Part 341 and the new Form TA-1. The form has been revised and simplified by the FDIC in coordination with the Securities and Exchange Commission (the "SEC"), the Comptroller of the Currency and the Federal Reserve Board of Governors. The revised FDIC form has been approved for use by the Office of Management and Budget under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

The new form is on two pages, four pages less than the old form; instructions are on two pages, two pages less than instructions for the old form. Substantially all information required by the old form is required by the new form except for the following kinds of information which have been deleted from TA-1:

1. Information regarding the types of business activities of the registrant;
2. Information regarding the registrant's insurance coverage;
3. Information regarding the registered securities that are transferred by the registrant;
4. Information regarding the volume of transfer activity of the registrant;
5. Whether the registrant is audited; and
6. A description of the registrant's internal policies and procedures for "reconciling differences (including clerical and posting errors and out-of-proof conditions) in its transfer agent operations" (TA-1, item 12, page 3).

FDIC has not published the form or instructions in the Code of Federal Regulations since August 19, 1980 because of their length and complexity. These objections are removed by the new form, which is available from the FDIC on request.

#### Textual Changes

Part 341 is revised to reflect a change introduced by the International Banking Act of 1978 (12 U.S.C. 3101 *et seq.* (1978)). Since September 14, 1979, foreign banks have been permitted to establish branches in the United States which accept insured deposits (12 U.S.C. 3104). Branches of foreign banks which

are insured can register with the FDIC as securities transfer agents.<sup>1</sup> The old regulation refers only to State chartered banks that are not members of the Federal Reserve System. The amendment deletes reference to "State nonmember banks," and refers instead to "insured nonmember banks."

Other minor changes in the language of the part to make it more clear also are made.

#### Definitions

Form TA-1 contains certain terminology such as "appropriate regulatory agency" and "Federal bank regulators" which may not be familiar to registrants and the public. For this reason, FDIC has added a section to the regulation containing definitions of such terms which appear in Part 341 and Form TA-1.

#### Deregistration

Section 17A(c)(3)(C) of the Securities Exchange Act of 1934 (15 U.S.C. 78q-1(c)(3)(C)) provides that "[a] registered transfer agent may, upon such terms and conditions as the appropriate regulatory agency for such transfer agent deems necessary or appropriate in the public interest, for the protection of investors, or in furtherance of the purposes of this section, withdraw from registration by filing a written notice of withdrawal with such appropriate regulatory agency." Part 341 was silent on the subject of deregistration although the SEC, the Comptroller of the Currency, the Federal Reserve Board, and the FDIC use substantially uniform forms or letters for this purpose. The forms are similar or identical to SEC Form TA-W. Compare SEC Rule 249b.101 (17 CFR 249b.101). The amendment explicitly refers to procedure for deregistration and describes the terms and conditions where withdrawal from registration is appropriate or necessary.

#### Extension of Time for Filing Amendments to Registration

Many banks have been unable to amend Form TA-1 within the 21 days allowed under old § 341.2(c) (12 CFR 341.2(c)) after the occurrence of an event which causes the information contained in the form to become inaccurate, misleading or incomplete. The extension to 60 days gives registered banks sufficient time to comply with the rule for filing amendments.

#### New Format for Part 341

The amendments affect three sections of the part; sections on deregistration

<sup>1</sup> FDIC is the appropriate regulatory agency for insured banks (other than members of the Federal Reserve System) (15 U.S.C. 78c(a)(34)(B)(iii)).

and definitions have been added, and amendments are treated apart from registration. These changes are for clarity, and do not affect registration, amendments to registration, or withdrawal from registration. The new format is designed to accommodate these changes.

#### Certification Under the Regulatory Flexibility Act

The Board of Directors certifies under 5 U.S.C. 605(b) that the amendments will not have a significant economic impact on a substantial number of small entities. The changes to Part 341 clarify existing agency procedures. The regulatory burdens of information gathering, recordkeeping, and reporting have been substantially reduced.

In the past, many registrants have needed professional help to complete the registration form. FDIC believes that in the future most banks will be able to register without such assistance. By making Part 341 and Form TA-1 simpler to use, FDIC seeks to lessen the economic impact of the regulation on small banks.

#### Paperwork Reduction Act

The Office of Management and Budget (the "OMB") has approved Form TA-1 as revised and FDIC's Request for Deregistration form in accordance with the requirements of the Paperwork Reduction Act (44 U.S.C. 3507(a)(3)). [OMB 3064-0026 and OMB 3064-0027, respectively.]

The amendments will not impose new reporting or recordkeeping requirements on any person. The amendments used in conjunction with Form TA-1 ease the information gathering and reporting burdens on registrants.

#### List of Subjects in 12 CFR Part 341

Banks, banking; Reporting requirements; Securities.

By Order of the Board of Directors, August 23, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,  
Executive Secretary.

12 CFR Part 341 is revised as follows:

#### PART 341—REGISTRATION OF SECURITIES TRANSFER AGENTS

- Sec.
- 341.1 Scope.
  - 341.2 Definitions.
  - 341.3 Registration as Securities Transfer Agent.
  - 341.4 Amendments to Registration.
  - 341.5 Withdrawal from Registration.
  - 341.6 Reports.

Authority: Secs. 2, 3, 17, 17A and 23(a), Securities Exchange Act of 1934, as amended (15 U.S.C. 78b, 78c, 78q, 78q-1 and 78w(a)).

#### § 341.1 Scope.

This part is issued by the Federal Deposit Insurance Corporation (the "FDIC") under sections 2, 3(a)(34)(B), 17, 17A and 23(a) of the Securities Exchange Act of 1934 (the "Act"), as amended (15 U.S.C. 78b, 78c(a)(34)(B), 78q, 78q-1 and 78w(a)) and applies to all insured nonmember banks, or subsidiaries of such banks, that act as transfer agents for securities registered under section 12 of the Act (15 U.S.C. 78l), or for securities exempt from registration under subsections (g)(2)(B) or (g)(2)(C) of section 12 (15 U.S.C. 78l(g)(2)(B) and (C)) (securities of investment companies, including mutual funds, and insurance companies). Such securities are "qualifying securities" for purposes of this part.

#### § 341.2 Definitions.

For the purpose of this part, including all forms and instructions promulgated for use in connection herewith, unless the context otherwise requires:

(a) The term "transfer agent" means any person who engages on behalf of an issuer of qualifying securities or on behalf of itself as an issuer of qualifying securities in (1) countersigning such securities upon issuance; (2) monitoring the issuance of such securities with a view to preventing unauthorized issuance, a function commonly performed by a person called a registrar; (3) registering the transfer of such securities; (4) exchanging or converting such securities; or (5) transferring record ownership of securities by bookkeeping entry without physical issuance of such securities certificates. The term "transfer agent" includes any person who performs these functions as a co-transfer agent with respect to equity or debt issues, and any person who performs these functions as registrar or co-registrar with respect to debt issued by corporations.

Note.—The following examples are illustrative of the kinds of activities engaged in by transfer agents under this part.

1. A transfer agent of stock or shares in a mutual fund maintains the records of shareholders and transfers stock from one shareholder to another by cancellation of the surrendered certificates and issuance of new certificates in the name of the new shareholder. A co-transfer agent also performs these functions.

2. A registrar of stock or shares in a mutual fund monitors the issuance of such securities to prevent over-issuance of shares, affixing its signature of each stock certificate issued to signify its authorized issuance. A co-registrar also performs these functions.

3. A registrar of corporate debt securities maintains the records of ownership of registered bonds; makes changes in such records; issues, transfers, and exchanges such certificates; and monitors the securities to prevent over-issuance of certificates. A co-registrar also performs these functions.

(b) The term "Act" means the Securities Exchange Act of 1934.

(c) The acronym "ARA" means the appropriate regulatory agency, as defined in section 3(a)(34)(B) of the Act.

(d) The phrase "Federal bank regulators" means the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation.

(e) The term "Form TA-1" means the form and any attachments to that form, whether filed as a registration or an amendment to a registration.

(f) The term "registrant" means the entity on whose behalf Form TA-1 is filed.

(g) The acronym "SEC" means the Securities and Exchange Commission.

(h) The term "insured nonmember bank" means a bank whose Deposits are insured by the Federal Deposit Insurance Corporation and that is not a member of the Federal Reserve System.

(i) The term "qualifying securities" means:

- (1) Securities registered on a national securities exchange;
- (2) Securities issued by a company or bank with 500 or more shareholders and \$1 million or more in total assets, except for securities exempted from registration with the SEC by section 12(g)(2) (C, D, E, F and H) of the Act.

#### § 341.3 Registration as securities transfer agent.

(a) *Requirement for registration.* Any insured nonmember bank which performs any of the functions of a transfer agent as described in § 431.2(a) with respect to qualifying securities shall register with the FDIC in the manner indicated in this section.

(b) *Application to register as transfer agent.* An application for registration under section 17A(c) of the Act, of a transfer agent for which the FDIC is the appropriate regulatory agency, as defined in section 3(a)(34)(B)(iii) of the Act, shall be filed with the FDIC at its Washington, D.C. headquarters on Form TA-1, in accordance with the instructions contained therein.

(c) *Effective date of registration.* Registration shall become effective 30 days after the date an application on Form TA-1 is filed unless the FDIC accelerates, denies, or postpones such registration in accordance with section 17A(c) of the Act. The effective date of

such registration may be postponed by order for a period not to exceed 15 days. Postponement of registration for more than 15 days shall be after notice and opportunity for hearing. Form TA-1 is available upon request from the Review Unit, Division of Bank Supervision, FDIC, Washington, D.C. 20429.

#### § 341.4 Amendments to registration.

(a) Within 60 calendar days following the date on which any information reported at items 1-6 of Form TA-1 becomes inaccurate, misleading or incomplete, the registrant shall file an amendment on Form TA-1 correcting the inaccurate, misleading or incomplete information.

(b) The filing of an amendment to an application for registration as a transfer agent under § 341.3, which registration has not become effective, shall postpone the effective date of the registration for 30 days following the date on which the amendment is filed unless the FDIC accelerates, denies, or postpones the registration in accordance with section 17A(c) of the Act.

#### § 341.5 Withdrawal from registration.

(a) *Notice of withdrawal from registration.* Any transfer agent registered under this part that ceases to engage in the functions of a transfer agent as defined in § 341.2(a) shall file a written notice of withdrawal from registration with the FDIC. A registered transfer agent that ceases to engage in one or more of the functions of transfer agent as defined in § 341.2(a), but continues to engage in another such function, shall not withdraw from registration.

(b) A notice of withdrawal shall be filed with the FDIC at its Washington, D.C. headquarters. Deregistration shall be effective upon receipt of notice of withdrawal by the FDIC. A Request for Deregistration form is available from the Review Unit, Division of Bank Supervision, FDIC, Washington, D.C. 20429.

(c) If the FDIC finds that any registered transfer agent for which it is the ARA, is no longer in existence or has ceased to do business as a transfer agent, FDIC shall cancel or deny the registration by order of the Board of Directors.

(d) Registration of a transfer agent with another ARA shall cancel registration of the transfer agent with FDIC.

#### § 341.6 Reports.

Every registration or amendment filed under this section shall constitute a "report" or "application" within the

meaning or sections 17, 17A(c), and 32(a) of the Act.

[FR Doc. 82-23576 Filed 8-27-82; 8:45 am]  
BILLING CODE 6714-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 82-NM-36-AD; Amdt. 39-4452]

#### Airworthiness Directives; Canadair Model CL-600 Series Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** On April 14, 1982, the FAA issued a telegraphic Airworthiness Directive (AD) T82-09-51, effective upon receipt, to all known U.S. operators of Canadair CL-600 airplanes, certificated in all categories, which required factoring flight manual takeoff and landing distances and revising certain  $V_1$  speeds. These changes were required because of reported anti-skid system failures which resulted in airplanes leaving or nearly leaving the runway after normal braking capability was lost. This amendment publishes the telegraphic AD in the Federal Register making it effective to all persons and also provides for terminating action.

**EFFECTIVE DATE:** September 9, 1982. This AD was effective earlier to all recipients of telegraphic AD T82-09-51 dated April 14, 1982.

**ADDRESSES:** The service bulletin specified in this Airworthiness Directive may be obtained upon request to Canadair, Ltd., Commercial Aircraft Technical Services, Box 6087, Station A, Montreal, Canada, PQ H3 C3G9 or may be examined at the address shown below.

**FOR FURTHER INFORMATION CONTACT:** Mr. Harold N. Wantiez, Foreign Aircraft Certification Branch, ANM-150S, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767-2530. Mailing address: FAA Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

**SUPPLEMENTARY INFORMATION:** The Canadian Department of Transport (DOT) has issued an Airworthiness Directive which requires the use of factored takeoff and landing distances and a reduction of  $V_1$  speeds on all Canadair CL-600 airplanes because of several reported instances of anti-skid

system failure which had occurred that resulted in the loss of normal braking action and the airplane leaving or nearly leaving the runway.

On April 14, 1982, the FAA issued telegraphic AD T82-09-51 which required lowering  $V_1$  by 10 KIAS (but not lower than 105 KIAS) and increasing takeoff distances by a factor of 1.2 (20 percent) and landing distances by a factor of 1.65 (65 percent) on all Canadair CL-600 airplanes. The manufacturer has now developed a modification to the anti-skid system which eliminates the braking problem. This AD publishes the telegraphic AD in the Federal Register and also provides mandatory terminating action by the accomplishment of Canadair Service Bulletin A600-0212 dated May 1, 1982.

This airplane model is manufactured in Canada and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable airworthiness bilateral agreement.

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

#### 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:

**Canadair:** Applies to all Canadair CL-600 airplanes certificated in all categories. Because of the possible loss of normal braking, accomplish the following unless already accomplished:

1. Revise flight manual operating procedures as follows before further flight:
  - A. The critical engine failure recognition speed  $V_1$  shown in Section 4, page 4-39; Supplement 2, page S2-69; or Supplement 6, page S6-74 of the airplane flight manual shall be reduced by 10 KIAS but shall not be lower than 105 KIAS (VMCG).
  - B. The takeoff distances derived from Section 4, page 4-44; Supplement 2, page S2-73; or Supplement 6, page S6-80 of the airplane flight manual shall be increased by a factor of 1.2 (20 percent).
  - C. The landing distances derived from Section 4, page 4-63; Supplement 2, page S2-94; or Supplement 6, page S6-101 of the airplane flight manual shall be increased by a factor of 1.65 (65 percent).

2. If any suspected braking deficiency occurs during the brake operation, immediately release brakes, switch off the anti-skid system, and control the brakes

manually as described in paragraph 35.3 of Section 2 of the airplane flight manual.

3. Within the next 50 flights after the effective date of this AD, modify the anti-skid system in accordance with Canadair Service Bulletin A600-0212 dated May 1, 1982. Accomplishment of this modification constitutes terminating action for this AD and authorizes removal of the airplane Flight Manual revisions imposed by item 1. above.

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

5. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

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

This amendment becomes effective September 9, 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. 1855(c)); and 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 of 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."

Issued in Seattle, Washington, on August 20, 1982.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 82-23697 Filed 8-27-82; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 39

[Docket No. 82-NM-22-AD; AMDT. 39-4449]

#### Airworthiness Directives; Aircraft Tank Service, Inc. Single Point Refueling System Installed on Fan Jet Falcon, DH-125, and Lockheed Model 1329 Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) which requires a periodic inspection, and/or replacement, of Aircraft Tank Service, Inc. tygothane tubing assemblies on Lockheed Model 1329, Avions Marcel Dassault Model Fan Jet Falcon, and British Aerospace Model DH-125 Series airplanes incorporating these components. The AD is needed to prevent uncontrolled fuel migration, incomplete fueling, or spillage during single point refueling and fuel system contamination which could result in engine fuel starvation.

**DATE:** Effective date October 4, 1982. Compliance required as prescribed in the AD.

**ADDRESSES:** The applicable service information may be obtained from: Aircraft Tank Service, Inc., Product Support Engineering, P.O. Box 1307, Sun Valley, California 91352. This information also may be examined at FAA Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168; or Western Aircraft Certification Field Office, 15000 Aviation Boulevard, Hawthorne, California 90261.

**FOR FURTHER INFORMATION CONTACT:** John Ehret, Aerospace Engineer, Propulsion Section, ANM-174W, Federal Aviation Administration, Northwest Mountain Region, Western Aircraft Certification Field Office, 15000 Aviation Boulevard, Hawthorne, California 90261, telephone (213) 536-6385.

**SUPPLEMENTARY INFORMATION:** A proposal to amend Part 39 of the Federal Aviation Regulations to include an Airworthiness Directive (AD) that requires inspection and replacement, as necessary, of Aircraft Tank Service, Inc. tygothane tubing assemblies on Lockheed Model 1329, Avions Marcel Dassault Model Fan Jet Falcon and British Aerospace Model DH-125 Series airplanes incorporating these components was published in the Federal Register on April 12, 1982, (47 FR 15600). This proposal was prompted by reports of pressure refueling system malfunctions and fuel system contamination attributed to age-deteriorated tygothane tubing installed in accordance with various Aircraft Tank Service, Inc., Supplemental Type Certificates on Lockheed Model 1329, Avions Marcel Dassault Model Fan Jet Falcon, and British Aerospace (Aircraft Group) Model DH-125 airplanes. The time of deterioration is approximately five years, which may be influenced by

solar heating of the integral wing fuel tanks. This condition, if uncorrected, could result in inadequate fuel flow and possible engine fuel starvation.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to all comments received.

Two commenters suggested a more practical replacement criterion for aircraft with over five years service experience but not subjected to the extreme solar heating of the wing fuel. The FAA agreed and the AD has been revised so as not to create an undue hardship by removing the requirement to replace the tygothane components within five years time in service. Aircraft safety will be maintained by requiring replacement when repetitive inspections indicate the components are no longer serviceable.

The commenters also stated that discoloration of the tubing was insufficient reason to require replacement. The FAA disagrees with the comments on discoloration and considers the dark chocolate discoloration to be a proper indication of impending failure of the tygothane components.

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 following rule with the changes previously noted.

**List of Subjects in 14 CFR Part 39**

Aviation safety, Aircraft.

**Adoption of This 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:

**Aircraft Tank Service, Inc.:** Applies to Lockheed Model 1329 series airplanes, Avions Marcel Dassault Model Fan Jet Falcon series airplanes, and British Aerospace (Aircraft Group) Model DH-125 series airplanes which have been modified in accordance with STC SA2603WE, SA3221WE, SA3324WE, SA1851WE, or SA3382WE, certificated in all categories.

Compliance required as indicated, unless already accomplished.

To prevent possible engine fuel starvation, accomplish the following:

A. Within the next 30 calendar days after the effective date of this AD, or before the accumulation of two years calendar time since the installation of tygothane tubing, whichever occurs later, inspect to determine the condition of the tygothane components in

accordance with the appropriate service bulletin listed in the table below.

1. If there is cracking or brittleness, discontinue use of the single point refueling system and within 90 calendar days after the inspection, remove tygothane tubing systems components and replace with like serviceable components in accordance with Part III of the appropriate service bulletin. The appropriate service bulletin for each type airplane is shown below.

Model	STC No.	Aircraft Tank Service, Inc., service bulletin
Fan Jet Falcon.....	SA1851WE	A28-01 Rev. 1 dated Jan. 21, 1982.
DH-125 .....	SA3382WE	A28-02 Rev. 1 dated Feb. 5, 1982.
1329.....	SA2603WE	A28-04 Rev. 1. dated Jan. 29, 1982, or A28-5 Rev. 1 dated Feb. 5, 1982 (see service bulletin effectivity).
1329.....	SA3221WE	A28-05 Rev. 1 dated Feb. 5, 1982.
1329.....	SA3324WE	A28-05 Rev. 1 dated Feb. 5, 1982.

2. If there is no cracking or brittleness but a chocolate brown color noted, continue operation and repeat inspection at six months from initial inspection and replace tygothane components per appropriate service bulletin within one year from initial inspection.

3. If the tygothane components are light colored, continue to inspect in accordance with paragraph A. of this AD at intervals not to exceed six months until such time as the tygothane components are replaced in accordance with Part III of the appropriate service bulletin.

B. After the effective date of this AD, if difficulty in pressure refueling or spillage out of the vent line is encountered, inspect per paragraph A. of this AD, and:

1. If the tygothane tubing has started to break up and there is evidence of tygothane particles in the tank which could cause fuel system contamination, replace the tygothane tubing prior to next flight per Part III of the appropriate Service Bulletin.

2. If cracking or embrittlement is found without evidence of loose particles, discontinue use of the single point fueling system and replace the tygothane tubing within 90 days after the inspection in accordance with Part III of the appropriate Service Bulletin.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate aircraft to a base for the accomplishment of inspections or modifications required by this AD.

D. Alternate means of compliance which provides an equivalent level of safety may be used when approved by the Chief, Western Aircraft Certification Field Office, FAA Northwest Mountain Region, Hawthorne, California.

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

All persons affected by this proposal who have not already received these documents from the manufacturer may obtain copies upon request to Aircraft Tank Service, Inc.,

Product Support Engineering, P.O. Box 1307, Sun Valley, California 91352. These documents may also be examined at FAA Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168; or Western Aircraft Certification Field Office, 15000 Aviation Boulevard, Hawthorne, California 90261.

This amendment becomes effective October 4, 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) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

**Note.**—For the reasons discussed in the regulatory evaluation the impact of this rulemaking action is minimal, therefore the FAA has determined that this regulation 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. 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 August 18, 1982.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 82-23636 Filed 8-27-82; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 39

[Docket No. 82-NM-56-AD; Amdt. 39-4446]

#### Airworthiness Directives; Canadair Model CL-600 Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adds a new Airworthiness Directive (AD) applicable to Canadair CL-600 airplanes which requires a modification to the stall protection system. This action is prompted by a report of disengagement of the stick pusher during flight testing in conditions of severe vibration. Disengagement of the stick pusher results in loss of stall protection.

**DATES:** Effective date September 7, 1982.

**ADDRESSES:** The service bulletin specified in this Airworthiness Directive may be obtained upon request to Canadair Ltd., Commercial Aircraft Technical Services, Box 6087, Station A, Montreal, Canada, PQ H3C 3G9, or may be examined at the address shown below.

**FOR FURTHER INFORMATION CONTACT:** Mr. Harold N. Wantiez Foreign Aircraft

Certification Branch, ANM-150S, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767-2530. Mailing address: FAA Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington, 98168.

**SUPPLEMENTARY INFORMATION:** The Canadian Department of Transport (DOT) has classified Canadair Service Bulletin A600-0090, revision 1, mandatory. This service bulletin requires modification of the stall protection system to ensure the availability of the stick pusher in conditions of severe vibration on certain Canadair CL-600 (Challenger) airplanes.

During production flight testing of the CL-600 airplane, it was noted that in conditions of severe vibration, the G-switch circuit would disable the stick pusher and cause the Push-Fail light to illuminate. This would preclude the availability of the stick pusher. In order to prevent this from occurring, the DOT, which is the Civil Air Authority of Canada, is requiring the modification to be accomplished.

This airplane model is manufactured in Canada and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable airworthiness bilateral agreement.

Since this condition is likely to exist or develop on airplanes of this model registered in the United States, an AD is being issued which requires that the previously mentioned modification of the stall protection system be accomplished in accordance with the service bulletin.

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

#### 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:

**Canadair:** Applies to Canadair Model CL-600-1A11 airplanes, serial numbers 1005 through 1007, 1010 through 1014, and 1016 through 1023, certificated in all categories. Compliance is required as indicated to prevent possible temporary

interruption of the stall protection system stick pusher capability. Accomplish the following unless already accomplished:

1. Within the next 25 hours time in service modify the stall protection system in accordance with instructions contained in Canadair Alert Service Bulletin A600-0090, Revision 1, dated October 28, 1981.

2. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region.

3. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

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

This amendment becomes effective September 7, 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)); and 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."

Issued in Seattle, Washington, on August 18, 1982.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 82-23637 Filed 8-27-82; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 39

[Docket No. 82-NM-57-AD; Amdt. 39-4447]

#### Airworthiness Directives; Canadair Model CL-600 Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adds a new Airworthiness Directive (AD) applicable to certain Canadair CL-600 airplanes

which requires an inspection and modification of the air driven generator blade lock cable. This action is prompted by a report of incorrect thread engagement and chafing of the strut which was discovered during the production inspection program. Disconnection of the cable and disengagement of the blade lock could result in the loss of the air driven generator capability to provide electrical power under emergency conditions.

**DATES:** Effective date September 7, 1982.

**ADDRESSES:** The service bulletin specified in this Airworthiness Directive may be obtained upon request to Canadair Ltd., Commercial Aircraft Technical Services, Box 6087, Station A, Montreal, Canada, PQ H3C 3G9, or may be examined at the address shown below.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Harold N. Wantiez, Foreign Aircraft Certification Branch, ANM-150S, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767-2530. Mailing address: FAA Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

**SUPPLEMENTARY INFORMATION:** The Canadian Department of Transport (DOT) has classified Canadair Service Bulletin A600-0063, Rev. 1, as mandatory. This service bulletin requires an inspection and modification of the air-driven generator blade lock cable on certain Model CL-600 airplanes to ensure that the blade lock release shaft has the correct thread engagement and to prevent chafing of the strut by the cable assembly during deployment. The incorrect thread engagement and chafing were discovered during Canadair production inspection program. Disconnection of the cable would prevent disengagement of the blade lock, resulting in loss of air driven generator capability to provide electrical power under emergency conditions. In order to prevent this from occurring, the DOT, which is the Civil Air Authority of Canada, is requiring the modification to be accomplished.

This airplane model is manufactured in Canada and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable airworthiness bilateral agreement.

Since this condition is likely to exist or develop on airplanes of this model registered in the United States, an AD is being issued which requires the previously mentioned inspection and modification.

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

**Lists 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:

**Canadair.** Applies to Canadair Model CL-600-1A11 aircraft Serial Numbers 1005 through 1008, 1010 through 1012, and 1014 through 1017, certificated in all categories.

Compliance required as indicated to ensure that the blade lock release shaft of the air-driven generator (Part Number 728315) has the correct thread engagement, and to prevent chafing of the strut by the cable assembly during deployment, accomplish the following in accordance with the instructions contained in Canadair Alert Service Bulletin A600-0063, Revision 1, dated October 28, 1981, unless already accomplished:

1. Within the next 50 hours time in service and subsequent to each disassembly/reassembly of control cable assembly Part Number 59431, measure the length of the exposed thread on plunger assembly Part Number 728969. If the length of exposed thread is greater than 0.520 inch, replace the control cable assembly Part Number 59431 with control cable assembly 5903301 in accordance with paragraph 2B of Alert Service Bulletin A600-0063, prior to further flight.

2. Within the next 600 hours time in service, replace the control cable assembly Part Number 59431 with control cable assembly 5903301 in accordance with paragraph 2B of the service bulletin.

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

4. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

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

This amendment becomes effective September 7, 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)); and 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:".

Issued in Seattle, Washington, on August 18, 1982.

**Charles R. Foster,**

*Director, Northwest Mountain Region.*

[FR Doc. 82-23638 Filed 8-27-82; 8:45 am]

**BILLING CODE 4910-13-M**

**14 CFR Part 39**

[Docket No. 82-NM-65-AD; Amdt. 39-4451]

**Airworthiness Directives; Canadair CL-600 Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adds a new Airworthiness Directive (AD) applicable to certain Canadair CL-600 airplanes which requires the adjustment/modification of the air driven generator ejection jack. This action is necessary to ensure the deployment of the air driven generator throughout the operating envelope of the airplane to provide adequate electrical power during emergency conditions.

**EFFECTIVE DATE:** September 9, 1982.

**ADDRESSES:** The service bulletin specified in this Airworthiness Directive may be obtained upon request to Canadair Ltd., Commercial Aircraft Technical Services, Box 6087, Station A, Montreal, Canada PQ H3C3G9 or may be examined at the address shown below.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Harold N. Wantiez, Foreign Aircraft Certification Branch, ANM-150S, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767-2530. Mailing address: FAA Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

**SUPPLEMENTARY INFORMATION:** The Canadair Department of Transport (DOT) has classified Canadair Service Bulletin A600-0066, Rev. 1, dated February 16, 1982, mandatory. This service bulletin requires the adjustment/modification of the air driven generator on Canadair CL-600 airplanes S/N 1005 through 1008 and 1010 through 1037.

The manufacturer has determined that it is possible that the air driven generator ejection jacks are improperly adjusted. This could result in insufficient stored energy in the jack which would reduce the ability of the ejection jack to deploy the air driven generator throughout the operating flight envelope of the aircraft. In order to prevent this from occurring, the DOT, which is the civil air authority of Canada, is requiring an adjustment and modification of the ejection jack in accordance with Canadair Alert Service Bulletin A600-0066 dated February 16, 1982.

This airplane model is manufactured in Canada and type certificated in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations and the applicable airworthiness bilateral agreement.

Since this condition is likely to exist or develop on airplanes of this model registered in the United States, an AD is being issued which requires the modification/adjustment of the air driven generator in accordance with Canadair Service Bulletin A600-0066, Rev. 1, dated February 16, 1982.

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

#### 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:

**Canadair:** Applies to Canadair Model CL-600-1A11 airplanes, serial numbers 1005 to 1008, and 1010 to 1037 certificated in all categories. To ensure that the stored energy of the air driven generator ejection jack is capable of ejecting the air driven generator, within the next 50 hours time in service accomplish the following, if not already accomplished:

1. Adjust/modify the jack (part number 728431B) in accordance with instructions contained in Canadair Alert Service Bulletin A600-0066 dated February 16, 1982.

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

3. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

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

This amendment becomes effective September 9, 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)); and 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."

Issued in Seattle, Washington, on August 20, 1982.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 82-23699 Filed 8-27-82; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 39

[Docket No. 82-CE-18-AD; Amendment 39-4450]

#### Airworthiness Directives; Flight Equipment and Engineering Corp.; 639 and 675 Series Seats

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new Airworthiness Directive (AD) which requires modification of Flight Equipment and Engineering Corporation 639 and 675 series seats by replacement of P/N 31620 track lock fittings with stronger P/N 33667 fittings. This modification will enable the seat attachment structure to meet the requirements of Technical Standard

Order (TSO) C-39a. Failure to meet these requirements could increase the probability of the seats becoming detached from the aircraft during a survivable crash landing and increase the potential for occupant injury.

**DATES:** Effective date: October 4, 1982.

**Compliance:** Within the next 60 calendar days after the effective date of this AD, unless already accomplished.

**ADDRESSES:** The applicable service information may be obtained from Flight Equipment and Engineering Corporation, P.O. Box 522173, Miami, Florida 33152, or the Atlanta Aircraft Certification Office, FAA, 3400 Norman Berry Drive, East Point, Georgia 30320. Copies of this information are also contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

**FOR FURTHER INFORMATION CONTACT:** Jack Bentley, ACE-120A, Atlanta Aircraft Certification Office, FAA, P.O. Box 20636, Atlanta, Georgia 30320; Telephone (404) 763-7407.

**SUPPLEMENTARY INFORMATION:** A proposal to amend Part 39 of the Federal Aviation Regulations to include an Airworthiness Directive (AD) requiring replacement of the existing track lock fittings P/N 31680 with a stronger P/N 33667 fitting on certain model and serial number aircraft seats manufactured by Flight Equipment and Engineering Corporation was published in the *Federal Register* on June 3, 1982, 47 FR 24137. The proposal was issued because the seat manufacturer notified the FAA that the seat rear truck lock fitting may not meet the strength requirements of Technical Standards Order (TSO) C-39a. This condition increases the potential for occupant injury during a survivable crash.

Interested persons were afforded an opportunity to comment on the proposal. Two commenters responded. One concurred with the proposal. Another concurred with the proposed AD but expressed the opinion that proposed AD should have been issued as an emergency directive for immediate compliance since acceptable hardware was available.

Although the FAA agrees that it is desirable to accomplish any actions which will improve airworthiness as expeditiously as possible, parts availability is insufficient basis for FAA certification that an emergency condition existed which required immediate adoption of the regulation. Further, the reduction in safety caused by the conditions cited in the Notice does not support certification by the FAA that an emergency condition exists

that necessitates immediate adoption of the rule.

This commenter also questioned the adequacy of FAR 25.785(i)(3) and TSO C-39a and the procedures used to substantiate compliance with this TSO. The issues raised in this comment are beyond the scope of the NPRM. However, they will be referred to the responsible offices.

#### 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:

#### Flight Equipment and Engineering

**Corporation:** Applies to 639 and 675 series seats of the model and serial numbers listed below manufactured in accordance with FAA Technical Standard Order (TSO) C-39a, Aircraft Seats and Berths, and installed in aircraft certificated in any category. These seats are believed to be installed in, but not necessarily limited to, Douglas Model DC-9 Series and Boeing Model 737 Series airplanes.

Model No.	Serial No.
639NL	19654 through 19661.
639-3WL	19476 through 19499, 19940, 22273.
639-3WR	19500 through 19523, 19941, 22274.
639-3XL	19524, 19525.
639-3XR	19526, 19527.
639-3ZR	19530, 19531.
639-3AAL	19532, 19533.
639-3AAR	19534, 19535.
639-3ABL	19536, 19537.
639-3ABR	19538, 19539.
639-3ACL	19540, 19541.
639-3ACR	19542, 19543.
639-3AER	19662, 19663.
639-3AQL	21050 through 21063.
639-3AQR	21064 through 21077.
639-3ASL	21078.
639-3ASR	21079.
639-3ATL	21080.
639-3ATR	21081.
639-3AUR	21082.
639-3AVL	21083.
639-3AVR	21084.
639-3AWL	21085.
639-3AWR	21086.
639-3AXR	21087.
639-3AZL	21090.
639-3AZR	21091.
639-3BBL	21289 through 21299, 21332 through 21342.
639-3BBR	21300 through 21310, 21343 through 21353.
639-3BCL	21311, 21354.
639-3BCR	21312, 21355.
639-3BDL	21313, 21356.
639-3BDR	21314, 21357.
639-3BEL	21315, 21325.
639-3BER	21316, 21326.
639-3BFL	21317, 21327.
639-3BGR	21318, 21328.
639-3BHL	21319, 21358.
639-3BHR	21320, 21359.
639-3BKR	21323, 21331.
675-3AR	21494 through 21526, 21680 through 21707, 21766 through 21793, 22152 through 22172, 22233 through 22238, 22873 through 22883, 23025 through 23029.

Model No.	Serial No.
675-3BL	21527 through 21529, 21708, 21709, 21794, 21795, 22173, 22174, 22884, 23030.
675-3BR	21530 through 21532, 21710, 21711, 21796, 21797, 22175, 22176, 22885, 23031.
675-3CL	21533 through 21535, 21712, 21713, 21798, 21799, 22177, 22178, 22886, 23032.
675-3CR	21536 through 21538, 21714, 21715, 21800, 21801, 22179, 22180, 22887, 23033.
675-3DL	21539 through 21541, 22888, 23034.
675-3DR	21542 through 21544, 22889, 23035.
675-3EL	21545 through 21547, 22890, 23036.
675-3FR	21548 through 21550, 22891, 23037.
675-3GL	21551 through 21553, 21716, 21717, 21802, 21803, 22892, 23038.
675-3GR	21554 through 21556, 21718, 21719, 21804, 21805, 22893, 23039.
675-3JR	21563 through 21565, 22896, 23042.
675-3KR	21724, 21725, 22333, 23043, 23197.
675-3MR	21726, 21727, 22239, 22240, 23044.
675-3NL	21728, 21729, 22241, 22242, 22334, 23045, 23198.
675-3NR	21730, 21731, 21810, 21811, 22243, 22244, 23046.
675-3PL	21732, 21733, 22245, 22246, 23047.
675-3PR	21734, 21735, 22247, 22248, 23048.
657-3QL	22281.
675-3QR	22182.
675-3SR	22183.
675-3TR	22184.
675-3UL	21812, 21813, 23049.
675-3UR	21814, 21815, 23050.
675-3AL	21461 through 21493, 21652 through 21679, 21738 through 21765, 22128 through 22151, 22227 through 22232, 22862 through 22872, 23020 through 23024.

Compliance: Required within 60 calendar days after the effective date of this AD, unless already accomplished.

To assure the seat attachment meets strength requirements of TSO C-39a, accomplish the following:

(a) Replace existing P/N 31620 track lock fittings with P/N 33667 fittings having increased strength.

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

(c) An alternate means of compliance with this AD may be used if approved by the Chief, Atlanta Certification Office, FAA, P.O. Box 20639, Atlanta, Georgia 30320.

Flight Equipment Service Bulletin No. 675-25-63 dated April 6, 1982, Subject: Replacement of Leg Frame Rear Floor Track Fitting—Replacement of, pertains to the subject matter of this AD.

This amendment becomes effective October 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)); § 11.89, Federal Aviation Regulations (14 CFR 11.89))

**Note.**—The FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since the cost of the required modification is insignificant and involves only a very small percentage of the total

seats in service on the Douglas Model DC-9 series and Boeing Model 737 series airplanes and few, if any, small entities operate these airplanes. 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 Rules Docket at the location identified under the caption "ADDRESSES."

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

Issued in Kansas City, Missouri, on August 17, 1982.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 82-23698 Filed 8-27-82; 8:45 am]

BILLING CODE 4910-13-M

[Airspace Docket No. 82-AWP-13]

#### 14 CFR Part 71

#### Designation of Control Zone, Camp Pohakuloa, Hawaii

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This rule designates a control zone at Bradshaw Army Airfield (AAF), Pohakuloa, Hawaii, in order to provide controlled airspace for aircraft executing new instrument approach procedures to Bradshaw Army Airfield (AAF), utilizing the Bradshaw AAF Nondirectional Radio Beacon (NDB).

**EFFECTIVE DATE:** October 28, 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

On July 1, 1982, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a control zone for Bradshaw AAF, Pohakuloa, Hawaii, (47 FR 28680). Establishment of this control zone will provide controlled airspace for protection of instrument operations at Bradshaw AAF. Interested persons were invited to participate in the rulemaking proceeding by submitting comments on the proposal to the FAA. No comments objecting to the proposal were received. This amendment is the same as that proposed in the notice. Section 71.171 was published in Advisory Circular AC 70-3 dated January 29, 1982.

**The Rule**

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) establishes a Control Zone at Pohakuloa, Hawaii. This Control Zone provides protection for instrument operations at Bradshaw AAF, increases air traffic safety and improves flow control procedures.

**List of Subjects in 14 CFR Part 71**

Aviation safety, 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 published in Advisory circular AC 70-3, is amended, effective October 28, 1982, by adding the following:

**Pohakuloa, Hawaii**

Within a 5-mile radius of Bradshaw AAF (latitude 19° 45' 47" N., longitude 155° 33' 24" 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 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 August 12, 1982.

H. C. McClure,

Director, Western-Pacific Region.

[FR Doc. 82-23634 Filed 8-27-82; 8:45 am]

BILLING CODE 4910-13-M

**14 CFR Part 71**

[Airspace Docket No. 82-ASO-26]

**Alteration of Transition Area, Alma, Georgia**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment increases the size of the Alma, Georgia, transition

area by adding an arrival extension southeast of the airport. In addition, the provision in the description, which specifies effective hours of the transition area, is revoked. This alteration will provide the necessary controlled airspace and designate the transition area as full-time rather than part-time.

**EFFECTIVE DATE:** 0901 GMT, October 28, 1982.

**FOR FURTHER INFORMATION CONTACT:** Donald Ross, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

**SUPPLEMENTARY INFORMATION:****History**

On Monday, June 14, 1982, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by designating a transition area arrival extension southeast of Bacon County Airport, Alma, Georgia, and by deleting the listing of specific hours during which the transition area is effective (47 FR 25539). At the present time, the effective hours of the transition area coincide with those of the Alma Control Zone. As there is an existing control zone arrival extension, there is no requirement for a transition area arrival extension when the control zone is effective. Since the Bacon County Airport and its associated instrument approach procedure are available for use 24 hours a day, a full-time transition area and arrival extension are required for protection of aircraft during those periods when the control zone is not effective. This alteration will provide the necessary controlled airspace and designate the transition area as full-time rather than part-time. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections to the proposal were received in response to publication. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3 dated January 29, 1982.

**The Rule**

This amendment to Part 71 of the Federal Aviation Regulations will designate a transition area arrival extension southeast of Bacon County Airport, Alma, Georgia, and delete the listing of specific hours during which the

transition area is effective.

**List of Subjects in 14 CFR Part 71**

Aviation safety, Airspace, Transition area.

**Adoption of the Amendment**

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) is further amended, effective 0901 GMT, October 28, 1982, as follows:

**Alma, GA [Revised]**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Bacon County Airport (lat. 31°32'17" N., Long. 82°30'33" W.); within 3 miles each side of Alma VORTAC 146° radial, extending from the 6.5-mile radius area to 8.5 miles southeast of the VORTAC.

(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 East Point, Georgia, on August 18, 1982.

George R. LaCaille,  
Acting Director, Southern Region.

[FR Doc. 82-23726 Filed 8-27-82; 8:45 am]

BILLING CODE 4910-13-M

**14 CFR Part 71**

[Airspace Docket No. 82-ASO-37]

**Alteration of Transition Area, Savannah, Tennessee**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment alters the Savannah, Tennessee, Transition Area by revoking an unnecessary extension. This action will raise the base of

controlled airspace in an area south of the airport from 700 to 1,200 feet above the surface.

**DATES:** Effective date: 0901 GMT, October 28, 1982. Comments must be received on or before September 28, 1982.

**ADDRESSES:**

Send comments on the rule in triplicate to: Federal Aviation Administration, Attn: Chief, Airspace and Procedures Branch, ASO-530, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

**FOR FURTHER INFORMATION CONTACT:**

Donald Ross, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

**SUPPLEMENTARY INFORMATION:**

**Request for Comments on the Rule**

Although this action is in the form of a final rule, which involves raising the base of controlled airspace south of the Savannah-Hardin County Airport from 700 to 1,200 feet above the surface, 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, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

**The Rule**

The purpose of this amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to alter the Savannah, Tennessee, Transition Area by revoking an arrival extension which is no longer required. The Savannah radio beacon, which was located on the airport, has been relocated to a new site north of the airport. An instrument approach procedure, which was predicated on the radio beacon and established the requirement for an arrival extension,

has been cancelled, thus negating the need for the arrival extension. New instrument approach procedures, based on the relocated radio beacon, will not require arrival extensions. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3 dated January 29, 1982. Under the circumstances presented, the FAA concludes that there is a need for a regulation to alter the Savannah Transition Area by revoking an arrival extension which is no longer required. Therefore, I find that notice or public procedure under 5 U.S.C. 553(b) is unnecessary and that good cause exists for making this amendment effective in less than 60 days after its publication in the Federal Register.

**List of Subjects in 14 CFR Part 71**

Aviation safety, Airspace, Transition area.

**Adoption of the Amendment**

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) is further amended, effective 0901 GMT, October 28, 1982, as follows:

**Savannah, TN [Revised]**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Savannah-Hardin County Airport (Latitude 35°10'15" N., Longitude 88°13'00" 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 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 East Point, Georgia, on August 18, 1982.

**George R. LaCaille,**

*Acting Director, Southern Region.*

[FR Doc. 82-23727 Filed 8-27-82; 8:45 am]

**BILLING CODE 4910-13-M**

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

**18 CFR Parts 1, 1b, 2, 3, 3a, 3c, 4, 12, 16, 25, 32, 33, 34, 35, 41, 45, 131, 152, 153, 154, 156, 157, 158, 250, 270, 271, 275, 281, 282, 284, 286, 292, 375, 385, and 388**

[Docket Nos. RM78-22-000, RM78-22-010]

**Revision of Rules of Practice and Procedure to Expedite Trial-Type Hearings**

Issued August 24, 1982

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Order Denying Petition for Stay of Final Rule.

**SUMMARY:** The Federal Energy Regulatory Commission (Commission) is issuing an order denying the petition of the Association of Oil Pipelines for a stay of the final rule that reorganizes, revises in part, and updates the Rules of Practice and Procedure in order to expedite trial-type hearings at the Commission. The Commission finds, in its order, that petitioner has not met the burden of demonstrating that such extraordinary relief is warranted. The final rule becomes effective on August 26, 1982.

**FOR FURTHER INFORMATION CONTACT:** Fredric D. Chania, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 (202) 357-8033.

**SUPPLEMENTARY INFORMATION:**

In the matter of revision of rules of practice and procedure to expedite trial-type hearings, Docket Nos. RM78-22-000, RM78-22-010, Order No. 225-C. Order Denying Petition for a Stay of Final Rule (Order No. 225)

Issued August 24, 1982

**I. Introduction**

On August 19, 1982, the Association of Oil Pipelines (AOPL)<sup>1</sup> filed with the Federal Energy Regulatory Commission (Commission) a Petition for a Stay of Order No. 225 Pending Judicial Review. Order No. 225 is the final rule amending the Commission's Rules of Practice and Procedure to expedite trial-type hearings.<sup>2</sup> On August 20, 1982, AOPL

<sup>1</sup> AOPL is an association of common carrier oil pipelines including 95 oil pipelines that are subject to the Commission's jurisdiction.

<sup>2</sup> Docket No. RM78-22-000, issued April 28, 1982, 47 FR 19014 (May 3, 1982) (effective Aug. 25, 1982). On August 12, 1982, the Commission issued Order No. 225-A that denied rehearing of the final rule. 47

filed a similar Petition for Review and Motion for Stay Pending Review in the United States Circuit Court of Appeals for the District of Columbia.<sup>3</sup>

## II. Discussion

### A. Asserted Grounds For Relief

Petitioner AOPL asserts that a stay of the final rule, as clarified in Order No. 225-A, is warranted on several grounds. These grounds are basically the same as those argued earlier by AOPL in seeking rehearing of the final rule.

First, AOPL asserts that, contrary to the requirements of the Administrative Procedure Act, they (and the oil pipeline industry) had no opportunity to comment on existing rules which the Commission renumbered and made applicable to oil pipelines.<sup>4</sup> This primarily refers to Subparts H, S, U, and V of new Part 385 of the revised Rules of Practice and Procedure.

Second, AOPL claims the Commission failed to account for the "unique history" of the oil pipelines industry and the differences between the Interstate Commerce Act and other jurisdictional statutes of the Commission, citing *Farmers Union Central Exchange v. FERC*, 584 F.2d 408 (D.C. Cir. 1978), cert. denied 439 U.S. 995 (1978).<sup>5</sup> AOPL complains that the Commission failed to heed *Farmers Union* by applying Rule 203 (content of pleadings and tariff or rate filings) to oil pipelines. Among the alleged shortcomings of Rule 203 are the requirements for the contents of tariffs that are filed, the failure to identify inconsistencies between Rule 203 and other applicable ICC rules, and other vagueness in Rule 203.

Third, AOPL renews its claim that the Commission has been arbitrary and capricious in failing to promulgate, at this time, special rules for the Oil Pipeline Board (OPB).<sup>6</sup> AOPL points specifically to the supposed absence of rules governing appeals from suspension orders of the OPB<sup>7</sup> and governing contents of and filing periods for protests.<sup>8</sup>

After further consideration of the assertions made by AOPL almost all of which were recently considered during rehearing of the final rule at issue here,

FR 35952 (Aug. 18, 1982). That rehearing order also clarified certain parts of the final rule and made three corrections to the rule. These corrections were to Rules 212, 217, and 509, which are not at issue here.

<sup>3</sup> Docket No. 82-1971.

<sup>4</sup> Petition of AOPL for a Stay of Order No. 225 Pending Judicial Review (hereinafter "AOPL Petition"), at 3.

<sup>5</sup> AOPL Petition, at 4-5.

<sup>6</sup> *Id.* at 6-7.

<sup>7</sup> ICC Rule 200, 49 CFR 1100.200 (Oct. 1, 1977).

<sup>8</sup> ICC Rule 40, 49 CFR 100.40 (Oct. 1, 1977).

the Commission finds that AOPL has not met its burden to demonstrate that the extraordinary action of a stay is warranted.<sup>9</sup> AOPL has not shown significant harm will be incurred absent such a stay and that the equities favor granting a stay.<sup>10</sup> In this regard, the Commission makes the following observations and determinations.

### B. Assessment of Potential Harm

The burden is on AOPL to show how significant harm will be incurred by applying the revised Rules of Practice and Procedure to the oil pipeline industry. At the outset, it is difficult, to see how these procedural rules will cause such a degree of harm to the oil pipeline industry, given that no other company in either the natural gas or electric utility industry has raised similar claims. In addition, nothing in the Interstate Commerce Act, the Court of Appeals decision in *Farmers Union*,<sup>11</sup> or other non-specific references by AOPL to the "unique history" of the oil pipeline industry provides any basis to conclude that the final rule will substantially injure the oil pipeline industry. In this regard, a few points raised by AOPL merit brief discussion.

First, the Commission afforded a sufficient opportunity for comment on the rules to be applied to the oil pipeline industry. The Notice of Proposed Rulemaking (NPR) clearly identified which ICC rules were going to be replaced and which FERC procedural rules would become applicable in their place.<sup>12</sup> Even though the NPR limited comments on the substance of rules that were only being renumbered while stating that future rulemakings would consider substantive revisions to some of these provisions, there was no limitation whatsoever on comments

<sup>9</sup> Because virtually all of the arguments raised by AOPL have already been considered and discussed on rehearing of the final rule, the Commission reaffirms and incorporates the discussion and conclusions reached in Order No. 225-A.

<sup>10</sup> Contrary to petitioner's assertion, the standards for judicial stays in *Washington Metropolitan Area Transit Comm'n v. Holiday Tours, Inc.*, 559 F.2d 841 (D.C. Cir. 1977), and in *Virginia Petroleum Jobbers Ass'n v. FPC*, 259 F.2d 921 (D.C. Cir. 1958), are not mandatory for the Commission in determining whether to stay a final rule pending judicial review. Under the Administrative Procedure Act, the Commission may grant such a stay when it determines that "justice so requires." 5 U.S.C. 705.

<sup>11</sup> *Farmers Union* involved allegations by a group of oil producers and refiners against an unreasonably excessive pipeline rate and a discriminatory and illegally preferential joint pipeline rate for the transportation of oil. Therefore, substantive aspects of oil pipeline ratemaking and ratemaking methodologies were at issue in *Farmers Union*. As noted in the rehearing order in this rulemaking, these rules of practice and procedure simply do not involve substantive matters of the type before the court in *Farmers Union*.

<sup>12</sup> 46 FR 17023-25 (March 17, 1981).

from AOPL or the oil pipeline industry on the issues of whether the ICC rules should be replaced with FERC procedures and what effect that replacement would have on the oil pipeline industry. AOPL, in fact, has commented extensively on rules that were only renumbered in new Subparts H, S, U, and V.<sup>13</sup>

Second, the current language in Rule 203 does not create the kind of substantial injury needed to support a request for a stay. Rule 203 defines, in some detail, the contents of an oil pipeline tariff but does not require, as AOPL claims, the initial presentation of a case-in-chief or speculation about future challenges of the FERC staff or a protesting party. One genesis of AOPL's assertion appears to be Rule 203(a)(7). Since that subsection only applies to "pleadings," which are clearly different from tariff filings in that Rule, AOPL's claim of harm to oil pipelines and their counsel seems misplaced.

Third, AOPL appears to base its claim of substantial injury on lack of precision in Rule 203. Rule 203, in our reading, presents a relatively straightforward exposition of requirements, which contains neither clouded nor "unknowable" standards. As stated in Order No. 225-A, if some provision in the ICC rules (for example, in 49 CFR Part 1300) contains a requirement inconsistent with Rule 203, the other ICC rules govern.<sup>14</sup>

Finally, the Commission has repeatedly indicated that it intends to consider whether to promulgate special rules for the Oil Pipeline Board (OPB). These rules will be taken up when Commission resources permit and in a suitable manner. This particular rulemaking is not viewed as the appropriate time or vehicle in which to consider OPB rules.<sup>15</sup>

In light of the above, the Commission finds that AOPL's petition has not demonstrated, in concrete and convincing terms, that significant or irreparable harm would occur from the continued effectiveness of these procedural rules. Absent a more substantial showing by AOPL, the Commission cannot conclude that the unusual step of granting a stay of the final rule is warranted.

<sup>13</sup> See AOPL Petition for Rehearing, Reconsideration, and Clarification, at 6-10, 26, 27 (May 27, 1982).

<sup>14</sup> See rules 101(a)(2), (b)(3), 18 CFR 385.101(a)(2), (b)(3).

<sup>15</sup> In this regard, the Commission wishes to note that appeals from suspension orders of the OPB would be governed by Rule 1902, contrary to AOPL's claim that no rule would apply. Similarly, Rules 208 and 210 govern protests and the times in which protests are to be filed.

### C. Balance of the Equities

The Commission has, from the outset of this rulemaking, announced its objective to eliminate the need to conduct its activities under two unrelated sets of procedural rules.<sup>16</sup> Two principal motivations lie at the heart of this objective, both of which bear directly on the respective equities involved and the public interest.

First, the Commission believes that the interest of those companies subject to its jurisdiction and the public interest generally will benefit from a more expeditious and orderly administration of the Commission's responsibilities. One way to realize this benefit is to have the Commission, its staff, and its regulatees operate under a single framework of procedural regulations.

Second, a single procedural framework will enable the Commission to act in the different areas of its regulatory responsibility in a consistent procedural manner. This consistency will help to eliminate confusion in the minds of the public and the regulated companies. Procedural interpretations and rulings will be less likely to be dependent on the particular companies or subject matter involved.

On the other hand, to grant AOPL's request for a stay would be to retain a second set of procedural regulations from 1977 for one area of the Commission's activities—oil pipeline regulation.<sup>17</sup> AOPL and the oil pipeline industry are apparently discomfited by the Commission's belief that they need to adapt to a new, unified set of procedural rules. These are only procedural rules and not the major substantive amendments to the scheme of oil pipeline regulation that AOPL claims these rules to be.

In light of these considerations and absent a showing that the revised Rules of Practice and Procedure cause the oil pipeline industry significant injury, the Commission is unable to find the equities favor the results urged by AOPL. The equities here demand that the Commission carry out its responsibilities in a way that achieves the maximum possible benefits for the greatest number of parties, including the Commission and its staff. The Commission believes that a unified set of procedural rules helps to accomplish this goal.

### III. Conclusion

Based upon the showing made in AOPL's Petition and upon the factors

<sup>16</sup> See 46 FR at 17023 (NOPR); 47 FR 19014 (Final Rule).

<sup>17</sup> See Section 705(a) of the DOE Organization Act, 42 U.S.C. 7295(a).

discussed above, the Commission concludes that a stay of the final rule in this docket, pending judicial review, is unwarranted at this time. Accordingly, the Petition of AOPL for a Stay of Order No. 225 Pending Judicial review is hereby denied.

By the Commission.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 82-23743 Filed 8-27-82; 8:45 am]

BILLING CODE 6717-01-M

### 18 CFR Part 271

[Docket No. RM79-76-111 (Texas-22),  
Order No. 249]

### High-Cost Gas Produced From Tight Formations; Texas

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

**SUMMARY:** The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Railroad Commission of Texas that the Strawn-Detrital Formation be designated as a tight formation under § 271.703(d).

**EFFECTIVE DATE:** This rule is effective August 24, 1982.

**FOR FURTHER INFORMATION CONTACT:** Leslie Lawner, (202) 357-8511, or Walter W. Lawson, (202) 357-8556.

#### SUPPLEMENTARY INFORMATION:

Issued: August 24, 1982.

In the matter of High-Cost gas produced from tight formations, Docket No. RM79-76-111 (Texas-22), Order No. 249.

The Commission hereby amends § 271.703(d) of its regulations to include the Strawn-Detrital Formation in the University Block 31 (Strawn-Detrital) Field, Texas, as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed

Rulemaking by the Director, Office of Pipeline and Producer Regulation, issued April 26, 1982 (47 FR 18362, April 29, 1982),<sup>1</sup> based on a recommendation by the Railroad Commission of Texas (Texas) in accordance with § 271.703(c), that the Strawn-Detrital Formation be designated as a tight formation.

Evidence submitted by Texas supports the assertion that the Strawn-Detrital Formation meets the guidelines contained in § 271.703(c)(2).<sup>2</sup> The Commission hereby adopts the Texas recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and, therefore, incentive prices should be made available as soon as possible. The need to make incentive prices immediately available establishes good cause to waive the thirty-day publication period.

#### List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432; Administrative Procedure Act, 5 U.S.C. 553)

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, Title 18, *Code of Federal Regulations*, is amended as set forth below, effective August 24, 1982.

By the Commission.

Kenneth F. Plumb,  
Secretary.

#### PART 271—CEILING PRICES

Section 271.703(d) is revised by adding a new subparagraph (106) to read as follows:

#### § 271.703 Tight formations.

- \* \* \* \* \*
- (d) Designated tight formations. \* \* \*
- (106) Strawn-Detrital Formation in Texas. RM79-76-111 (Texas-22).
- (i) Delineation of formation. The Strawn-Detrital Formation is found in Crockett County, Texas, approximately

<sup>1</sup> Comments on the proposed rule were invited and one comment supporting the recommendation was received. No party requested a hearing and no hearing was held.

<sup>2</sup> The calculations for permeability and flow rates submitted by Texas are based on median values, rather than average values. However, using data from all 26 wells currently producing from the Strawn-Detrital Formation, the Commission has determined, based on analysis of data submitted with the recommendation, that the arithmetic average values for permeability and flow rates for the subject formation do meet the Commission's guidelines in § 271.703(c)(2).

8 miles west of Ozona. The designated area includes all of Block 31 of University Lands Survey; the northern half of section 18, Block 32 of University Lands Survey; Sections 1, 2, 14 through 18, Block ST of G.C. & S.F. RR Co. Survey; the southern 264.93 acres of section 30, Block UV of G.C. & S.F. RR Co. Survey; Section 2, Block ST-2 of G.C. & S.F. RR Co. Survey; the northern half of Hampton Survey; Section 1001 of W.G. Hall Survey; Section 1002 of J.M. Jean Survey; and Section 1003 of M.F. Lopez Survey.

(ii) *Depth.* The top of the Strawn-Detrital Formation varies from 8,000 feet in the north, to 8,700 feet in the south, and approximate thickness ranges from 100 feet in the north to 250 feet in the south.

[FR Doc. 82-23748 Filed 8-27-82; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 110

[CGD 09-82-06]

#### Special Anchorage Area Lake Betsie, Frankfort, MI

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard at the request of the city of Frankfort, MI is amending the Anchorage Regulations by establishing a Special Anchorage Area in Lake Betsie, Frankfort, MI.

This Special Anchorage Area has been requested in order to reduce harbor congestion and enhance navigational safety.

Establishment of this Special Anchorage Area will eliminate the necessity for displaying anchor lights on vessels of less than 65 feet in length while anchored within the area.

**EFFECTIVE:** This amendment becomes effective on September 29, 1982.

**FOR FURTHER INFORMATION CONTACT:** Ensign Steven J. Boyle, Marine Port and Environmental Safety Branch, Ninth Coast Guard District, 1240 East 9th Street, Cleveland, OH 44199, or phone (216) 522-3918.

**SUPPLEMENTARY INFORMATION:** On 17 June 1982, the Coast Guard published a notice of proposed rulemaking in the *Federal Register* for this regulation (47 FR 26165). Interested persons were requested to submit comments, and no comments were received.

### Drafting Information

The principal persons involved for drafting this rule were Ensign Steven J. Boyle, Marine Port and Environmental Safety Branch and Lieutenant Commander Arthur R. Butler, Assistant Legal Officer, Ninth Coast Guard District.

### Summary of Final Evaluation

An environmental review of the final rule has been performed by the Planning Officer, Ninth Coast Guard District who determined that the proposed action will have no significant impact. Preparation of an environmental assessment was not required since the action was found to be categorically excluded in accordance with 2-B-3(g) COMDTINST M16475.1A (National Environmental Policy Act). Also, the establishment of such special anchorage is neither a matter on which there is substantial public interest or controversy, nor does it involve impacts on business competition, State or local government, or the regulations of other programs and agencies.

The city of Frankfort understands and accepts the principle that this mooring area is available for use of the general public. No restrictions on the use by the general public have been established or contemplated.

This final rule has been reviewed under the provisions of Executive Order 12291 and has been determined not to be a major rule. In addition, this rule 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). An economic evaluation has not been conducted since, for the reasons discussed above, its impact is expected to be minimal. In accordance with Section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

### List of Subjects in 33 CFR Part 117

Anchorage grounds.

### PART 110—ANCHORAGE REGULATIONS

In consideration of the foregoing, Part 110 of Title 33 of the Code of Federal Regulations is amended by adding § 110.81a to read as follows:

#### § 110.81a Lake Betsie, Frankfort, MI.

The area within the following boundaries:

Beginning at latitude 44° 37' 46" North, longitude 86° 13' 46" West; thence 180°, 80

yards; thence 277°, 167 yards; thence 298°, 217 yards; thence 35° 30', 133 yards; thence 120°, 317 yards; thence to point of beginning. (33 U.S.C. 2071; 49 CFR 1.46(h)(14), 33 CFR 1.05-1(g))

Dated: August 16, 1982.

Henry H. Bell,

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

[FR Doc. 82-23731 Filed 8-27-82; 8:45 am]

BILLING CODE 4910-14-M

### 33 CFR Part 110

[CGD 09-82-02]

#### Special Anchorage Area Little Traverse Bay, Lake Michigan, Harbor Springs, MI

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard at the request of the city of Harbor Springs, MI is amending the Anchorage Regulations by establishing a Special Anchorage Area in Little Traverse Bay in Lake Michigan, Harbor Springs, MI.

This Special Anchorage Area has been requested in order to reduce harbor congestion and enhance navigational safety.

Establishment of this Special Anchorage Area will eliminate the necessity for displaying anchor lights on vessels of less than 65 feet in length while anchored within the area.

**EFFECTIVE:** This amendment becomes effective on September 29, 1982.

**FOR FURTHER INFORMATION CONTACT:** Ensign Steven J. Boyle, Marine Port and Environmental Safety Branch, Ninth Coast Guard District, 1240 East 9th Street, Cleveland, OH 44199, or phone (216) 522-3918.

**SUPPLEMENTARY INFORMATION:** On 6 May 1982, the Coast Guard published a notice of proposed rulemaking in the *Federal Register* for this regulation (47 FR 19555). Interested persons were requested to submit comments, and no comments were received.

### Drafting Information

The principal persons involved for drafting this rule were Ensign Steven J. Boyle, Marine Port and Environmental Safety Branch and Lieutenant Commander Arthur R. Butler, Assistant Legal Officer, Ninth Coast Guard District.

### Summary of Final Evaluation

An environmental review of the final rule has been performed by the Planning Officer, Ninth Coast Guard District who determined that the proposed action will

have no significant impact. Preparation of an environmental assessment was not required since the action was found to be categorically excluded in accordance with 2-B-3(g) COMDTINST M16475.1A (National Environmental Policy Act). Also, the establishment of such special anchorage is neither a matter on which there is substantial public interest or controversy, nor does it involve impacts on business competition, State or local government, or the regulations of other programs and agencies.

The city of Harbor Springs understands and accepts the principle that this mooring area is available for use of the general public. No restrictions on the use by the general public have been established or contemplated.

This final rule has been reviewed under the provisions of Executive Order 12291 and has been determined not to be a major rule. In addition, this rule 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). An economic evaluation has not been conducted since, for the reasons discussed above, its impact is expected to be minimal. In accordance with Section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

#### List of Subjects in 33 CFR Part 117

Anchorage grounds.

#### PART 110—ANCHORAGE REGULATIONS

In consideration of the foregoing, Part 110 of Title 33 of the Code of Federal Regulations is amended by adding § 110.82a to read as follows:

##### § 110.82a Little Traverse Bay, Lake Michigan, Harbor Springs, MI.

The area within the following boundaries:

Beginning at latitude 45° 25' 42.2" North, and longitude 84° 59' 7.5" West; thence to latitude 45° 25' 39.5" North, longitude 84° 59' 09" West; thence to latitude 45° 25' 35" North, longitude 84° 59' 07" West; thence to latitude 45° 25' 35" North, longitude 84° 58' 24.8" West; thence to latitude 45° 25' 36.1" North, longitude 84° 58' 23" West; thence to latitude 45° 25' 42.2" North, longitude 84° 58' 39" West; thence to point of beginning.

(33 U.S.C. 2071; 49 CFR 1.46(h)(14), 33 CFR 1.05-1(g))

Dated: August 16, 1982.

Henry H. Bell,  
Rear Admiral, Coast Guard Commander,  
Ninth Coast Guard District.

[FR Doc. 82-23732 Filed 8-27-82; 8:45 am]

BILLING CODE 4910-14-M

#### 33 CFR Part 117

[CGD2 81-04]

#### Drawbridge Operation Regulations; Illinois Waterway, Illinois; Bridges at Joliet, Illinois

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

**SUMMARY:** At the request of the City of Joliet, Illinois and with the concurrence of the bridge owner, Illinois Department of Transportation, the Coast Guard is changing the regulation governing the operation of five drawbridges across the Illinois Waterway at Joliet, Illinois. The change will provide for an adjustment in the times that the bridges need not open for the passage of vessels.

**EFFECTIVE DATE:** This amendment is effective August 30, 1982.

#### FOR FURTHER INFORMATION CONTACT:

S. W. Thoroughman, Chief, Bridge Branch, Second Coast Guard District, Room 400, 1430 Olive Street, St. Louis, Missouri 63103, PH: (314)-424-4607.

**ADDRESS:** The file concerning this rulemaking is available for examination from 7:45 a.m. to 4:15 p.m., Monday through Friday, at the Office of the Commander (obr), Second Coast Guard District, 1430 Olive Street, St. Louis, Missouri 63103.

**SUPPLEMENTARY INFORMATION:** On July 17, 1981, the Second Coast Guard District published a Local Notice to Mariners initiating a 60-day trial period on August 1, 1981 to test the proposed regulation. On March 1, 1982, the Coast Guard published a Notice of Proposed Rulemaking (46 FR 8597) concerning this amendment. This amendment makes a slight change in the weekday morning and evening hours when the draws of these bridges need not open for the passage of vessels. The effect of this action is to relieve vehicular traffic congestion during peak morning and evening hours.

Presently § 117.605(a) contains a list of bridges located in Pekin, Peoria and Joliet. The change will have the effect of cancelling present paragraph (a). Section 117.605(b) was removed and reserved by an amendment to 33 CFR Part 117, published at 46 FR 58665 dated December 3, 1981. Section 117.605(c) will be amended and published as § 117.605(a). The note applicable to

present paragraph (c) is unnecessary and is removed. In addition, the heading for § 117.605 has been amended to reflect application of the section to only bridges in the vicinity of Joliet, Illinois.

**Drafting Information:** The principal persons involved in drafting this proposal are: S. W. Thoroughman, Project Manager, and Lieutenant Commander R. A. Knee, USCG, Project Attorney, c/o Commander, Second Coast Guard District, 1430 Olive Street, St. Louis, Missouri 63103.

**Discussion of Comments:** Two comments were received in response to the Notice of Proposed Rulemaking. Both comments addressed the provision in the proposed rule allowing the use of one radiotelephone contact for requesting the opening of all the bridges without the need for sound signals.

Upon review, this provision was stricken from the Final Rule as inappropriate for inclusion and not in accordance with the drawbridge operation regulations which require sound or visual signals be used to request opening of drawbridges not equipped with radiotelephones. Also, at the suggestion of the bridge owner, Illinois Department of Transportation, the language of the final regulation was changed to provide for the exclusion of holidays from the Monday through Saturday opening interruptions.

**Regulatory Analysis:** These regulations have been reviewed under the provision of Executive Order 12291 and have been determined not to be a major rule. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policy 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 Section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules, if promulgated, will not have a significant economic impact on a substantial number of small entities.

#### List of Subjects in 33 CFR Part 117

Bridges.

#### PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.605 to read as follows:

**§ 117.605 Illinois Waterway, Illinois; bridges at Joliet, Illinois.**

(a) The draws of bridges across the Illinois Waterway at Joliet, Illinois, shall open on signal. However, from 7:30 a.m. to 8:30 a.m. and 4:15 p.m. to 5:15 p.m., Monday through Saturday, excepting holidays, the below listed draws need not open for the passage of vessels:

McDonough Street, Mile 287.3  
Jefferson Street, Mile 287.9  
Cass Street, Mile 288.1  
Jackson Street, Mile 288.4  
Ruby Street, Mile 288.7

(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: August 2, 1982.

**Sidney B. Vaughn,**

*Rear Admiral, Coast Guard, Commander,  
Second Coast Guard District.*

[FR Doc. 82-23734 Filed 8-27-82; 8:45 am]

BILLING CODE 4910-14-M

**33 CFR Part 117**

[CCGD7 82-05]

**Drawbridge Operation Regulations; Hillsboro River, Atlantic Intracoastal Waterway (AIWW), mile 1050, Florida**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** At the request of the City of Deerfield Beach, the Coast Guard is changing the regulations governing the Butler Bridge across Hillsboro River, AIWW, mile 1050, Hillsboro Boulevard at Deerfield Beach, Broward County, Florida, by permitting the number of openings to be limited during peak traffic hours on Saturdays, Sundays, and legal holidays, from 1 November to 31 May. 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 is effective on September 29, 1982.

**FOR FURTHER INFORMATION CONTACT:** J. R. Kretschmer, Bridge Administrator, Seventh Coast Guard District (oan), Room 1006, Federal Building, 51 S.W. First Avenue, Miami, Florida 33130, Telephone (305) 350-4108.

**SUPPLEMENTARY INFORMATION:** On 25 March 1982, the Coast Guard published a proposed rule (47 FR 12811) concerning this amendment. The Commander, Seventh Coast Guard District, also published this proposal as a Public Notice dated 16 April 1982. Interested persons were given until 10 May 1982 to submit comments.

**Drafting Information**

The principal persons involved in drafting this rule are: J. 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*. One hundred fifty-five letters were received in response to the public notice. Ninety-seven were in support of the proposed rule; fifty-six favored more restrictive operation such as weekday or yearly restrictions, or openings on the hour and/or half-hour only. Of the two commenters which opposed the rule, one stated that drawbridge openings every fifteen or thirty minutes would result in utter chaos because of accumulation of vessels, increased potential of a marine accident, and the longer amount of time it would take for accumulated vessels to get through the drawbridge when it opened. The other commenter stated that timed openings can actually exacerbate the problem and the only solution is timing the traffic signals, perhaps coordinated to the bridge openings. No other comments were received. The final rule has not been made more restrictive since traffic statistics do not show justification for a more restrictive rule. Two additional paragraphs have been added to the final rule to require opening on signal for the passage of public vessels of the United States, tugs with tows, and vessels in distress and to require posting of signs with the substance of this rule. This is a non-substantive addition to the rule and requires no additional comment. 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 regulation exempts some commercial vessels from the restriction of this rule.

These final regulations have been reviewed under provisions of Executive Order 12291 and have been determined not to be a major rule. They 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 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 these rules 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 the Code of Federal Regulations is amended by adding a new § 117.441b immediately after § 117.441a to read as follows:

**PART 117—DRAWBRIDGE OPERATION REGULATIONS**

**§ 117.441b Hillsboro River, AIWW, mile 1050.0, State Road 810, Deerfield Beach, Florida.**

(a) From November 1 through May 31, from 11 a.m. to 5 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.

(b) The draw 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 our agency controlling the bridge 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: August 13, 1982.

**A. D. Breed,**

*Captain, Coast Guard, Acting Commander,  
Seventh Coast Guard District.*

[FR Doc. 82-23783 Filed 8-27-82; 8:45 am]

BILLING CODE 4910-14-M

**33 CFR Part 117**

[CCGD7 82-08]

**Drawbridge Operation Regulations; Sarasota Pass, Gulf Intracoastal Waterway, (GIWW), Manatee County, Florida**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** At the request of the cities of Bradenton Beach and Holmes Beach, the Coast Guard is changing the regulations governing the Cortez Bridge across Sarasota Pass, Gulf Intracoastal Waterway, mile 87.4, and the Anna Maria Bridge across the Gulf

Intracoastal Waterway, mile 89.2, Manatee County, Florida by limiting the number of openings on Saturdays, Sundays, and legal holidays. 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 is effective on September 29, 1982.

**FOR FURTHER INFORMATION CONTACT:**

James R. Kretschmer, Bridge Administrator, Seventh Coast Guard District (oan), Room 1006, Federal Building, 51 S.W. First Avenue, Miami, Florida 33130, Telephone (305) 350-4108.

**SUPPLEMENTARY INFORMATION:** On April 15, 1982, the Coast Guard published a proposed rule (47 FR 16188) concerning this amendment. The Commander, Seventh Coast Guard District, also published these proposals as a public notice dated April 30, 1982. Interested persons were given until June 1, 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*. In response to the Public Notice, the Fish and Wildlife Service and the National Marine Fisheries Service advised of no objections to the proposed rule. Nineteen letters from local residents who drive over the bridge supported the proposal. Eleven letters from local residents recommended openings on the half-hour daily. Twenty-one letters from local residents recommended half-hour openings, but were not specific about which days. Two letters from local residents recommended 4 openings per hour daily. Six letters from local residents recommended openings on the hour only. Five non-specific comments were received. There were no objections to the proposal from the boating public. The Bradenton Herald received 209 responses to a reader survey it conducted. Ten percent favored the Coast Guard proposal. Eighty-two percent favored other proposals, mostly openings only on the half-hour and hour or only on the hour. Three percent favored openings on signal. Five percent were general comments. The Bradenton Herald on April 14, 1982 editorialized in

favor of openings on the hour and half-hour only. The suggestion for half-hour openings on weekends is considered unduly restrictive to navigation since the draws now open an average of 3.4 times per hour during the proposed regulated period. The suggestions for half-hour openings on weekdays are considered not valid because the draws open an average of less than twice an hour on weekdays. An economic evaluation has not been conducted because economic impacts are expected to be minimal since waterway traffic is almost exclusively pleasure craft and the regulation will exempt tugs with tows from the restriction of this rule. Two paragraphs are being added to the final rule to put in place the standard exemptions for public vessels, tugs with tows, and distressed vessels, and to ensure that signs are placed so that mariners will be advised of the new restrictions. The changes are non-substantive and do not effect the nature of this addition to the rule. Thus no further comments are required.

These final regulations have been reviewed under provisions of Executive Order 12291 and have been determined not to be a major rule. They 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 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 these rules will not have a significant economic impact on a substantial number of small entities.

**List of Subjects in 33 CFR Part 117**

Bridges.

**PART 117—DRAWBRIDGE OPERATION REGULATIONS**

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new § 117.462b immediately after § 117.462a to read as follows:

**§ 117.462b Sarasota Pass, Cortez Bridge, GIWW, mile 87.4, State Road 684, and the Anna Maria Bridge, GIWW, mile 89.2, State Road 64, Manatee County, Florida.**

(a) From 10 a.m. to 5 p.m., on Saturdays, Sundays, and legal holidays, the draws 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 draws shall open on signal.

(b) The draws 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, or by shouting.

(c) The owner of or agency controlling these bridges shall conspicuously post notices containing the substance of these regulations, both upstream and downstream, in such a manner they may be easily read 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: August 9, 1982.

**D. C. Thompson,**

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

[FR Doc. 82-23735 Filed 8-27-82; 8:45 am]

BILLING CODE 4910-14-M

**VETERANS ADMINISTRATION**

**38 CFR Part 3**

**Veterans' Benefits; Definition of Term "Former Prisoner of War"**

**AGENCY:** Veterans Administration.

**ACTION:** Final regulation amendment.

**SUMMARY:** The Veterans Administration has amended its adjudication regulations to establish a definition of the term "former prisoner of war". This amendment was required to implement the provisions of section 3 of Pub. L. 97-37, the Former Prisoner of War Benefits Act of 1981.

**EFFECTIVE DATE:** This change is effective August 14, 1981, the date of enactment of Pub. L. 97-37.

**FOR FURTHER INFORMATION CONTACT:** Robert M. White (202-389-3005).

**SUPPLEMENTARY INFORMATION:** On pages 20004-06 of the *Federal Register* of May 10, 1982, the Veterans Administration published a proposed amendment to 38 CFR 3.1. Interested persons were given until June 7, 1982, to submit comments, suggestions, or objections to the proposed amendment.

We received no suggestions for change or objection to the proposed amendment of § 3.1. We received one comment from the Washington Legal Foundation which supported the proposed amendment. The amendment is adopted as proposed.

The Administrator hereby certifies that this regulation amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. The reason for this certification is that this regulation only affects individuals

applying for Veterans Administration benefits as former prisoners of war. Any impact upon small entities would be incidental and slight. Pursuant to 5 U.S.C. 605(b), this regulation amendment is therefore exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

In accordance with Executive Order 12291, Federal Regulation, we have determined that this regulation change is nonmajor for the following reasons:

- (1) It will not have an effect on the economy of \$100 million or more.
- (2) It will not cause a major increase in costs or prices.
- (3) It will not have 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.

#### List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pensions, Veterans.

(Catalog of Federal Domestic Assistance Program number is 64.109).

Approved: August 18, 1982.

By direction of the Administrator.

John P. Murphy,

Acting Administrator.

#### PART 3—ADJUDICATION

The Veterans Administration amends 38 CFR Part 3 as follows:

Section 3.1 is amended as follows:

1. By removing "Secretary of Health, Education, and Welfare" and inserting "Secretary of Health and Human Services" in paragraph (g)(5).
2. By adding a note following paragraph (m) as follows:

Note.—See § 3.1(y)(2)(iii) for applicability of "in line of duty" in determining former prisoner of war status.

3. By adding a note following paragraph (n) as follows:

Note.—See § 3.1(y)(2)(iii) for definition of "willful misconduct" in determining former prisoner of war status.

4. By adding paragraph (y) as follows:

#### § 3.1 Definitions.

(y) "Former prisoner of war"—(1) *Wartime service.* The term "former prisoner of war" means a person who, while serving in the active military, naval or air service, was forcibly detained or interned in line of duty by an enemy government or its agents, or a hostile force, during a period of war. The Veterans Administration shall accept the finding of the appropriate service

department that a person was a prisoner of war during a period of war.

(2) *Peacetime service.* The term "former prisoner of war" also means a person who, while serving in the active military, naval or air service, was forcibly detained or interned in line of duty by a foreign government or its agents, or a hostile force, during a period other than a period of war in which the serviceperson was held under circumstances which the Veterans Administration finds to have been comparable to the circumstances under which servicepersons have generally been forcibly detained or interned by enemy governments during periods of war. The Veterans Administration shall use the following factors to determine if a serviceperson was a POW (prisoner of war) in a period other than a period of war:

(i) *Reason for forcible detention or internment.* To be considered a former prisoner of war during a period other than a period of war a serviceperson shall have been forcibly detained or interned by a foreign government or its agents, or a hostile force, primarily to further or enhance anti-American military, political or economic objectives or views, or to embarrass the United States. A serviceperson who is detained or interned by a foreign government for an alleged violation of its laws is not entitled to be considered a former POW based on that period of detention or internment, unless the charges are a sham intended to legitimize anti-American military, political or economic objectives or views, or actions embarrassing to the United States.

(ii) *Treatment during detention or internment.* The manner in which a serviceperson is treated during detention or internment is immaterial in determining whether a serviceperson was a POW during a period other than a period of war.

(iii) *In line of duty.* The Veterans Administration shall consider that a serviceperson was forcibly detained or interned in line of duty unless the evidence of record discloses that forcible detention or internment was proximately caused by the serviceperson's willful misconduct. Willful misconduct means an act involving conscious wrongdoing or known prohibited action. It involves deliberate or intentional wrongdoing with knowledge of or wanton and reckless disregard of its probable consequences.

(iv) *Hostile force.* For the purposes of peacetime former prisoner of war determinations, the term "hostile force" means any force whose actions are taken to further or enhance anti-

American military, political or economic objectives or views, or to attempt to embarrass the United States.

(v) *Determinations of Peacetime POW status.* The Director of the Compensation and Pension Service, VA Central Office, shall approve all Veterans Administration Regional Office determinations establishing or denying peacetime POW status. (38 U.S.C. 101(32))

[FR Doc. 82-23796 Filed 8-27-82; 8:45 am]

BILLING CODE 8320-01-M

#### 38 CFR Part 36

#### Decrease in Maximum Permissible Interest Rates on Guaranteed Mobile Home Loans, Home and Condominium Loans, and Home Improvement Loans

**AGENCY:** Veterans Administration.

**ACTION:** Final regulations.

**SUMMARY:** The VA (Veterans Administration) is decreasing the maximum interest rates on guaranteed mobile home unit loans, lot loans, and combination mobile home unit and lot loans. In addition, the maximum interest rates applicable to home and condominium loans and to home improvement and energy conservation loans are also decreased. These decreases in interest rates are possible because of recent improvements in the availability of funds in various credit markets. The decrease in the interest rates will allow eligible veterans to obtain loans at a lower monthly cost.

**EFFECTIVE DATE:** August 24, 1982.

**FOR FURTHER INFORMATION CONTACT:** Mr. George D. Moerman, Loan Guaranty Service (264), Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420 (202-389-3042).

**SUPPLEMENTARY INFORMATION:** The Administrator is required by section 1819(f), title 38, United States Code, to establish maximum interest rates for mobile home loans guaranteed by the VA as he finds the mobile home loan capital markets demand. Recent market indicators—including the prime rate, the general decrease in interest rates charged on conventional mobile home loans, and the decrease of other short-term and long-term interest rates—have shown that the mobile home capital markets have improved. It is now possible to decrease the interest rates on mobile home unit loans, lot loans, and combination mobile home unit and lot loans while still assuring an adequate supply of funds from lenders

and investors to make these types of VA loans.

The Administrator is also required by section 1803(c), title 38, United States Code, to establish maximum interest rates for home and condominium loans for home improvement purposes. Market indicators similarly favor reductions in the maximum interest rates for these types of loans. These lower interest rates should assist more veterans in the purchase of homes and condominiums or to obtain improvement loans because of the decrease in the monthly loan payments for principal and interest.

The Administrator's statutory authority to establish interest rates has been delegated by 38 CFR 2.6(b)(3) to the Chief Benefits Director, Deputy Chief Benefits Director, or person authorized to act for them.

#### Regulatory Flexibility Act/Executive Order 12291

For the reasons discussed in the May 7, 1981 *Federal Register* (46 FR 25443), it has previously been determined that final regulations of this type which change the maximum interest rates for loans guaranteed, insured, or made pursuant to chapter 37 of title 38, United States Code, are not subject to the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601-612.

These regulatory amendments have also been reviewed under the provisions of Executive Order 12291. The VA finds that they are not "major rules" as defined in that Order. The existing process of informal consultation among representatives within the Executive Office of the President, OMB, the VA and the Department of Housing and Urban Development has been determined to be adequate to satisfy the intent of this Executive Order while still permitting compliance with statutory responsibilities for timely rate adjustments and a stable flow of mortgage credit at rates consistent with the market.

These final regulations come within exceptions to the general VA policy of prior publication of proposed rules as contained in 38 CFR 1.12. The publication of notice of a regulatory change in the VA maximum interest rates for VA guaranteed, insured or direct loans would deny veterans the benefit of lower interest rates pending the final rule publication date which would necessarily be more than 30 days

after publication in proposed form. Accordingly, it has been determined that publication of proposed regulations prior to publication of final regulations is impracticable, unnecessary, and contrary to the public interest.

(Catalog of Federal Domestic Assistance Program numbers, 64.113, 64.114, and 64.119)

These regulations are adopted under authority granted to the Administrator by sections 210(c), 1803(c)(1), 1811(d)(1) and 1819(f) and (g) of title 38, United States Code and delegated to the undersigned by 38 CFR 2.6(b)(3). The regulations are clearly within that statutory authority and are consistent with Congressional intent.

These decreases are accomplished by amending §§ 36.4212(a)(1), (2), and (3), and 36.4311(a), (b) and 36.4503(a), title 38, Code of Federal Regulations.

#### List of Subjects in 38 CFR Part 36

Condominiums, Handicapped, Housing, Loan programs—housing and community development, Mobile homes, Veterans.

Approved: August 23, 1982.

By direction of the Administrator.

Dorothy L. Starbuck,  
Chief Benefits Director.

#### PART 36—LOAN GUARANTY

The Veterans Administration is amending 38 CFR Part 36 as follows:

1. In § 36.4212, paragraph (a) is revised as follows:

##### § 36.4212 Interest rates and late charges.

(a) The interest rate charged the borrower on a loan guaranteed or insured pursuant to 38 U.S.C. 1819 may not exceed the following maxima except on loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration prior to the respective effective date: (38 U.S.C. 1819(f))

(1) Effective August 24, 1982, 16 percent simple interest per annum for a loan which finances the purchase of a mobile home unit only.

(2) Effective August 24, 1982, 15½ percent simple interest per annum for a loan which finances the purchase of a lot only and the cost of necessary site preparation, if any.

(3) Effective August 24, 1982, 15½ percent simple interest per annum for a loan which will finance the simultaneous acquisition of a mobile home and a lot and/or the site preparation necessary to make a lot acceptable as the site for the mobile home.

\* \* \* \* \*

2. In § 36.4311, paragraphs (a) and (b) are revised as follows:

##### § 36.4311 Interest rates.

(a) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration which specify an interest rate in excess of 14 per centum per annum, effective August 24, 1982, the interest rate on any home or condominium loan guaranteed or insured wholly or in part on or after such date may not exceed 14 per centum per annum on the unpaid principal balance. (38 U.S.C. 1803(c)(1))

(b) Effective August 24, 1982, the interest rate on any loan solely for energy conservation improvements or other alternations, improvements or repairs which is guaranteed or insured wholly or in part on or after such date may not exceed 14½ per centum per annum on the unpaid principal balance. (38 U.S.C. 1803(c)(1))

\* \* \* \* \*

3. In § 36.4503, paragraph (a) is revised as follows:

##### § 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after October 1, 1980, shall not exceed an amount which bears the same ratio to \$33,000 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to \$27,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Except as to home improvement loans, loans made by the Veterans Administration shall bear interest at the rate of 14 percent per annum. Loans solely for the purpose of energy conservation improvements or other alterations, improvements, or repairs shall bear interest at the rate of 14½ percent per annum. (38 U.S.C. 1811(d)(1) and (2)(A))

\* \* \* \* \*

[FR Doc. 82-23745 Filed 8-27-82; 8:45 am]

BILLING CODE 8320-01-M

#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 52

[A-7-FRL-2183-8; EPA Action 903]

#### Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency.

**ACTION:** Final rulemaking.

**SUMMARY:** The State of Missouri has submitted amendments to its State Implementation Plan (SIP) involving the control of volatile organic compounds (VOC) from perchloroethylene dry cleaning installations and amendments pertaining to sulfur dioxide and particulate emissions in the south St. Louis area. Today's notice is published to advise the public that EPA is approving the amended rules as part of the SIP.

**EFFECTIVE DATE:** This promulgation is effective September 29, 1982.

**ADDRESSES:** Copies of the state submission and EPA's technical evaluation are available for inspection during normal business hours at the following locations: Air Branch, Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106; Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460; Missouri Department of Natural Resources, 1101 Rear Southwest Boulevard, Jefferson City, Missouri 65102.

A copy of the state submission is also available at the Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** Wayne G. Leidwanger at (816) 374-3791 (FTS 758-3791).

**SUPPLEMENTARY INFORMATION:** On July 13, 1982, the State of Missouri submitted amendments to Rules 10 CSR 10-2.280, applicable in the Kansas City ozone nonattainment area, and 10 CSR 10-5.320, applicable in the St. Louis ozone nonattainment area. These two rules control VOC emissions from perchloroethylene dry cleaning installations. EPA previously approved these regulations (April 3, 1981, 46 FR 20172) as part of Missouri's control strategy for attainment of the National Ambient Air Quality Standard for ozone as required by Part D of the Clean Air Act, as amended. The state's amendments allow the Director of the Missouri Department of Natural Resources to approve control devices which are equally effective as carbon adsorbers in controlling VOC emissions. Further discussion of the amendments is contained in the proposed rulemaking and EPA's technical evaluation.

The State of Missouri also submitted on July 13, 1982, proposed changes to Rule 10 CSR 10-5.290, More Restrictive Emission, Limitations for Sulfur Dioxide and Particulate Matter in the South St. Louis area. EPA previously approved this rule on April 9, 1980 (45 FR 24140) as

meeting the requirements of Part D of the Act. The amendment clarifies the facilities covered by the rule and provides for any future changes in ownership and operating responsibilities. EPA does not believe that the amendment affects the application or enforceability of the rule as it existed prior to the amendment. The change merely makes explicit the scope of the rule which was clearly implied in the pre-existing rule.

On March 9, 1982, at 47 FR 10058, EPA proposed to approve the above amendments which the state had drafted provided the final revisions were substantially the same as the draft changes and there were no public comments which would affect the approvability of the submission. The rules as adopted by the state are the same as the draft amendments and EPA received no comments in response to the proposed rulemaking.

**Action**

EPA approves the amendments to Missouri Rules 10 CSR 10-2.280, 10 CSR 10-5.320 and 10 CSR 10-5.290.

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

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

**List of Subjects in 40 CFR Part 52**

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

This notice is issued under the authority of Section 110 of the Clean Air Act, as amended.

Dated: August 17, 1982.

John W. Hernandez, Jr.,  
Administrator.

**Note.**—Incorporation by Reference of the State Implementation Plan for the State of Missouri was approved by the Director of the Federal Register on July 1, 1982.

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

1. Section 52.1320 is amended by adding paragraph (c)(38) as follows:

§ 52.1320 Identification of plan.

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

(38) Revisions to Rules 10 CSR 10-2.280 (Kansas City) and 10 CSR 10-5.320 (St. Louis), both entitled Control of Emissions from Perchloroethylene Dry Cleaning Installations, and 10 CSR 10-5.290, More Restrictive Emission Limitations for Sulfur Dioxide and Particulate Matter in the South St. Louis Area, submitted on July 13, 1982, are approved.

[FR Doc. 82-23739 Filed 8-27-82; 8:45 am]

BILLING CODE 6560-50-M

**NATIONAL SCIENCE FOUNDATION****41 CFR Part 25-9****45 CFR Part 650****Policies and Procedures for Inventions and Patents Resulting From Grants, Cooperative Agreements, and Contracts**

**AGENCY:** National Science Foundation.

**ACTION:** Final regulation with request for comments.

**SUMMARY:** The regulation replaces all current NSF patent regulations and brings NSF patent policies and procedures into compliance with the Bayh-Dole Act. The policies and procedures set forth apply to all grants and cooperative agreements awarded by the Foundation since July 1, 1981 and to all contracts with a small business firm or nonprofit organization entered into since that date.

**DATES:** The effective date of this regulation is July 1, 1981. Comments, however, are welcome and will be considered in making future revisions to this regulation.

**ADDRESS:** All comments should be addressed to: NSF Intellectual Property Attorney, Office of the General Counsel, Room 501, National Science Foundation, Washington, DC 20550.

**FOR FURTHER INFORMATION CONTACT:** John Chester, NSF Intellectual Property Attorney, at (202) 357-9447. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** This regulation replaces the current NSF patent regulations published at 45 CFR Part 650 and 41 CFR Part 25-9. It will be published at 45 CFR Part 650. This regulation:

1. Brings NSF patent regulations into compliance with the Bayh-Dole Act (35 U.S.C. 200 *et seq.*, 6 of Pub. L. 96-517) as required by Part 17 of Office of Management and Budget Circular A-124.

"Patents—Small Business Firms and Nonprofit Organizations," and

2. States present Foundation policy in areas left to agency discretion by the Bayh-Dole Act and other laws.

As stated in § 650.1, this regulation applies to all grants and cooperative agreements awarded by the Foundation and to all contracts with small business firms or nonprofit organizations since July 1, 1981, the date the Bayh-Dole Act was effective. Contracts with parties other than small business firms or nonprofit organizations will normally be handled under the patent provisions of the Federal Procurement Regulations, 41 CFR Part 9. The Foundation's patent regulation for contracts (41 CFR Ch. 25-9), which implemented the FPR, is no longer needed and is removed.

Because it merely implements the directions of the Office of Management and Budget and continues current NSF policies, public comments were not obtained before making this regulation effective.

The Foundation has determined that this regulation is not a major rule as defined in Executive Order 12291 of February 17, 1981 (3 CFR, 1981 Comp., p. 127).

#### List of Subjects in 45 CFR 650

Government procurement; Grant programs—science and technology; Inventions and patents; Nonprofit organizations; Small businesses.

John B. Slaughter,  
Director.

Accordingly, Titles 41 and 45 of the Code of Federal Regulations are amended as provided below:

#### PART 25-9 [REMOVED]

1. Title 41 of the Code of Federal Regulations is amended by removing Part 25-9.

2. Title 45 of the Code of Federal Regulations is amended by revising Part 650 as follows:

#### PART 650—PATENTS

Sec.	
650.1	Scope of part.
650.2	National Science Foundation patent policy.
650.3	Source of authority.
650.4	Standard patent rights clause.
650.5	Special patent provisions.
650.6	Awards not primarily for research.
650.7	Awards affected by international agreements.
650.8	Requests for greater rights.
650.9	Retention of rights by inventor.
650.10	Unwanted inventions.
650.11	Inventions also supported by another Federal agency.
650.12	Utilization reports.
650.13	Waivers.

Sec.	
650.14	Exercise of march-in rights.
650.15	Request for conveyance of title to NSF.
650.16	Appeals.
650.17	Background rights.
650.18	Subcontracts.
650.19	Retroactive application.
650.20	Delegation of authority.
Appendix A—Optional form for confirmatory license.	

**Authority:** 35 U.S.C. 200 *et seq.*, commonly called the Bayh-Dole Act, as implemented by Office of Management and Budget Circular A-124; Secs. 11(e) and 12(a), National Science Foundation Act, as amended (42 U.S.C. 1870(e) and 1871(a)); President's Statement of Government Patent Policy, issued August 23, 1971 (36 FR 16887, August 26, 1971).

#### § 650.1 Scope of part.

This part contains the policies, procedures, and clauses that govern allocation of rights to inventions made in performance of NSF-assisted research. It applies to all grants and cooperative agreements entered into by the Foundation since July 1, 1981, that relate to performance of scientific or engineering research. This part also applies to contracts with small business firms or domestic nonprofit organizations that relate to performance of scientific or engineering research. For contracts with other parties, the Foundation will normally use the "Patent Rights—Deferred" clause of the Federal Procurement Regulations (41 CFR 1-9.107-5(c)). However, the procedures contained in § 650.14 will apply to all exercises of march-in rights.

#### § 650.2 National Science Foundation patent policy.

As authorized by the National Science Board at its 230th meeting, October 15-16, 1981, the Director of the National Science Foundation adopted the following statement of NSF patent policy.

(a) As required by the Bayh-Dole Act the Foundation will use the Patent Rights clause prescribed by the Office of Management and Budget in all its funding agreements with a small business firm or domestic nonprofit organization for the performance of experimental, developmental, or research work, including contracts for the operation of Government-owned research facilities, *unless* the Foundation determines that some other provision would better serve the purposes of that Act. Under the authority of the National Science Foundation Act of 1950 and the guidance of the 1971 President's Statement of Government Patent Policy, the Foundation will normally use a deferred determination clause in all other research funding agreements.

(b) In funding agreements covered by a treaty or agreement that provides that an international organization or foreign government, research institute, or inventor will own or share patent rights, the Foundation will acquire such patent rights as are necessary to comply with the applicable treaty or agreement.

(c) The Foundation will claim no rights to inventions in funding agreements made primarily for the support of education or training, such as fellowships and traineeships. A disclaimer of interest in inventions will be included in such awards.

(d) If an awardee elects not to retain rights to an invention, the Foundation will allow the inventor to retain the principal patent rights unless the awardee shows that it would be harmed by that action.

(e) The Foundation will normally allow any patent rights not wanted by the awardee or inventor to be dedicated to the public through publication. However, if another Federal agency is known to be interested in the relevant technology, the Foundation may give it an opportunity to review and patent the invention so long as that does not inhibit the dissemination of the research results to the scientific community.

(f) The Foundation will waive the restrictions imposed by the Bayh-Dole Act on the assignment or exclusive licensing of NSF-supported inventions by a nonprofit organization when that appears to serve the policy and objective of the Act. For identified inventions, the Foundation will waive the restrictions if the nonprofit organization obtains from the prospective assignee or licensee a firm commitment to develop and commercialize the invention. In any industry-university joint research award, the Foundation will waive the restrictions at the time of award if the nonprofit organization shows that they are unfair considering the industrial participant's contribution or that the project will not be undertaken unless they are waived.

(g) As far as practical, the Foundation will apply the intent of this policy to funding agreements entered into before the effective date of the Bayh-Dole Act.

#### § 650.3 Source of authority.

(a) 35 U.S.C. 200 *et seq.*, commonly called the Bayh-Dole Act, took effect on July 1, 1981. That law controls the allocation of rights to inventions made by employees of small business firms and domestic nonprofit organizations, including universities, during federally-supported experimentation, research, or development. Government-wide

implementing regulations are contained in Office of Management and Budget Circular A-124, dated February 10, 1982.

(b) Sec. 11(e) of the National Science Foundation Act of 1950, as amended, (42 U.S.C. 1870(e)) provides:

The Foundation shall have the authority \* \* \* to do all things necessary to carry out the provisions of this Act, including, but without being limited thereto, the authority \* \* \* (e) to acquire by purchase, lease, loan, gift, or condemnation, and to hold and dispose of by grant, sale, lease, or loan, real and personal property of all kinds necessary for, or resulting from, the exercise of authority granted by this Act.

(c) Section 12(a) of the NSF Act (42 U.S.C. 1871(a)) provides:

Each contract or other arrangement executed pursuant to this Act which relates to scientific research shall contain provisions governing the disposition of inventions produced thereunder in a manner calculated to protect the public interest and the equities of the individual or organization with which the contract or other arrangement is executed \* \* \*.

(d) The President's Statement of Government Patent Policy issued August 23, 1971 (36 FR 16887, August 26, 1971) provides guidance as to basic policies in this area.

#### § 650.4 Standard patent rights clauses.

(a) The following Patent Rights clause will be used in every funding agreement awarded by the Foundation to a small business firm or domestic nonprofit organization that relates to scientific or engineering research unless a special patent clause has been negotiated (see § 650.5).

#### Patent Rights (Small Business Firms and Nonprofit Organizations) (March 1982)

##### a. Definitions

(1) "Invention" means any invention or discovery which is or may be patentable or otherwise protectable under title 35 of the United States Code.

(2) "Subject invention" means any invention of the grantee conceived or first actually reduced to practice in the performance of work under this grant.

(3) "Practical application" means to manufacture in the case of a composition or product, to practice in the case of a process or method, or to operate in the case of a machine or system; and, in each case, under such conditions as to establish that the invention is being utilized and that its benefits are to the extent permitted by law or Government regulations available to the public on reasonable terms.

(4) "Made" when used in relation to any invention means the conception of first actual reduction to practice of such invention.

(5) "Small business firm" means a small business concern as defined at section 2 of Pub. L. 85-536 (15 U.S.C. 632) and implementing regulations of the Administrator of the Small Business

Administration. For the purpose of this clause, the size standard for small business concerns involved in Government and subcontracting at 13 CFR 121.3-8 and 13 CFR 121.3-12, respectively, will be used.

(6) "Nonprofit organization" means a university or other institution of higher education or an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)) or any nonprofit scientific or educational organization qualified under a State nonprofit organization statute.

##### b. Allocation of Principal rights

The grantee may retain the entire right, title, and interest throughout the world to each subject invention subject to the provisions of this clause and 35 U.S.C. 203. With respect to any subject invention in which the grantee retains title, the Federal Government shall have a non-exclusive, non-transferable, irrevocable paid-up license to practice or have practiced for or on behalf of the United States the subject invention throughout the world. If the award indicates it is subject to an identified international agreement or treaty, the Foundation also has the right to direct the grantee to convey to any foreign participant such patent rights to subject inventions as are required to comply with that agreement or treaty.

##### c. Invention disclosure, Election of title and Filing of Patent Applications by Grantee

(1) The grantee will disclose each subject invention to the National Science Foundation (NSF) within two months after the inventor discloses it in writing to grantee personnel responsible for the administration of patent matters. The disclosure to NSF shall be in the form of a written report and shall identify the grant under which the invention was made and the inventor(s). It shall be sufficiently complete in technical detail to convey a clear understanding of the nature, purpose, operation, and, to the extent known, the physical, chemical, biological or electrical characteristics of the invention. The disclosure shall also identify any publication, on sale or public use of the invention and whether a manuscript describing the invention has been submitted for publication and, if so, whether it has been accepted for publication at the time of disclosure. In addition, after disclosure to NSF, the grantee will promptly notify NSF of the acceptance of any manuscript describing the invention for publication or of any on sale or public use planned by the grantee.

(2) The grantee will elect in writing whether or not to retain title to any such invention by notifying NSF within twelve months of disclosure to the grantee; provided that in any case where publication, on sale or public use has initiated the one year statutory period wherein valid patent protection can still be obtained in the United States, the period for election of title may be shortened by NSF to a date that is no more than 60 days prior to the end of the statutory period.

(3) The grantee will file its initial patent application on an elected invention within two years after election or, if earlier, prior to

the end of any statutory period wherein valid patent protection can be obtained in the United States after a publication, on sale or public use. The grantee will file patent applications in additional countries within either ten months of the corresponding initial patent application, or six months from the date when permission is granted by the Commissioner of Patents and Trademarks to file foreign patent applications when such filing has been prohibited by a Secrecy Order.

(4) Requests for extension of the time for disclosure to NSF, election, and filing may, at the discretion of NSF, be granted.

##### d. Conditions When the Government May Obtain Title

(1) The grantee will convey to NSF, upon written request, title to any subject invention:

(i) If the grantee fails to disclose or elect the subject invention within the times specified in c. above, or elects not to retain title.

(ii) In those countries in which the grantee fails to file patent applications within the times specified in c. above; provided, however, that if the grantee has filed a patent application in a country after the times specified in c. above but prior to its receipt of the written request of NSF the grantee shall continue to retain title in that country.

(iii) In any country in which the grantee decides not to continue the prosecution of any application for, to pay the maintenance fees on, or defend in a reexamination or opposition proceeding on, a patent on a subject invention.

##### e. Minimum Rights to Grantee

(1) The grantee will retain a nonexclusive, royalty-free, license throughout the world in each subject invention to which the Government obtains title except if the grantee fails to disclose the subject invention within the times specified in c. above. The grantee's license extends to its domestic subsidiaries and affiliates, if any, within the corporate structures of which the grantee is a party and includes the right to grant sublicenses of the same scope to the extent the grantee was legally obligated to do so at the time the grant was awarded. The license is transferable only with the approval of NSF except when transferred to the successor of that part of the grantee's business to which the invention pertains.

(2) The grantee's domestic license may be revoked or modified by NSF to the extent necessary to achieve expeditious practical application of the subject invention pursuant to an application for an exclusive license submitted in accordance with applicable provisions in the Federal Property Management Regulations. This license will not be revoked in that field of use or the geographical areas in which the grantee has achieved practical application and continues to make the benefits or the invention reasonably accessible to the public. The license in any foreign country may be revoked or modified at the discretion of NSF to the extent the grantee, its licensees, or its domestic subsidiaries or affiliates have failed to achieve practical application in that foreign country.

(3) Before revocation or modification of the license, NSF will furnish the grantee a written notice of its intention to revoke or modify the license, and the grantee will be allowed thirty days (or such other time as may be authorized by NSF for good cause shown by the grantee) after the notice to show cause why the license should not be revoked or modified. The grantee has the right to appeal, in accordance with applicable regulations in the Federal Property Management Regulations concerning the licensing of Government-owned inventions, any decision concerning the revocation or modification of its license.

*f. Grantee Action to Protect Government's Interest*

(1) The Grantee agrees to execute or have executed and promptly deliver to NSF all instruments necessary to: (i) Establish or confirm the rights the Government has throughout the world in those subject inventions for which the grantee retains title, and (ii) convey title to NSF when requested under paragraph d. above, and to enable the Government to obtain patent protection throughout the world in that subject invention.

(2) The grantee agrees to require, by written agreement, its employees, other than clerical and non-technical employees, to disclose promptly in writing to personnel identified as responsible for the administration of patent matters and in a format suggested by the grantee each subject invention made under this grant in order that the grantee can comply with the disclosure provisions of paragraph c. above, and to execute all papers necessary to file patent applications on subject inventions and to establish the Government's rights in the subject inventions.

The disclosure format should require, as a minimum, the information requested by c.(1) above. The grantee shall instruct such employees through the employee agreements or other suitable educational programs on the importance of reporting inventions in sufficient time to permit the filing of patent applications prior to U.S. or foreign statutory bars.

(3) The grantee will notify NSF of any decision not to continue prosecution of a patent application, pay maintenance fees, or defend in a reexamination or opposition proceeding on a patent, in any country, not less than thirty days before the expiration of the response period required by the relevant patent office.

(4) The grantee agrees to include, within the specification of any United States patent application and any patent issuing thereon covering a subject invention, the following statement: "This invention was made with Government support under (identify the grant) awarded by the National Science Foundation. The Government has certain rights in this invention."

(5) The grantee or its representative will complete, execute, and forward to NSF a confirmation of a License to the United States Government within two months of filing any domestic or foreign patent applications.

(6) The grantee or its representative will forward to NSF a copy of any United States

patent covering a subject invention within two months after it is issued.

*g. Subcontracts*

(1) The grantee will include this clause, suitably modified to identify the parties, in all subcontracts, regardless of tier, for experimental, developmental, or research work to be performed by a small business firm or domestic nonprofit organization. The subcontractor will retain all rights provided for the grantee in this clause, and the grantee will not, as part of the consideration for awarding the subcontract, obtain rights in the subcontractor's subject inventions.

(2) The grantee will include in all other subcontracts, regardless of tier, for experimental, developmental, or research work the patent rights clause contained in 45 CFR 650.4(b) and section 751.3(b) of the NSF *Grant Policy Manual* unless otherwise directed by NSF.

(3) In the case of subcontracts, at any tier, when the prime award by the Foundation was a contract (but not a grant or cooperative agreement), NSF, subcontractor, and contractor agree that the mutual obligations of the parties created by this clause constitute a contract between the subcontractor and the Foundation with respect to those matters covered by this clause.

*h. Reporting on Utilization of Subject Inventions*

The grantee agrees to submit on request periodic reports no more frequently than annually on the utilization of a subject invention or on efforts at obtaining such utilization that are being made by the grantee or its licensees or assignees. Such reports shall include information regarding the status of development, date of first commercial sale or use, gross royalties received by the grantee, and such other data and information as NSF may reasonably require. The grantee also agrees to provide additional reports in connection with any march-in proceedings undertaken by NSF in accordance with paragraph j. of this clause. To the extent data or information supplied under this section is considered by the grantee, its licensee or assignee to be privileged and confidential and is so marked, NSF agrees that, to the extent permitted by 35 USC 202(c)(5), it will not disclose such information to persons outside the Government.

*i. Preference for United States Industry*

Notwithstanding any other provision of this clause, the grantee agrees that neither it nor any assignee will grant to any person the exclusive right to use or sell any subject invention in the United States unless such person agrees that any products embodying the subject invention or produced through the use of the subject invention will be manufactured substantially in the United States. However, in individual cases, the requirement for such an agreement may be waived by NSF upon a showing by the grantee or its assignee that reasonable but unsuccessful efforts have been made to grant licenses on similar terms to potential licensees that would be likely to manufacture substantially in the United States or that

under the circumstances domestic manufacture is not commercially feasible.

*j. March-in Rights*

The grantee agrees that with respect to any subject invention in which it has acquired title, NSF has the right in accordance with procedures in OMB Circular A-124 and NSF regulations at 45 CFR 650.13 to require the grantee, an assignee or exclusive licensee of a subject invention to grant a nonexclusive, partially exclusive, or exclusive license in any field of use to a responsible applicant or applicants, upon terms that are reasonable under the circumstances, and if the grantee, assignee, or exclusive licensee refuses such a request, NSF has the right to grant such a license itself if NSF determines that:

(1) Such action is necessary because the grantee or assignee has not taken, or is not expected to take within a reasonable time, effective steps to achieve practical application of the subject invention in such field of use;

(2) Such action is necessary to alleviate health or safety needs which are not reasonably satisfied by the grantee, assignee, or their licensees;

(3) Such action is necessary to meet requirements for public use specified by Federal regulations and such requirements are not reasonably satisfied by the grantee, assignee, or licensee; or

(4) Such action is necessary because the agreement required by paragraph i. of this clause has not been obtained or waived or because a licensee of the exclusive right to use or sell any subject invention in the United States is in breach of such agreement.

*k. Special Provisions For Grants with Nonprofit Organizations*

If the grantee is a nonprofit organization, it agrees that:

(1) Rights to a subject invention in the United States may not be assigned without the approval of NSF, except where such assignment is made to an organization which has as one of its primary functions the management of inventions and which is not, itself, engaged in or does not hold a substantial interest in other organizations engaged in the manufacture or sale of products or the use of processes that might utilize the invention or be in competition with embodiments of the invention (provided that such assignee will be subject to the same provisions as the grantee);

(2) The grantee may not grant exclusive licenses under United States patents or patent applications in subject inventions to persons other than small business firms for a period in excess of the earlier of:

(i) five years from first commercial sale or use of the invention, or

(ii) eight years from the date of the exclusive license excepting that time before regulatory agencies necessary to obtain premarket clearance, unless on a case-by-case basis NSF approves a longer exclusive license. If exclusive field of use licenses are granted, commercial sale or use in one field of use will not be deemed commercial sale or use as to other fields of use, and a first commercial sale or use with respect to a product of the invention will not be deemed

to end the exclusive period to different subsequent products covered by the invention;

(3) The grantee will share royalties collected on a subject invention with the inventor; and

(4) The balance of any royalties or income earned by the grantee with respect to subject inventions, after payment of expenses (including payments to inventors) incidental to the administration of subject inventions, will be utilized for the support of scientific research or education.

1. *Communications.* All disclosures, elections, confirmations of the Government license, copies of patents, and other routine communications should be sent to the NSF Patent Paralegal, Office of the General Counsel, National Science Foundation, 20550. Requests for waivers and other exceptional communications with the Foundation regarding this clause should be addressed to the NSF Intellectual Property Attorney, Office of the General Counsel, National Science Foundation, Washington, D.C. 20550.

(b) The following Patent Rights clause will be used in every grant or cooperative agreement that relates to scientific or engineering research awarded by the Foundation where the awardee is not a small business firm or domestic nonprofit organization unless a special patent clause has been negotiated (see § 650.5). (For contracts with parties other than small business firms or domestic nonprofit organizations, the Foundation will normally use the deferred determination clause contained in the Federal Procurement Regulations, 41 CFR 1-9.107-5(c).)

#### Patent Rights (Deferred) (March 1982)

a. The grantee agrees that the Foundation will have the right to determine the disposition of patent rights to any invention conceived or first actually reduced to practice in the performance of work under this grant. In making this determination, the Foundation will consider the public interest and the equities of the grantee.

b. The grantee will disclose any such invention to NSF within two months of learning of its existence. The grantee will secure from its employees any agreements necessary to carry out its responsibilities under this clause. Unless otherwise directed by NSF, the grantee will use the appropriate Patent Rights clause from 45 CFR 650.4 or section 751.3 of the NSF Grant Policy manual in any subcontracts relating to scientific research.

c. Invention disclosures and other routine communications should be sent to the NSF Patent Paralegal, Office of the General Counsel, National Science Foundation 20550. Requests for permission to retain principal patent rights to disclosed inventions may be made as provided in 45 CFR 650.8.

(c) When the above clauses are used in a funding agreement other than a grant, "grant" and "grantee" may be

replaced by "contract" and "contractor" or other appropriate terms.

#### § 650.5 Special patent provisions.

(a) At the request of the prospective awardee or on recommendation from NSF staff, the NSF Intellectual Property Attorney, with the concurrence of the cognizant Program Manager and Grants or Contracts Officer, may negotiate special patent provisions:

(1) When the NSF Intellectual Property Attorney determines that restriction or elimination of the right of a small business firm or domestic nonprofit organization to retain title to any subject invention will better promote the policy and objectives of Chapter 38 of Title 35 of the United States Code (The NSF Intellectual Property Attorney will prepare the report to the Comptroller General if required by Part 7.b. of OMB Circular A-124.);

(2) When a prospective awardee that is not a small business firm or domestic nonprofit organization shows that it should be permitted to retain title to subject inventions under the terms of the 1971 Presidential Statement of Government Patent Policy;

(3) When a prospective awardee that is not a small business firm or domestic nonprofit organization has legal obligations that prevent it from accepting the standard clause;

(4) When the research is to be performed outside the United States; or

(5) When other exceptional circumstances exist.

#### § 650.6 Awards not primarily for research.

(a) Awards not primarily intended to support scientific or engineering research need contain no patent provision. Examples of such awards are travel and conference grants.

(b) NSF fellowships and traineeships are primarily intended to support education or training, not particular research, and the Foundation claims no rights to inventions made by fellows or trainees. The following provision will be included in each fellowship or traineeship program announcement and made part of the award:

#### Intellectual Property Rights

The National Science Foundation claims no rights to any inventions or writings that might result from its fellowship or traineeship awards. However, fellows and trainees should be aware that the NSF, another Federal agency, or some private party may acquire such rights through other support for particular research. Also, fellows and trainees should note their obligation to include an Acknowledgement and Disclaimer in any publication.

#### § 650.7 Awards affected by international agreements.

(a) Some NSF awards are made as part of international cooperative research programs. The agreements or treaties underlying many of these programs require an allocation of patent rights different from that provided by the Patent Rights clause in § 650.4(a). Therefore, as permitted by part 8.d. of OMB Circular A-124, paragraph b. of the standard Patent Rights (Small Business Firms and Nonprofit Organizations) clause in § 650.4(a) has been modified to provide that the Foundation may require the grantee to transfer to a foreign government or research performer such rights in any subject invention as are contemplated in the international agreement. The award instrument will identify the applicable agreement or treaty.

(b) After an invention is disclosed to the Patent Paralegal, the recipient of an award subject to an international agreement will be informed as to what rights, if any, it must transfer to foreign participants. Recipients may also ask the Program Manager to provide them with copies of the identified international agreements before or after accepting an award.

#### § 650.8 Requests for greater rights.

Recipients of awards containing the deferred determination clause of § 650.4(b) may request that they be allowed to retain the principal patent rights to their subject inventions after those inventions are disclosed to the NSF Patent Paralegal. Such a request should be made as soon as possible after the invention is disclosed and should state that requestor's intention and, to the extent known, plans to commercialize the invention. The NSF Intellectual Property Attorney, with the concurrence of the cognizant Program Manager and Grants or Contracts Officer, will normally allow the inventing organization to retain the principal patent rights, subject to the terms and conditions imposed on small business firms by the Patent Rights clause of § 650.4(a), unless he or she determines that would be inconsistent with the policies of the National Science Foundation Act of 1950, as amended, the 1971 Presidential Statement of Government Patent Policy, or, if applicable, the Bayh-Dole Act.

#### § 650.9 Retention of rights by inventor.

If an awardee elects not to retain rights to an invention, the inventor may request the NSF Intellectual Property Attorney for permission to retain principal patent rights. Such requests

should be made as soon as possible after the awardee notifies the NSF Patent Paralegal that it does not want to patent the invention. Such requests will normally be granted unless the awardee shows that it would be harmed by that action. As required by part 11. of OMB Circular A-124, the inventor will be subject to the same conditions that the awardee would have been, except that the special restrictions imposed on nonprofit organizations will not apply to the inventor.

#### § 650.10 Unwanted inventions.

(a) The Foundation will normally allow any patent rights not wanted by the awardee or inventor to be dedicated to the public through publication. Except as provided in paragraph (b) of this section, the NSF Patent Paralegal will acknowledge a negative election by encouraging the awardee and inventor to promptly publish all the research results.

(b) If the NSF Patent Paralegal or Program Manager believes that another Federal agency is interested in the relevant technology, the Patent Paralegal, after receiving the awardee's election not to patent and after ascertaining that the inventor also does not want to patent, may send a copy of the invention disclosure to that agency to give it an opportunity to review and patent the invention. Unless the agency expresses an interest in the invention within thirty days, the Patent Paralegal will acknowledge the awardee's negative election by encouraging prompt publication of all research results. If the agency does express an interest in patenting the invention, the Patent Paralegal, with the concurrence of the cognizant Program Manager and Grants or Contracts Officer, will transfer to it all rights to the invention.

#### § 650.11 Inventions also supported by another Federal Agency.

Part 16.c. of OMB Circular A-124 provides that in the event that an invention is made under funding agreements of more than one agency, the agencies involved will, at the request of the grantee or contractor or on their own initiative, designate one agency to be responsible for the administration of the invention. Whenever the NSF Patent Paralegal finds that another Federal agency also supported an NSF subject invention, he or she will consult with the grantee or contractor and the other agency to determine if a single agency should be designated to administer the Government's rights in the invention. With the concurrence of the cognizant Program Manager and Grants or

Contracts Officer, the Patent Paralegal may transfer to, or accept from, another Federal agency, all rights in a jointly-supported invention.

#### § 650.12 Utilization reports.

Until the form for and frequency of the utilization reports required by paragraph h. of the standard Patent Rights clause are established by the Lead Agency overseeing implementation of the Bayh-Dole Act (see part 10.a. of OMB Circular A-124), the Foundation will not normally request such reports. This section will be amended to describe the reporting requirements when they are established.

#### § 650.13 Waivers.

(a) Requests for extension of time to disclose to the NSF Patent Paralegal, make an election to retain title to, or file a patent on a subject invention will be granted unless the NSF Intellectual Property Attorney determines that such an extension would either imperil the securing of valid patent protection or unacceptably restrict the publication of the results of the NSF-supported research.

(b) The restrictions on assignment and exclusive licensing by nonprofit organizations imposed by subparagraphs k(1) and k(2) of the Patent Rights clause in § 650.4(a) will be waived when that appears to serve the policy and objective of the Bayh-Dole Act. The NSF Intellectual Property Attorney may waive the restrictions either at the time of award or for an identified invention. Some circumstances under which the restrictions will normally be waived are described in section (f) of the NSF Patent Policy (§ 650.2).

(c) The preference for United States industry imposed by paragraph i. of the clause in § 650.4(a) may be waived by the NSF Intellectual Property Attorney as provided in that paragraph.

(d) The NSF Intellectual Property Attorney may waive on behalf of the Foundation and the Government some or all of the rights normally reserved in a subject invention if the inventing organization is not a small business firm or nonprofit organization and it demonstrates that the NSF made a very limited contribution to the discovery.

(e) Requests for waiver under this section should be addressed to the NSF Intellectual Property Attorney and should explain why waiver is justified under the stated criteria. The Intellectual Property Attorney will obtain the concurrence of the cognizant Program Manager and Grants or Contracts Officer before taking any action under this section. The requester

will be given a written explanation of the reasons for denial of a request covered by this section.

#### § 650.14 Exercise of march-in rights.

(a) The procedures established by this section supplement those prescribed by part 13. of OMB Circular A-124 and apply to all march-in rights held by the Foundation including those resulting from funding agreements not covered by the OMB Circular.

(b) Petitions requesting that the NSF exercise a march-in right should be addressed to the NSF Intellectual Property Attorney. Such petitions should:

- (1) Identify the patent or patent application involved and the relevant fields of use of the invention;
- (2) State the grounds for the proposed march-in;
- (3) Supply evidence that one or more of the four conditions creating a march-in right (lack of practical application, unsatisfied health or safety needs, unmet requirements for public use, or failure to prefer United States industry) is present; and
- (4) Explain what action by the Foundation is necessary to correct that condition.

(c) If evidence received from a petitioner or from the Foundation's administration of the Patent Rights clauses indicates that one or more of the four conditions creating a march-in right might exist, the NSF Intellectual Property Attorney will informally review the matter as provided in part 13.b. of OMB Circular A-124. If that informal review indicates that one or more of the four conditions creating a march-in right probably exists, the Intellectual Property Attorney will initiate a formal march-in proceeding by issuing a written notice to the patentholder. That notice will provide all the information required by part 13.c. of OMB Circular A-124. The patentholder may submit information and argument in opposition to the proposed march-in in person, in writing, or through a representative.

(d) If the NSF Intellectual Property Attorney determines that a genuine dispute over material facts exists, he or she will identify the disputed facts and notify the NSF General Counsel. The General Counsel will establish a cross-directorate fact-finding panel. The panel will establish its own fact-finding procedures, within the requirements of part 13.e. of OMB Circular A-124, based on the dimensions of the particular dispute. The Intellectual Property Attorney will serve as secretary to the panel, but will not take part in its

deliberations. Written findings of facts will be submitted to the General Counsel, sent by certified mail to the patentholder, and made available to all other interested parties.

(e) The NSF General Counsel will determine whether and how the Foundation should exercise a march-in right as provided in part 13.g. of OMB Circular A-124.

#### § 650.15 Request for conveyance of title to NSF.

(a) The procedures established by this section apply to the exercise of the Foundation's right under paragraph d. of the Patent Rights clause in § 650.4(a) to request conveyance of title to a subject invention if certain conditions exist.

(b) The NSF Intellectual Property Attorney may request the recipient of an NSF award to convey to the Foundation or a designee title in one or more countries to any invention to which the awardee has elected not to retain title. The Intellectual Property Attorney may also request immediate conveyance of title to a subject invention if the awardee fails (1) to submit a timely invention disclosure, (2) to make a timely election to retain patent rights, or (3) to file a timely patent application; but only if he or she determines that such action is required to preserve patent rights.

(c) The NSF Intellectual Property Attorney will informally review any apparent failure by an awardee to comply with the requirements of paragraph c. of the Patent Rights clause in § 650.4(a). The interested institution, the inventor, the patentholder, and any other interested party will be given an opportunity to explain why a particular invention was not disclosed, why an election was not made, or why a patent application was not filed. If the Intellectual Property Attorney determines that a genuine dispute over material facts exists, a cross-directorate fact-finding panel will be appointed by the General Counsel. The panel will establish its own fact-finding procedures, within the requirements of part 13.e. of OMB Circular A-124, based on the dimensions of the particular dispute. Written findings of facts will be submitted to the Intellectual Property Attorney, sent by certified mail to the patentholder, and made available to all other interested parties.

(d) The NSF Intellectual Property Attorney will determine whether the Foundation should request conveyance of title or if it should retain title obtained under § 650.15(b).

#### § 650.16 Appeals.

(a) All actions by the NSF Intellectual Property Attorney under § 650.8 denying a request for greater rights, under § 650.13 denying a request for waiver, under § 650.14(d) denying the existence of a material dispute, under § 650.15(e) requesting conveyance of title, or under § 650.19 refusing retroactive application of the Bayh-Dole Act may be appealed to the Director of the Foundation by an affected party within thirty days. A request under § 650.15(b) to immediately convey title to the Foundation may be appealed to the General Counsel by the titleholder within five days.

(b) In reviewing the actions of the NSF Intellectual Property Attorney, the Director, or his or her designee, will consider both the factual and legal basis for the action or determination and its consistency with the policies and objectives of the Foundation and, if applicable, the Bayh-Dole Act (35 USC 200 to 206) and OMB Circular A-124.

#### § 650.17 Background rights.

The Foundation will acquire rights to a research performer's pre-existing technology only in exceptional circumstances where, due to the nature of the research being supported, the Foundation requires greater control over resulting inventions. The NSF Intellectual Property Attorney, with the concurrence of the cognizant Program Manager and Grants or Contracts Officer, will negotiate the background rights provision. If the affected awardee is a small business firm or nonprofit organization, the provision will conform to the requirements of the Bayh-Dole Act (35 USC 202(f)) as implemented by part 15. of OMB Circular A-124.

#### § 650.18 Subcontracts.

Awardees should normally use the appropriate clause from § 650.4 in any subcontracts. At the request of the awardee or on recommendation from NSF staff, the Intellectual Property Attorney, with the concurrence of the cognizant Program Manager and Grants or Contracts Officer, may direct the awardee to insert into subcontracts relating to scientific research a patent provision other than that called for in § 650.4 of this regulation. Special patent provisions may be negotiated for subcontracts under § 650.5.

#### § 650.19 Retroactive application.

The provisions of § 650.8 apply to all inventions disclosed after the effective date of this regulation under funding agreements that contain a deferred determination clause, including those awarded before July 1, 1981, to small business firms and nonprofit

organizations. At the request of the awardee, the Intellectual Property Attorney, with the concurrence of the cognizant Program Manager and Grants or Contracts Officer, may also apply those provisions to inventions disclosed under awards which contain special patent clauses or were covered by an Institutional Patent Agreement with the Foundation.

#### § 650.20 Delegation of authority.

The General Counsel is responsible for implementing this regulation and is authorized to make any exceptions to or extensions of the NSF Patent Policy as may be required by particular circumstances. The General Counsel will designate persons to serve as the NSF Intellectual Property Attorney and Patent Paralegal. Those individuals are authorized to carry out the functions assigned them by this regulation.

#### Appendix A to Part 650—Optional Format for Confirmatory License

The following format may be used for the confirmatory license to the Government required by subparagraph f(5) of the Patent Rights clause in § 650.4(a). The form given in 41 CFR 1-9.105(b) or any equivalent instrument may also be used.

#### License to the United States Government

This instrument confirms to the United States Government, as represented by the National Science Foundation, an irrevocable, nonexclusive, nontransferable, royalty-free license to practice or have practiced on its behalf throughout the world the following subject invention:

(invention title)  
(inventor[s] name[s])  
(patent application number and filing date)  
(country, if other than United States)  
(NSF Disclosure No.).

This subject invention was made with NSF support through:

(grant or contract number)  
(grantee or contractor).

Principal rights to this subject invention have been left with the licensor.

Signed: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_  
Accepted on behalf of the Government: \_\_\_\_\_

NSF Patent Paralegal

Date: \_\_\_\_\_

[FR Doc. 82-23740 Filed 8-27-82; 8:45 am]

BILLING CODE 7555-01-M

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

43 CFR Parts 3400, 3410, 3420, 3430, 3440, 3450, 3460 and 3470

## Federal Coal Management Program; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule; Correction.

**SUMMARY:** A final rulemaking amending the existing regulations on the Federal Coal Management program involving 43 CFR Parts 3400, 3410, 3420, 3430, 3440, 3450, 3460 and 3470 was published in the Federal Register on July 30, 1982 (47 FR 33114). Some errors were made in that publication and this document corrects those errors.

EFFECTIVE DATE: August 30, 1982.

**ADDRESS:** Any questions or inquiries should be sent to: Director (540), Bureau of Land Management, 1800 C Street NW., Washington, D.C. 20240.

**FOR FURTHER INFORMATION CONTACT:** Ryan Dudley, (202) 343-4537.

**SUPPLEMENTARY INFORMATION:** The corrections to the final rulemaking are as follows:

1. On page 33133, the note is corrected so that the phrase "assigned clearance number 1004—" reads "assigned clearance number 1004—0073.";

2. On page 33134, paragraph (ff) is corrected to read:

(ff) Renumbering paragraph (pp) as paragraph (gg) and amending it by inserting between the word "persons" and the closing of the parenthesis the words "otherwise meeting the requirements of this section";

3. On page 33134, paragraph (gg) is corrected to read:

(gg) Renumbering paragraph (qq) as paragraph (hh) and revising it to read:

(hh) "Reserves" has the meaning set forth in the term "recoverable coal reserves" in 30 CFR 211.2.

4. On page 33135, in item 14 (section 3410.3-1), in paragraph (a), the phrase "minerals Management Service" is corrected to read "Minerals Management Service";

5. On page 33136, in item 27 (section 3420.1-5), in paragraph (a) the word "replace" is corrected to read "replacing";

6. On page 33139, in paragraph (b)(2) in the first column, the figure "(iv)" where it appears the second time in that paragraph is corrected to read "(vi)";

7. On page 33139, the first sentence of item 46 (section 3420.5-5) is corrected to read:

46. Section 3420.5-5 is renumbered section 3420.4-5 and;

8. On page 33140, paragraph (a) of item 50 (section 3420.7-2) is corrected by removing the words "§ 3420.4" and replacing it with the words "3420.4";

9. On page 33142, the first sentence of item 69 is corrected to read:

69. Section 3427.0-1 is revised as follows:

10. On page 33147, paragraph (a) of item 116 (section 3453.2-4) is corrected by:

a. Removing in the third sentence the word "lease" where it appears the first time and replacing it with the word "leased"; and

b. Removing in the fourth sentence, in subsection (2), the phrase "transferee as a principal" and replacing it with the phrase "transferee as principal";

11. On page 33148, paragraph (b) of item 122 (section 3453.3-4) is corrected by removing the word "or" where it appears in the phrase "exploration or license";

12. On page 33151, item 161 is corrected to read:

161. Sections 3475.1, 3475.2 and 3475.3 are renumbered sections 3475.2, 3475.3 and 3475.4, respectively.

Frank A. DuBois,

Acting Assistant Secretary of the Interior.

August 24, 1982.

[FR Doc. 82-23712 Filed 8-27-82; 8:45 am]

BILLING CODE 4310-84-M

## DEPARTMENT OF TRANSPORTATION

## Maritime Administration

## 46 CFR Part 221

## Documentation, Transfer or Charter of Vessels; Consolidation of Citizenship Declaration, Forms

AGENCY: Maritime Administration DOT.

ACTION: Final rule.

**SUMMARY:** This final rulemaking revises 46 CFR 221.11 to consolidate, in a single form, nine existing MARAD forms. This form prescribes the declaration of United States citizenship by a vendee, mortgagee or other transferee of a vessel, or of an interest in a vessel, that is owned in whole or in part by U.S. citizens and documented under U.S. law. Such declaration is required by section 40, Shipping Act, 1916 (46 U.S.C. 838), which is administered by MARAD. The consolidated Form 899, prescribed by MARAD under that authority, is filed with the appropriate U.S. Coast Guard Documentation Office. The Office of Management and Budget directed adoption of and approved the consolidated form, new Form 899. The consolidation is intended to simplify the declaration process and to clarify this

reporting requirement for the using public. Also, OMB believes that this consolidation will relieve the reporting burden.

EFFECTIVE DATE: August 30, 1982.

## FOR FURTHER INFORMATION CONTACT:

Mrs. Jessie Fernanders, Chief, Division of Ship Disposals and Foreign Transfers, Maritime Administration, Washington, D.C. 20590, Tel. (202) 426-5821.

**SUPPLEMENTARY INFORMATION:** The Maritime Administrator has determined that this amendment to 46 CFR Part 221 meets none of the criteria of a major rule under Executive Order 12291 that would require preparation of a regulatory impact analysis. He further certifies that this is not a significant regulation under DOT Order 2100.5 and that the expected impact is so minimal that it does not require that a full Evaluation be placed in the rulemaking docket. This is a non-controversial simplification of statutory reporting requirements that are administered by this agency. It is intended to relieve a burden and has been approved by OMB under the Paperwork Reduction Act of 1980 (Pub. L. 96-511). For these reasons, the Maritime Administrator finds that notice and public procedure with respect to this rulemaking are unnecessary and that the rule may become effective upon publication. Since notice and comment are not required, the Maritime Administrator certifies that the Regulatory Flexibility Act of 1980 (Pub. L. 96-354) is not applicable.

## List of Subjects in 46 CFR Part 221

Banks, Banking, Citizenship and naturalization, Charter foreign transfer, Maritime carrier reporting requirements, Uniform system of accounts.

## PART 221—DOCUMENTATION, TRANSFER OR CHARTER OF VESSELS

Accordingly, 46 CFR 221.11 is revised to read as follows—

§ 221.11 Citizenship declarations by vendees, mortgagees or other transferees of U.S. vessels or vessel interests.

Whenever any bill of sale, mortgage, hypothecation, or conveyance of any vessel, part thereof; or interest therein, is presented to any Officer in Charge of Marine Inspection, U.S. Coast Guard, to be recorded, the vendee, mortgagee, or transferee shall file therewith, as provided by section 40 of the Shipping Act, 1916 (46 U.S.C. 838), the following declaration.<sup>1</sup>

<sup>1</sup> This declaration will not be carried in the CFR.

Form No. MA-899, Department of Transportation, Maritime Administration (Rev. /82)

[OMB Approval No. 2115-0058, Expires 4-30-83]

**Declaration of Citizenship for Vessel Recordation Purposes (Section 40, Shipping Act, 1916, as Amended, 46 U.S.C. 838, 40 Stat. 902, as Amended)**

- I. Vessel <sup>1</sup>
  - A. Name:
  - B. Official Number:
- II. Entity on Behalf of Which Declaration is Made
  - A. Name:
  - B. Address:
  - C. State Where Incorporated, Organized, Chartered, or Residing:
  - D. Legal Nature (check appropriate entry)
 

<input type="checkbox"/> Individual	<input type="checkbox"/> Mutual Savings
<input type="checkbox"/> Corporation	<input type="checkbox"/> Bank/Insurance Co.
<input type="checkbox"/> Partnership/joint venture	<input type="checkbox"/> Other (Specify)
<input type="checkbox"/> Association	

- E. Capacity (check appropriate entry)
  - Purchaser/transferee
  - Mortgagee
  - Trustee-mortgagee
- III. Declaration: I hereby declare that I am legally authorized to make this declaration on behalf of the entity named above, and that this transaction does not violate the provisions of 46 U.S.C. 808 and 835 (if applicable) because said entity meets the applicable criteria set forth on the reverse of this form and is therefore a citizen of the United States within the meaning of 46 U.S.C. 802.

Signature \_\_\_\_\_ Date \_\_\_\_\_  
 Name of Person Signing (Print): \_\_\_\_\_

**Penalty of False Statement:** Any person who knowingly makes a false statement of a material fact in this declaration shall be guilty of a misdemeanor and subject to a fine of not more than \$5,000 or to imprisonment for not more than five years, or both (46 U.S.C. 838).

<sup>1</sup>If two or more vessels are involved, attach schedule of vessel names and official numbers.

**Declaration of Citizenship—Citizenship Criteria**

**A. Individual.** An individual is a citizen by virtue of birth in the United States, birth abroad of U.S. citizen parents, by naturalization during minority through the naturalization of a parent, by marriage (if a woman) to a U.S. citizen prior to September 22, 1922, naturalized, or as otherwise authorized by law.

**B. Corporation.** A corporation is a citizen if (a) it is incorporated under the laws of the United States or of a state, territory, district or possession thereof; (b) its president or other chief executive officer and its chairman of the board are United States citizens; (c) no more of its directors than a minority of the number necessary to constitute a quorum are non-citizens; and (d) the controlling interest in the corporation is owned by United States citizens or, if the vessel is documented for coastwise trade, at least 75 percent of the interest in the corporation is owned and controlled by U.S. citizens.

**Note.—(1)** The controlling interest in a corporation is owned and controlled by United States citizens only if (i) title to at least a majority of the stock is vested in United States citizens free of any trust or fiduciary obligation in favor of any person who is not a United States citizen; (ii) at least the majority of the voting power is vested in United States citizens; (iii) there is no contract or understanding through which it is arranged that the majority of the voting power may be exercised directly or indirectly on behalf of any person who is a United States citizen; and (iv) there are no other means whatsoever by which control of the corporation is conferred upon or permitted to be exercised by any person who is not a United States citizen.

**(2)** Seventy-five percent of the interest in a corporation is owned and controlled by United States citizens only if (i) the title to at least 75 percent of the stock of said Corporation is vested in citizens of the United States free from any trust or fiduciary obligation in favor of any person not a citizen of the United States; (ii) that such proportion of the voting power of said Corporation is vested in citizens of the United States; (iii) that through no contract or understanding is it so arranged that more than 25 percent of the voting power of said Corporation may be exercised, directly or indirectly, in behalf of any person who is not a citizen of the United

States; and (iv) that by no means whatsoever, is any interest in said Corporation in excess of 25 percent conferred upon or permitted to be exercised by any person who is not a citizen of the United States.

**C. Partnership/Joint Venture.** A partnership or a joint venture is a citizen of the United States if requisite ownership and control is vested in United States citizens pursuant to 46 U.S.C. 802.

**D. Association.** An association is a citizen if the requisite ownership is vested in United States citizens pursuant to 46 U.S.C. 802.

**E. Mutual Savings Bank/Insurance Company.** A mutual savings bank or mutual insurance company is one which has no directors, the duties of the directors being exercised by the trustees, and which is not authorized to issue stock. Such an entity is a citizen if (a) its president or other chief executive officer and the chairman of its board of trustees are United States citizens; (b) no more of the trustees than a minority of the number necessary to constitute a quorum [are non-citizens; (c) at least the majority of the voting power and control in the entity is vested in the board of trustees free from any trust or fiduciary obligation in favor of any person who is not a United States citizen; and (d) there are no other means whatsoever by which control of the corporation is conferred upon or permitted to be exercised by any person who is not a United States citizen.

**F. Trustee-Mortgagee.** A trustee-mortgagee is a citizen if it is approved under the provisions of 46 U.S.C. 808 and 835.

**G.** If you check "Other" please submit full details of the legal arrangement or character with supporting documents attached. Direct contact with the Maritime Administration at an early date is recommended.

**Note.—**Questions concerning the construction and interpretation of the above criteria should be directed to the Maritime Administration.

(Secs. 9, 37, 40, 41 and 43, Shipping Act, 1916, as amended [46 U.S.C. 808, 835, 838, 839 and 941a]; P.L. 97-31 [August 6, 1981]; 49 CFR 1.66 [46 FR 47458, September 28, 1981].)

Dated: August 25, 1982.  
 By Order of the Maritime Administrator,  
**Georgia P. Stamas,**  
*Assistant Secretary.*

[FR Doc. 82-23747 Filed 8-27-82; 8:45 am]  
**BILLING CODE 4910-81-M**

# Proposed Rules

Federal Register

Vol. 47, No. 168

Monday, August 30, 1982

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

## FEDERAL LABOR RELATIONS AUTHORITY

### 5 CFR Part 2429

#### Processing of Cases

**AGENCY:** Federal Labor Relations Authority.

**ACTION:** Withdrawal of proposed revision of rules and regulations.

**SUMMARY:** The Federal Labor Relations Authority based on the comments and further consideration has determined not to adopt the proposed revision of § 2429.8 of its rules and regulations relating to processing of cases published in the Federal Register on November 20, 1981 [46 FR 57056]. The proposed revision would have provided that the timely filing of an exception to an arbitration award with the Authority would automatically serve to stay the award until the Authority resolved the exception.

**FOR FURTHER INFORMATION CONTACT:** Paul E. Klein, Chief Counsel, (202) 382-0871.

**SUPPLEMENTARY INFORMATION:** Under § 2429.8 of the Authority's final rules and regulations as currently in effect, the Authority will entertain a request for a stay of an arbitration award only when the request is specifically made in conjunction with and as part of an exception to an arbitrator's award filed under Part 2425 of the rules and regulations. Moreover, § 2429.8 currently provides that the filing of an exception shall not itself operate as a stay of the award. Further, the current rules and regulations provide that a request for a stay of an award will only be granted when it appears, based on the facts and circumstances presented, that there is a strong likelihood of success on the merits of the appeal and a careful balancing of all the equities, including the public interest, warrants issuance of a stay.

The proposed revision would have provided:

#### § 2429.8 Stay of Arbitration award.

The filing of an exception to an arbitrator's award under Part 2425 of this subchapter shall operate as a stay of the award. Such stay shall be deemed effective from the date of the award and shall remain in effect until the Authority resolves the exception.

The Authority has carefully considered all of the comments received on the proposed revision from agencies, labor organizations, and law firms. Based on those comments and further consideration of the matter, the Authority has determined that the provisions of the Federal Service Labor-Management Relations Statute, including those specifically related to arbitration, are best served by retaining § 2429.8 of the Authority's rules and regulations as currently in effect. The proposed revision therefore is withdrawn.

Dated: August 25, 1982.

Federal Labor Relations Authority.

Ronald W. Haughton,  
*Chairman.*

Henry B. Frazier III,  
*Member.*

Leon B. Applewhaite,  
*Member.*

[FR Doc. 82-23728 Filed 8-27-82; 8:45 am]

**BILLING CODE 6727-01-M**

## DEPARTMENT OF AGRICULTURE

### Food Safety and Inspection Service

9 CFR Parts 307, 350, 351, 354, 355, 362, and 381

[Docket No. 82-017P]

#### Rate Increase for Inspection Services

**AGENCY:** Food Safety and Inspection Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** The Food Safety and Inspection Service (FSIS), USDA, is proposing to amend the Federal meat and poultry products inspection regulations to increase rates charged by USDA to provide overtime inspection, identification, certification, or laboratory services to meat and poultry establishments. The proposed rates reflect the increased costs of providing these services in fiscal year 1983.

**DATES:** Comments must be received on or before September 28, 1982.

**ADDRESSES:** Written comments to Regulations Office, Attn: Annie Johnson, FSIS Hearing Clerk, Room 2637 South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250. (See also "Comments" under Supplementary Information).

#### FOR FURTHER INFORMATION CONTACT:

June P. Blair, Director, Finance Division, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 382-0072.

#### SUPPLEMENTARY INFORMATION:

##### Executive Order 12291

This proposed rule is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule." It will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, or 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 market.

#### Effect on Small Entities

The Administrator, Food Safety and Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601) because the fees provided for in this document are not new but merely reflect a minimal increase in the costs currently borne by those entities which elect to utilize certain inspection services.

#### Comments

Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the Regulations Office and should bear a reference to the docket number located in the heading of this document. Comments submitted pursuant to this document will be made available for public inspection in the Regulations Office between 9:00 a.m. and 4:00 p.m., Monday through Friday.

## Background

Each fiscal year, the fees for certain services rendered to operators of official meat and poultry establishments, importers, or exporters by the Food Safety and Inspection Service are reviewed and a cost analysis is performed to determine if such fees are adequate to recover the cost of providing the services. Specifically, the analysis relates to fees charged in connection with overtime and holiday inspection, identification, certification, or laboratory services rendered to operators of official meat and poultry establishments, importers, or exporters.

The fees to be charged for these services are determined by an analysis of data on the current cost of these services coupled with the increase in that cost due to the increase for salaries of Federal employees allocated by Congress under the Federal Pay Comparability Act of 1970.

Based on the Agency's analysis of the costs incurred in providing these services, the fees related to such services would be amended to reflect increased costs associated therewith in the upcoming fiscal year.

**Mandatory inspection by U.S. Government inspectors of meat and poultry slaughtered and/or processed at official establishments is provided for under the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (21 U.S.C. 451 *et seq.*).** Such inspection is required to ensure the safety, wholesomeness, and proper labeling of meat and poultry products and the ordinary costs of providing it are borne by the U.S. Government. However, other than ordinary costs for these inspection services may be incurred to accommodate the business needs of particular establishments. These costs are recoverable by the Government.

Currently § 307.5 (9 CFR 307.5) of the meat inspection regulations provides that FSIS shall be reimbursed for the cost of meat inspection on holidays or on an overtime basis at the rate of \$18.12 per inspector hour. Similarly, § 381.38 (9 CFR 381.38) of the poultry products inspection regulations provides that FSIS will be reimbursed at the rate of \$18.12 per inspector hour for overtime and holiday poultry inspection services. These fees would be increased to \$19.40 per inspector hour.

FSIS also provides a range of voluntary inspection and certification services, the costs of which are totally recoverable by the Government. These services, provided under Subchapter B—Voluntary Inspection and Certification Service of Meat and Poultry, are

provided under various statutes to assist in the orderly marketing of various animal products and byproducts not covered by the Federal Meat Inspection Act or the Poultry Products Inspection Act.

The basic hourly rate for providing such certification and inspection services is currently \$14.64 per inspector hour (§§ 350.7, 351.8, 351.9, 354.101, 355.12, and 362.5). The overtime and holiday hourly rate is currently \$18.12. The rate for laboratory services is currently \$27.28 per hour. These hourly rates for these services would be increased to \$16.68, \$19.40, and \$31.00, respectively.

### List of Subjects

#### 9 CFR Part 307

Meat inspection, Reimbursable services.

#### 9 CFR Part 350

Meat inspection, Reimbursable services, Voluntary inspection, Certification Service.

#### 9 CFR Part 351

Meat inspection, Certification service, Reimbursable services.

#### 9 CFR Part 354

Meat inspection, Reimbursable services.

#### 9 CFR Part 355

Meat inspection, Reimbursable services.

#### 9 CFR Part 362

Poultry products inspection, Reimbursable services.

#### 9 CFR Part 381

Poultry products inspection, Reimbursable services.

The proposed amendments to the Federal meat and poultry products inspection regulations are as follows:

### PART 307—FACILITIES FOR INSPECTION

1. The authority citation for Part 307 reads as follows:

**Authority:** (41 Stat. 241, 7 U.S.C. 394; 34 Stat. 1264, as amended; 21 U.S.C. 621; 62 Stat. 334; 21 U.S.C. 695, 7 CFR 2.15(a), 2.92).

2. Section 307.5(a) would be revised to read as follows:

#### § 307.5 Overtime and holiday inspection service.

(a) The management of an official establishment, an importer, or an exporter shall pay the Food Safety and Inspection Service \$19.40 per hour per Program employee to reimburse the Program for the cost of the inspection

service furnished on any holiday as specified in paragraph (b) of this section; or for more than 8 hours on any day, or more than 40 hours in any administrative workweek Sunday through Saturday.

### PART 350—SPECIAL SERVICES RELATING TO MEAT AND OTHER PRODUCTS

3. The authority citation for Part 350 reads as follows:

**Authority:** (41 Stat. 241, 7 U.S.C. 394; 60 Stat. 1087, as amended, 7 U.S.C. 1622; 60 Stat. 1090, as amended, 7 U.S.C. 1624; 34 Stat. 1264, as amended, 21 U.S.C. 621; 62 Stat. 334, 21 U.S.C. 695; 7 CFR 2.15(a), 2.92).

4. Section 350.7(c) would be revised to read as follows:

#### § 350.7 Fees and charges.

(c) The fees to be charged and collected for service under the regulations in this Part shall be at the rate of \$16.68 per hour for base time, \$19.40 per hour for overtime including Saturdays, Sundays, and holidays, and \$31.00 per hour for laboratory service, to cover the costs of the service and shall be charged for the time required to render such service. Where appropriate, this time will include, but will not be limited to, the time required for travel of the inspector or inspectors in connection therewith during the regularly scheduled administrative workweek.

### PART 351—CERTIFICATION OF TECHNICAL ANIMAL FATS FOR EXPORT

5. The authority citation for Part 351 reads as follows:

**Authority:** (60 Stat. 1087, as amended, 7 U.S.C. 1622, 60 Stat. 1090, as amended, 7 U.S.C. 1624; 7 CFR 2.15(a), 2.92).

6. Section 351.8 would be revised to read as follows:

#### § 351.8 Charges for surveys for plants.

Applicants for the certification service shall pay the Department for salary costs at the rate of \$16.68 per hour for base time, \$19.40 per hour for overtime, travel and per diem allowances at rates currently allowed by the Government Travel Regulations, and other expenses incidental to the initial survey of the rendering plants or storage facilities for which certification service is requested.

7. Section 351.9(a) would be revised as follows:

**§ 351.9 Charges for examination.**

(a) The fees to be charged and collected by the Administrator for examination shall be \$16.68 per hour for base time and \$19.40 per hour for overtime including Saturdays, Sundays, and holidays, as provided for in § 351.14, and \$31.00 per hour for any laboratory service required to determine the eligibility of any technical animal fat for certification under the regulations in this Part. Such fees shall be charged for the time required to render such service, including, but not limited to, the time required for the travel of the inspector or inspectors in connection therewith.

**PART 354—VOLUNTARY INSPECTION OF RABBITS AND EDIBLE PRODUCTS THEREOF**

8. The authority citation for Part 354 reads as follows:

Authority: (60 Stat. 1087, as amended, 7 U.S.C. 1622, 60 Stat. 1090, as amended, 7 U.S.C. 1624; 7 CFR 2.15(a), 2.92).

9. Section 354.101 (b) and (c) would be revised to read as follows:

**§ 354.101 On a fee basis.**

(b) The charges for inspection service will be based on the time required to perform such services. The hourly rate shall be \$16.68 for base time and \$19.40 for overtime or holiday work.

(c) Charges for any laboratory analysis or laboratory examination of rabbits under this Part related to the inspection service shall be \$31.00 per hour.

**PART 355—CERTIFIED PRODUCTS FOR DOGS, CATS, AND OTHER CARNIVORA; INSPECTION, CERTIFICATION, AND IDENTIFICATION AS TO CLASS QUALITY, QUANTITY, AND CONDITION**

10. The authority citation for Part 355 reads as follows:

Authority: (60 Stat. 1087, as amended, 7 U.S.C. 1622, 60 Stat. 1090, as amended, 7 U.S.C. 1624; 7 CFR 2.15(a), 2.92).

11. Section 355.12 would be revised to read as follows:

**§ 355.12 Charge for service.**

The fees to be charged and collected by the Administrator shall be \$16.68 per hour for base time, \$19.40 per hour for overtime, including Saturdays, Sundays, and holidays, and \$31.00 per hour for laboratory services to reimburse the

Service for the cost of the inspection service furnished.

**PART 362—VOLUNTARY POULTRY INSPECTION REGULATIONS**

12. The authority citation for Part 362 reads as follows:

Authority: (60 Stat. 1087, as amended, 7 U.S.C. 1622, 60 Stat. 1090, as amended, 7 U.S.C. 1624; 7 CFR 2.15(a), 2.92).

13. Section 362.5(c) would be revised to read as follows:

**§ 362.5 Fees and charges.**

(c) The fees to be charged and collected for service under the regulations in this Part shall be at the rate of \$16.68 per hour for base time, \$19.40 per hour for overtime including Saturdays, Sundays, and holidays, and \$31.00 per hour for laboratory service to cover the costs of the service and shall be charged for the time required to render such service, including, but not limited to, the time required for the travel of the inspector or inspectors in connection therewith during the regulatory scheduled administrative workweek.

**PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS**

14. The authority citation for Part 381 reads as follows:

Authority: (71 Stat. 447, 448, as amended, 21 U.S.C. 463, 468; 7 CFR 2.15(a), 2.92).

15. Section 381.38(a) would be revised to read as follows:

**§ 381.38 Overtime and holiday inspection service.**

(a) The management of an official establishment, an importer, or an exporter shall pay the Food Safety and Inspection Service \$19.40 per hour per Program employee to reimburse the Program for the cost of the inspection service furnished on any holiday specified in paragraph (b) of this section; or for more than 8 hours on any day, or more than 40 hours in any administrative workweek Sunday through Saturday.

Done at Washington, DC, on: August 26, 1982.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 82-23689 Filed 8-27-82; 8:45 am]

BILLING CODE 3410-DM-M

**NUCLEAR REGULATORY COMMISSION****10 CFR Part 50****Licensed Operator Staffing at Nuclear Power Units**

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

**SUMMARY:** The Nuclear Regulatory Commission is proposing to amend its regulations to require licensees of nuclear power units to provide a minimum number of licensed personnel on shift at all times and to ensure the presence of a person with a senior operator license at all times in the control room from which a nuclear power unit is operating. These requirements would provide the senior operator in charge with the flexibility to move about the facility while assuring that a senior operator is present in the control room during unit operation. This proposed amendment would further assure the protection of the health and safety of the public by providing for the continuous presence of a person with a senior operator license in the control room during operation of a nuclear power unit.

**DATES:** Comment period expires September 27, 1982. Comments received after this expiration date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before that date.

**ADDRESSES:** Interested persons are invited to submit written comments and suggestions on the proposed amendments and the supporting value/impact assessment to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Single copies of the value/impact assessment may be obtained on request from the contact person listed below. Copies of the value/impact assessment and of comments received by the Commission may be examined and copied for a fee in the Commission's Public Document Room at 1717 H Street, NW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:**

E. W. Merschoff, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301-443-5942.

**SUPPLEMENTARY INFORMATION:****Background**

In the aftermath of the Three Mile Island (TMI) accident, a number of studies and investigations conducted by the NRC, industry, and others have recommended changes in the numbers, qualifications, and organization of nuclear power plant personnel. The principal studies were conducted by the President's Commission on Three Mile Island, the NRC Special Inquiry Group, and the NRC Office of Nuclear Reactor Regulation's Lessons Learned Task Force and its Bulletins and Orders Task Force.<sup>1</sup> These studies concluded that, among other things, current staffing requirements should be upgraded. The "NRC Action Plan Developed as a Result of the TMI-2 Accident" (NUREG-0660), Item I.A.1.3, adopted this recommendation, and NUREG-0737 was issued to provide interim shift staffing criteria to all licensees of operating units, all applicants for operating licenses, and all holders of construction permits. The NUREG-0737 criteria include the provisions that: (a) A shift supervisor with a senior operator license shall be on site at all times that a nuclear power unit is loaded with fuel, (b) a licensed senior operator shall be in the control room from which any unit is being operated, (c) an individual who holds a senior operator license shall supervise core alterations, and (d) one or more control room operators shall be assigned on shift for each fueled unit depending on the number of operating units controlled from the control room.

**Implementation and Schedule**

These criteria have been used for licenses issued after the accident at Three Mile Island, and all licensees of operating nuclear power units are aware of the NRC's staffing criteria provided by NUREG-0737. To ensure that all operating nuclear power units are adequately staffed with licensed personnel, the proposed amendment would apply the NUREG-0737 criteria to all operating nuclear power units. All licensees of nuclear power units would be expected to meet these staffing requirements by January 1, 1983. This

<sup>1</sup>The recommendations of the investigating groups are collected in NUREG-0660, "NRC Action Plan Developed as a Result of the TMI-2 Accident." NUREG-0660, in Appendix E, discusses the availability of the reports prepared by the various organizations. NUREG documents are available for public inspection and copying for a fee in the Commission's Public Document Room at 1717 H Street, NW., Washington, DC. Copies of NUREG documents may be obtained from the GPO Sales Program, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, DC 20555 and the National Technical Information Service, Springfield, VA 22161.

date was chosen recognizing that the utility industry has been attempting to meet the increased staffing levels called for in NUREG-0737 for approximately two years.

**Proposed Action***Section 50.54, "Conditions of Licenses"*

The proposed amendment would require the following for licensees of nuclear power units:

(a) That the licensee assign a senior operator, licensed on all fueled units at a facility, to be at the facility at all times there is fuel in any unit. If a single senior operator does not hold a senior operator license on all fueled units at the facility, then two or more senior operators, who in combination are licensed as senior operators on all of the units, must be provided. The presence of the individuals would assure that a technically competent supervisor would be present on each shift to direct the overall operation of the plant.

(b) That an individual who is licensed as a senior operator for the unit be present at all times in the control room from which that unit is being operated. This change would assure that supervising and technical expertise is continuously available in the control room to respond to accident situations.

(c) That each unit have one operator at the controls at all times and that operating units have an additional operator assigned to the unit. The operator at the controls would assure that plant instrumentation is continuously monitored and that controls are properly manipulated. The additional operator for operating units would assure that relief is available for the operator at the controls and would assure that a licensed operator is available to perform other assigned duties, such as conducting value lineup checks, taking routine tours, and investigating problem areas. For locations where a control room is shared by two units, the additional operator, if licensed on each unit, may be shared by the two units, since the operator could provide relief to either operator at the controls and could tend to other duties outside the control room for either unit.

The table shown in paragraph (m)(2) of the proposed amendment prescribes the licensed staffing requirements for nuclear power units, according to the operating condition of the unit and the number of units controlled from each control room. The reason for the table is to state the requirements clearly and concisely. Additionally, footnote 1 to the table establishes the transition points for staffing requirements applicable when a unit is "not operating" to the

more restrictive staffing requirements when the unit is "operating." Public comments are specifically requested on the appropriateness of these transition points with respect to staffing requirements as well as on the proposed staffing requirements of the table.

Commissioner Asselstine would particularly appreciate comments on whether the implementation schedule contained in the proposed rule is realistic and workable.

*Extensions Beyond the January 1, 1983 Deadline*

Some licensees might need to request an extension beyond the proposed deadline. The NRC would review these requests in accordance with the provisions of 10 CFR 50.54 by using the following additional criteria:

1. Whether the licensee is firmly committed to hire and train the necessary number of operators;
2. Whether the licensee has set a reasonable target date by which it would meet the requirements;
3. Whether the licensee has an active recruitment program to hire the necessary numbers of operators; and
4. Whether the licensee has an adequate training program to assure that it has well-trained operators readily available.

Additionally, the NRC would use any other information that it considers to be pertinent to the request.

This proposed rule does not contain any information collection requirements under the Paperwork Reduction Act of 1980, Public Law 96-511.

**Regulatory Flexibility Act Certification**

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this rule, if promulgated, would not have a significant economic impact on a substantial number of small entities. This proposed rule affects the staffing requirements of facilities licensed under the provisions of 10 CFR 50.21(b) and 10 CFR 50.22. The companies that own these facilities do not fall within the scope of "small entities" as set forth in the Regulatory Flexibility Act or the small business size standards set out in regulation issued by the Small Business Administration in 13 CFR Part 121.

**List of Subjects in 10 CFR Part 50**

Antitrust, Classified information, Fire prevention, Intergovernmental relations, Nuclear power plants and reactors, Penalty, Radiation protection, Reactor siting criteria, Reporting requirements.

For the reasons set out in the preamble and pursuant to the Atomic

Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of Title 5 of the United States Code, notice is hereby given that adoption of the following amendment to 10 CFR Part 50 is contemplated.

**PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES**

1. The authority citation for Part 50 continues to read as follows:

Authority: Secs. 103, 104, 161, 182, 183, 189, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2239); secs. 201, 202, 206, 88 Stat. 1243, 1244, 1246 (42 U.S.C. 5841, 5842, 5846), unless otherwise noted.

Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80-50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Sections 50.100-50.102 issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), §§ 50.10 (a), (b), and (c), 50.44, 50.46, 50.48, 50.54, and 50.80(a) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 50.10 (b) and (c) and 50.54 are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 5.55(e), 50.59(b), 50.70, 50.71, 50.72, and 5.78 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. In § 50.54, the text to paragraph (m) is redesignated (m)(1) and paragraph (m)(2) is added to read as follows:

**§ 50.54 Conditions of licenses.**

(m)(1) \* \* \*  
 (2)(i) Notwithstanding paragraph (m)(1) in this section, by January 1, 1983, licensees of nuclear power units shall meet the requirements of this paragraph and the minimum licensed operator staffing requirements in the following table:

MINIMUM REQUIREMENTS PER SHIFT FOR ONSITE STAFFING OF NUCLEAR POWER UNITS BY OPERATORS AND SENIOR OPERATORS LICENSED UNDER 10 CFR PART 55

Number of nuclear power units operating <sup>1</sup>	Position	One unit: one control room	Two units		Three units	
			One control room	Two control rooms	Two control rooms	Three control rooms
No operating units.....	Senior operator.....	1	1	1	1	1
	Operator.....	1	2	2	3	3
One.....	Senior operator.....	2	2	2	2	2
	Operator.....	2	3	3	4	4
Two.....	Senior operator.....	3	2	3	3	3
	Operator.....	3	3	4	5	5
Three.....	Senior operator.....	3	3		3	4
	Operator.....				5	6

<sup>1</sup> Operating nuclear power units are defined as follows:

- (a) Pressurized water reactors with an average coolant temperature above 200°F; or
- (b) Boiling water reactors with an average coolant temperature above 212°F; or
- (c) High temperature gas-cooled reactors with a coolant temperature above 220°F.

<sup>2</sup> Not available.

<sup>3</sup> The number of required personnel may be reduced by one person when the operating nuclear power units are controlled from a common control room, provided that both operators and senior operators are licensed on both of the units.

(ii) A person holding a senior operator license for the nuclear power unit shall, at all times, be in the control room from which that nuclear power unit is being operated.

(iii) During alteration of the core of a nuclear power unit, including fuel loading or transfer, a person holding a senior operator license shall be present to supervise the activity and during this time the licensee shall not assign other duties to this person.

(iv) The Director of Nuclear Reactor Regulation may grant requests for extensions of the deadline to July 1, 1983, if the requests are timely and demonstrate good cause. In exceptional cases, The Commission itself may grant extensions beyond July 1, 1983.

Dated at Washington, D.C. this 23d day of August, 1982.

For the Nuclear Regulatory Commission,  
**Samuel J. Chilk,**  
*Secretary of the Commission.*

[FR Doc 82-23575 Filed 8-26-82; 8:45 am]

BILLING CODE 7590-01-M

**FEDERAL RESERVE SYSTEM**

**12 CFR Parts 204 and 217**

[Docket No. R-0420]

**Regulations D and Q; Reserve Requirements of Depository Institutions Interest on Deposits; Savings Deposits**

**AGENCY:** Board of Governors of the Federal Reserve System.

**ACTION:** Request for public comment.

**SUMMARY:** The Board of Governors is requesting public comment on a proposal to amend Regulation Q—

Interest on Deposits (12 CFR Part 217) to increase the maximum size limitation on business savings accounts at member banks to \$250,000. Currently, member banks are not permitted to accept savings deposits in excess of \$150,000 per depositor from organizations operated for profit. Additionally, the Board invites comment on the possibility of eliminating this limitation completely.

**EFFECTIVE DATE:** Comments must be received by October 1, 1982.

**ADDRESS:** Interested parties are invited to submit written data, views, or arguments concerning the proposed rule to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, D.C. 20551, or should be delivered to room B-2223 between 8:45 a.m. and 5:15 p.m. Comments may be inspected in room B-1122 between 8:45 a.m. and 5:15 p.m. except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

**FOR FURTHER INFORMATION CONTACT:** Gilbert T. Schwartz, Associate General Counsel (202/452-3625), Paul S. Pilecki, Senior Attorney (202/452-3281), or Beverly A. Belcamino, Legal Assistant (202/452-3623), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

**SUPPLEMENTARY INFORMATION:** The Board is requesting public comment on a proposal to amend Regulation Q (12 CFR Part 217) and Regulation D (12 CFR Part 204) to increase the maximum size limitation on business savings accounts at member banks to \$250,000. The Board also requests comments on the possibility of eliminating this limitation.

The current regulations concerning business savings deposits were established in November 1975. At that time, changes to Regulation D and Regulation Q were adopted permitting member banks to accept savings deposits from an organization operated for profit, but the balance in such an account could not exceed \$150,000.<sup>1</sup> Similar rules were implemented by the FDIC that applied to Federally-insured nonmember commercial banks.

Business savings accounts at member banks were authorized to provide small businesses, which lack direct access to the money market, with a cash management tool that would allow these

<sup>1</sup> The size limitation on savings accounts also applies to nonprofit organizations not operated primarily for religious, philanthropic, charitable, educational, fraternal, or other similar purposes. Governmental units are permitted to have savings accounts without limitation.

firms to realize an explicit return on their temporarily idle cash balances. Also, member banks were permitted to offer savings accounts to businesses to enable the banks to compete more effectively with thrift institutions, which could accept savings deposits from businesses.

Even though savings deposits at thrift institutions were not subject to a size limitation, the \$150,000 maximum was placed on business savings at banks in order (1) "to limit the concentration of any potentially volatile funds in savings deposits;" and (2) "to confine the use of business savings primarily to smaller businesses." (40 FR 46301 (October 7, 1975)).

There are a number of reasons supporting an increase in the size limitation on business savings. Since the limitation was first established, inflation and the growth in demand for liquid assets have reduced its effective size. If \$150,000 was appropriate in 1975, a higher limit may now be needed to provide businesses with comparable flexibility to manage their cash positions. In addition, there are no restrictions on the size of business savings accounts at thrifts. The increase in the size limitation for commercial banks would enable them to compete more effectively with thrifts for business savings, and, if interest rates on savings deposits were to become sufficiently attractive, with money market mutual funds.

On the other hand, a higher size limitation, or eliminating the limitation, on business savings could increase the potential for the development of problems in interpreting the monetary aggregates, since business savings accounts might attract funds from demand deposits and other liquid assets. If market interest rates approach the present ceilings on savings deposits, or when such ceilings are removed (which is scheduled to occur under current law by March 31, 1986), business savings deposits could become a vehicle for effectively paying interest on transaction funds to customers ineligible for NOW accounts. It should be noted that if more than three telephone or preauthorized transfers per month were permitted on these savings deposits, the account would be subject to transaction account reserve requirements under Regulation D.

The proposal's effect on small entities has been considered in accordance with section 604 of the Regulatory Flexibility Act (5 U.S.C. 604; Pub. L. 96-354). Small banks would benefit from either a liberalization or elimination of the limit on business savings deposits because

this change would allow these institutions to compete more effectively with thrift institutions, which currently are subject to no such limitation. Further, small businesses should be aided by the opportunity to place larger cash balances in interest-bearing accounts.

To aid in consideration of this matter by the Board, interested persons are invited to submit relevant data, views, comment or argument. In particular, the Board requests views with respect to the following issues:

- (a) Whether \$250,000 or some other limitation should be adopted;
- (b) The extent to which an increase in the ceiling or elimination of the limit on business savings deposits might lead to circumvention of the prohibition against payment of interest on demand deposits; and
- (c) The potential for volatile swings in deposit flows associated with this proposal, as banks have more scope to compete for funds that can be essentially withdrawn on demand in response to changing rate relationships and market conditions.

All material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received by October 1, 1982. All material submitted should include the Docket No. R-0420. Such material will be made available for inspection and copying upon request except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

#### List of Subjects

##### 12 CFR Part 204

Banks, banking; Currency; Federal Reserve System; Penalties; Reporting requirements.

##### 12 CFR Part 217

Advertising, Banks, Banking, Federal Reserve System, Foreign banking.

Pursuant to its authority under section 19(a) of the Federal Reserve Act (12 U.S.C. 461(a)) to define deposits, the Board proposes to amend Regulation D (12 CFR Part 204) and Regulation Q (12 CFR Part 217), as follows:

#### PART 204—RESERVE REQUIREMENTS OF DEPOSITORY INSTITUTIONS

- 1. In § 204.2, by revising paragraph (d)(2) to read as follows:

##### § 204.2 Definitions.

- (d) \* \* \*
- (2) For depository institutions subject

to 12 CFR part 217 or 12 CFR part 329, funds deposited to the credit of, or in which any beneficial interest is held by, a corporation, association, partnership or other organization operated for profit may be classified as a savings deposit if such funds do not exceed \$250,000 per depositor at the depository institution.

\* \* \* \* \*

#### PART 217—INTEREST ON DEPOSITS

- 2. In § 217.1, by revising paragraph (e)(1) to read as follows:

##### § 217.1 Definitions.

\* \* \* \* \*

- (e) *Savings deposits.* The term "savings deposit" means a deposit—
  - (1) That consists of funds deposited to the credit of or in which the entire beneficial interest is held by one or more individuals, or of a corporation, association, or other organization operated primarily for religious, philanthropic, charitable, educational, fraternal, or other similar purposes and not operated for profit;<sup>2</sup> or that consists of funds deposited to the credit of or in which the entire beneficial interest is held by the United States, any State of the United States, or any county, municipality, or political subdivision thereof, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, or political subdivision thereof; or that consists of funds deposited to the credit of, or in which any beneficial interest is held by a corporation, association, or other organization not qualifying above to the extent such funds do not exceed \$250,000 per such depositor at a member bank; and

\* \* \* \* \*

By order of the Board of Governors, August 24, 1982.

William W. Wiles,

Secretary of the Board.

[FR Doc. 82-23741 Filed 8-27-82; 8:45 am]

BILLING CODE 6210-01-M

#### 12 CFR Parts 204 and 217

[Docket No. R-0417]

#### Regulations D and Q; Reserve Requirements of Depository Institutions; Interest on Deposits

AGENCY: Board of Governors of the Federal Reserve System.

<sup>2</sup>Deposits in joint accounts of two or more individuals may be classified as savings deposits if they meet the other requirements of the above definition. Deposits of a partnership operated for profit may also be classified as savings to the extent such deposits do not exceed \$250,000 per partnership at a member bank.



are primary obligations of the issuing<sup>\*</sup> institution; (iv) checks or drafts drawn by, or on behalf of, a non-United States office of a depository institution on an account maintained at any of the institution's United States offices; (v) letters of credit sold for cash or its equivalent; (vi) withheld taxes, withheld insurance and other withheld funds; (vii) time deposits that have matured or time deposits upon which the required notice of withdrawal period has expired and which have not been renewed (either by action of the depositor or automatically under the terms of the deposit agreement); and (viii) an obligation to pay on demand or within seven days a check (or other instrument, device, or arrangement for the transfer of funds) drawn on the depository institution, where the account of the institution's customer already has been debited. The term does not include an obligation that is a time deposit under § 204.2(c)(1)(ii).

(2) A "demand deposit" does not include checks or drafts drawn by the depository institution on the Federal Reserve or on another depository institution.

2. In § 204.2 by revising paragraph (c)(1)(i) to read as follows:

#### § 204.2 Definitions.

(c)(1) "Time deposit" means (i) a deposit that the depositor does not have a right to withdraw for a period of seven days or more after the date of deposit. "Time deposit" includes funds:

(A) Payable on a specified date not less than seven days after the date of deposit;

(B) Payable at the expiration of a specified time not less than seven days after the date of the deposit;

(C) Payable upon written notice which actually is required to be given by the depositor not less than seven days before the date of repayment;

(D) Such as "Christmas club" accounts and "vacation club" accounts, that are deposited under written contracts providing that no withdrawal shall be made until a certain number of periodic deposits have been made during a period of not less than three months even though some of the deposits may be made within seven days from the end of the period; or

(E) That constitute a "savings deposit" which is not regarded as a transaction account; and

#### PART 217—INTEREST ON DEPOSITS

3. In § 217.1 by revising paragraph (b)(1) to read as follows:

#### § 217.1 Definitions.

(b)(1) "Time deposit" means (i) a deposit that the depositor does not have a right to withdraw for a period of seven days or more after the date of deposit. "Time deposit" includes funds:

(A) Payable on a specified date not less than seven days after the date of deposit;

(B) Payable at the expiration of a specified time not less than seven days after the date of deposit;

(C) Payable upon written notice which actually is required to be given by the depositor not less than seven days before the date of repayment;<sup>1</sup>

(D) Such as "Christmas club" accounts and "Vacation club" accounts, that are deposited under written contracts providing that no withdrawal shall be made until a certain number of periodic deposits have been made during a period of not less than three months even though some of the deposits may be made within seven days from the end of the period; and  
(ii) an "international banking facility time deposit" as defined in this section.

By order of the Board of Governors, August 24, 1982.

William W. Wiles,

Secretary of the Board.

[FR Doc. 82-23704 Filed 8-27-82; 8:45 am]

BILLING CODE 6210-01-M

#### DEPARTMENT OF TRANSPORTATION

##### Federal Aviation Administration

##### 14 CFR Parts 21 and 23

[Docket No. 23259, Notice No. SC-82-3CE]

##### Special Conditions; Lear Fan Model 2100 Airplane

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed special conditions.

**SUMMARY:** This notice proposes special conditions for the Lear Fan Research Limited Partnership (Lear Fan) Model 2100 airplane. The airplane will have novel and unusual design features when compared to the state of technology envisaged in the applicable FAR Part 23 airworthiness standards. The novel and unusual design features are associated with the use of advanced composite materials for primary flight structure,

<sup>1</sup>A deposit with respect to which the bank merely reserves the right to require notice of not less than seven days before any withdrawal is made is not a "time deposit" within the meaning of the above definition.

location of the propeller, location of the engines, and propeller/drive system, and high altitude flight operation for which the regulations do not contain adequate or appropriate safety standards. This notice contains the additional safety standards which the Administrator finds necessary to establish a level of safety equivalent to that envisioned in the applicable regulations.

**DATE:** Comments must be received on or before September 30, 1982.

**ADDRESS:** Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, ACE-7, Attn: Rules Docket Clerk, Docket No. 23259, 601 E. 12th Street, Kansas City, MO 64106; or delivered in duplicate to: Room 1558, 601 East 12th Street, Kansas City, MO 64106. All comments must be marked: Docket No. 23259. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

**FOR FURTHER INFORMATION CONTACT:** William L. Olson, Aerospace Engineer, Aircraft Certification Division, 601 E. 12th Street, Room 1659, Federal Office Building, Kansas City, MO 64106, Telephone (816) 374-5688.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested persons are invited to participate in the making of these special conditions by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for documents specified above will be considered by the Administrator before taking action on this proposal. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date in the Rules Docket for examination by interested persons.

##### Type Certification Basis

The certification basis for the Lear Fan Model 2100 airplane is Part 23 of the Federal Aviation Regulations (FAR), effective 2/1/65, plus Amendments 23-1 through 23-24; Part 36 of the FAR's, Amendments 36-1 through 36-9; and Special Federal Aviation Regulation 27, Amendments 27-1 through 27-4. Any special conditions developed as a result of this notice will form an additional part of the type certification basis for

the Model 2100. Special Conditions may be issued, and amended, as necessary, as a part of the type certification basis if the Administrator finds that the airworthiness standards designated in accordance with § 21.17(a)(1) of the FAR's do not contain adequate or appropriate safety standards because of novel or unusual design features of an airplane. Special Conditions, as appropriate, are now issued after public notice in accordance with §§ 11.28 and 11.29(b) of the FAR's, effective October 14, 1980, and will become part of the type certification basis in accordance with § 21.17(a)(2) of the FAR's.

#### Background

On December 15, 1977, Lear Fan Research, Limited Partnership, Box 60000, 14505 Mt. Anderson, Reno, NV 89506, (formerly Lear Avia Corporation) applied to the FAA Western Region for the type certification of the Model 2100 airplane. In accordance with FAR 21.17(b), an application for a type certificate is effective for three years for a Part 23 airplane. The Lear Fan type certificate application expired on December 15, 1980. Lear Fan requested a two-year extension of their type certificate application in accordance with FAR 21.17(c)(2). In addition, Lear Fan elected to comply with Amendment 24 to FAR 23, effective on December 31, 1979, which will, in effect, extend their application for type certificate to December 31, 1982.

The Model 2100 is a small, fixed wing pressurized airplane with two turboshaft engines in the aft fuselage section. These engines couple into a single transmission whose output is a single propeller shaft. A four-bladed propeller is mounted on this shaft in a pusher configuration at the aft end of the fuselage. The basic airplane structure is made of a graphite/epoxy composite material with adhesive bonding utilized as the primary means of assembly. The empennage is a Y-tailed configuration with a tail bumper incorporated in the lower fin.

The aircraft seating configuration provides for eight passengers, excluding two pilot seats, with a maximum takeoff weight of 7,350 pounds. The proposed maximum certificated operating altitude is 41,000 feet. The stall speed in landing configuration is approximately 84 knots indicated at max takeoff weight.

The proposed type design of the Model 2100 airplane contains a number of novel or unusual design features with respect to the state of technology not envisaged by the applicable FAR Part 23 airworthiness standards for an airplane to be type certificated under Part 23 requirements. Special conditions are

necessary because the airworthiness requirements do not contain adequate or appropriate safety standards for the novel and unusual design features for the Model 2100 airplane and to support a finding by the Administrator that no feature or characteristic of the airplane makes it unsafe for the category in which certification is requested.

The Model 2100 airplane propulsion system presents a novel and unusual design feature. The propulsion arrangement of this airplane is a twin engine-single propeller pusher type consisting of two turboshaft engines compartmentally mounted side by side in the aft fuselage which prevents visual indication of the power output of the engine or any indication of a powerplant fire. The single propeller must be protected to prevent damage from any ice shed from the fuselage, wings, and empennage in the event ice accumulates. The engines individual output shafts are coupled through two drive shafts to a common transmission which is mounted in the tail end of the fuselage. A single pusher-propeller is mounted on the transmission output shaft. The two 74-inch-long drive shafts with couplings accommodate tail boom deflections and misalignments and must be restrained in the event of a shaft failure. The main transmission drives the propeller shaft and provides a one-way freewheeling system in the event of one engine-out operation. Special conditions are proposed to provide the design and qualifications standards for this unique propulsion drive system.

Debris from rotor burst may damage the rudder, elevator, and their associated controls or inflict severe structural damage to the fuselage. In addition, the propeller controls, electrical equipment and hydraulic lines could be damaged or severed. Although the engine manufacturer is required to show the improbability of a rotor failure, a special condition is proposed which will require design precautions to minimize the hazard to the airplane in the event of an engine rotor burst.

The Model 2100 airframe is made of advanced composite material with extensive use of bonding in assembly. This material and assembly is completely different from the typical semi-monocoque aluminum airframes that have been predominant since the early 1940's. The application of composite material in structural design is not envisaged by existing FAR Part 23 regulations. The knowledge and experience gained from fatigue substantiated accumulated with metal airframes relating to material durability, failure modes, and damage tolerance ability does not directly apply.

Therefore, the use of advanced composite materials and extensive bonding of these materials in primary flight structure is a novel and unusual design feature with respect to the type of airplane construction envisaged by the existing fatigue regulations. With respect to structural fatigue, special conditions are needed to assure that a level of safety exists for airplanes made from bonded advanced composite materials that is at least equivalent to those existing for aluminum airplanes. Accordingly, special conditions are proposed to require damage tolerance consideration in the substantiation of the airframe in the form of tests or analysis supported by tests to show that the composite structure can tolerate damage that may exist from fatigue, environmental effects, induced defects/damage (intrinsic/discrete), large manufacturing defects, e.g., weak bonds and severe accidental damage without endangering the airplane or its occupants when the airplane structure is inspected and maintained in accordance with the manufacturer's recommendations. The damage tolerance consideration includes principal structural elements such as the wing, wing carry through, wing attaching structure, fuselage and empennage, since failure of this structure could have catastrophic results. When damage tolerance is shown to be impractical, the Special Condition is worded to permit approval, based on safe-life testing.

Because the composite material and bonding may require preventative maintenance and inspection procedures different from those commonly utilized for aluminum airframes and in view of the unusual propeller drive system and the high system reliability required for these and supporting systems, a Special Condition is included to require instructions for Continued Airworthiness with appropriate sections including an Airworthiness Limitations Section.

Since a single pusher propeller is mounted at the aft end of the fuselage, a special condition is warranted requiring design features to prevent in-flight opening and separation of outward opening doors and access panels located forward of the propeller which could result in serious damage to the propeller. In addition, the proposed maximum certificated altitude ceiling for the Model 2100 is 41,000 feet. The fuselage design for the Model 2100 incorporates outward opening doors in the pressure cabin. If this type of door is not properly closed and locked, or if a failure in the door or its locking mechanism occurs, the pressure in the cabin can blow the

door open resulting in explosive decompression of the cabin and possible injury to its occupants. The high cabin differential pressure and outward opening doors are novel and unusual design features when compared to the state of technology envisaged in the applicable FAR Part 23 rules because the rules do not contain any airworthiness standards for the door latching and locking mechanism and for a means to warn the crew when doors are not properly closed and locked. Accordingly, special conditions are included to apply certain transport category design standards to the door latching and locking mechanisms and to require a means to warn the crew when doors are not fully closed and locked.

The Model 2100 has the capability for operation at high altitude where stall-mach buffet encounters are likely which is not presently accounted for in FAR Part 23. A special condition is proposed which will require buffet onset tests and the inclusion of data in the Pilots Operating Handbook/Airplane Flight Manual to provide guidance to the flight crew. This guidance will enable the flight crew to plan flight operations that will maximize the maneuvering capability during high altitude cruise flight.

Due to the relatively limited technology available on the properties of composite materials and depending on the results of the certification tests, it may become necessary to modify these special conditions to maintain a level of safety equivalent to that envisioned by FAR Part 23 airworthiness standards. Certification policy and guidance material will be provided on a continuing basis to assist in showing compliance with Special Conditions AA and AB.

#### **Lists of Subjects in 14 CFR Parts 21 and 23**

Aviation safety, Aircraft, Air transportation and safety.

#### **The Proposed Special Conditions**

Accordingly, the Federal Aviation Administration proposes the following special conditions for the Lear Fan Model 2100 airplane.

##### *A. Propeller Drive System—Proof of Strength*

In addition to the requirement of § 23.307(a) of the FAR's, the proof of compliance with strength requirements for critical load conditions must include the following:

1. Dynamic and endurance tests of the engine drive shafts, gearbox and propeller as specified in Paragraph J of these special conditions.

2. Flight stress measurement tests, or analysis supported by flight stress measurement tests, including ground run-up and taxi tests, to determine dynamic loads that affect the propeller, gearbox, and drive shaft.

##### *B. Design Limitations*

In the absence of specific regulations concerning Design Limitation of Strength Requirements and Loads, the following values must be established to show compliance with structural requirements:

1. The drive system and propeller RPM ranges with power on and power off.
2. The rotational speed ratios between each powerplant and each connected rotating component.

##### *C. Ground Clearance*

In addition to the propeller clearance requirements of § 23.925 of the FAR's the following shall apply, as appropriate:

1. Suitable provisions shall be incorporated in the design to prevent contact of the rear mounted propeller with the runway surface during critical takeoff and landing configurations.
2. If a tail skid is provided to show compliance with Paragraph 1. of this Special Condition:
  - (a) Suitable design loads must be established for the tail skid, and
  - (b) The tail skid and its supporting structure must be designed to withstand those loads.

##### *D. Fatigue Evaluation*

In the absence of specific regulations, the fatigue evaluation of each portion of the propulsion drive system structure, (this includes propeller, propeller drive systems between the engines and propeller hubs and their related primary attachments) the failure of which could be catastrophic, must be identified and must be evaluated under Special Condition E, F, G, or H. The following apply to each fatigue evaluation:

1. The procedure for the evaluation must be approved
2. The locations of probable failure must be determined
3. Inflight measurement, or analysis supported by inflight measurement tests, must be included in determining the following:
  - (a) Loads or stresses in all critical conditions throughout the operating envelope for which approval is requested.
  - (b) The effect of altitude upon these loads or stresses.
4. The loading spectra must be as severe as those expected in operation and must be based on loads or stresses

determined under paragraph 3. of this Special Condition.

##### *E. Fatigue Tolerance Evaluation*

It must be shown that the fatigue tolerance of the propulsion drive system structure ensures that the probability of catastrophic fatigue failure is extremely remote without establishing replacement times, inspection intervals or other procedures.

##### *F. Replacement Time Evaluation*

It must be shown that the probability of catastrophic fatigue failure of the propulsion drive system is extremely remote within established replacement times.

##### *G. Failsafe Evaluation*

The following apply to failsafe evaluations of the propulsion drive system:

1. It must be shown that all partial failures will become readily detectable under inspection procedures established for this purpose.
2. The interval between the time when any partial failure becomes readily detectable under paragraph 1, and the time when any such failure is expected to reduce the remaining strength of the structure to limit or maximum attainable loads (whichever is less), must be determined.
3. It must be shown that the interval determined under paragraph 2 is long enough, in relation to the established inspection intervals and related procedures to provide a probability of detection great enough to ensure that the probability of catastrophic failure is extremely remote.

##### *H. Combination of Replacement Time and Failsafe Evaluations*

A propulsion drive component may be evaluated under a combination of Special Conditions F and G. For such components, it must be shown that the probability of catastrophic failure is extremely remote with an approved combination of replacement time, inspection intervals, and related procedures established under this part.

##### *I. Propeller Drive System Design and Control*

In the absence of specific regulations, the following shall apply as appropriate.

1. The propulsion drive system includes any part necessary to transmit power from the engine to the propeller hub. This includes gear boxes, shafting, universal joints, couplings, brake assemblies, clutches, supporting bearings for shafting, any attached accessory pads or drives and any

cooling fans that are a part of, attached to, or mounted on the propulsion drive system.

2. Arrangement—The propulsion drive systems must be arranged as follows:

(a) Each propulsion drive system of a multi-engine aircraft must be arranged so that the propeller and its control will continue to be operated by the remaining engine if any engine fails.

(b) Each multi-engine propulsion drive system must incorporate a unit for each engine to automatically disengage that engine from the propeller if that engine fails.

(c) If the transmission is torque limited, a means to prevent exceeding the torque limit must be provided unless shown by design and tests that the torque limit cannot be exceeded.

#### J. Propeller Drive System and Control Mechanism Tests

In the absence of a specific regulation, the following applies:

1. *Endurance Tests, General.* The propeller drive system and propeller control mechanism must be tested, as prescribed in paragraphs 2. through 8. of this Special Condition, for at least 200 hours plus the time required to meet paragraphs 9. and 10. of this Special Condition. For the 200-hour portion, these tests must be conducted as follows:

(a) Twenty each, ten-hour test cycles consisting of the test times and procedures in paragraphs 2. through 8. of this Special Condition.

(b) The tests must be conducted on the aircraft except, in lieu thereof, a representative portion of the aft fuselage may be used to conduct all or a portion of these tests if determined appropriate.

(c) The test torque must be determined by actual powerplant limitation.

(d) The test torque must be absorbed by the actual propeller to be installed or an FAA approved alternate.

2. *Endurance Test, Takeoff Torque Run.* The takeoff torque run endurance test must be conducted as follows:

(a) The takeoff torque run must consist of a one-hour run on both engines at the torque corresponding to takeoff power, but with engine power setting alternately cycled every five minutes to as low an engine idle speed as practicable. Differential power is to be applied such that one engine is at takeoff setting and the other engine is at idle setting.

(b) Deceleration and acceleration of the engines and/or of individual engines and drive systems must be done at the maximum rate.

(c) The time duration of both engines at takeoff power setting must total one

hour and does not include the time required to go from takeoff to idle and back to takeoff speed.

3. *Endurance Tests, Maximum Continuous Run.* Three hours of continuous operation at the torque corresponding to maximum continuous power and speed must be conducted as follows:

(a) The propeller controls must be operated at a minimum of 15 times each hour between test configuration max and min pitch positions of the propeller, except that the control movements need not produce loads exceeding the maximum loads or motions encountered in flight.

(b) The minimum and maximum control position must be held for at least 10 seconds and the rate of change of control position must be at least as rapid as that for normal operation.

4. *Endurance Test; 90 Percent of Maximum Continuous Run.* One hour of continuous operation at the torque corresponding to 90 percent of maximum continuous power must be conducted at maximum continuous rotational propeller speed.

5. *Endurance Tests; 80 Percent of Maximum Continuous Run.* One hour of continuous operation at the torque corresponding to 80 percent of maximum continuous power must be conducted at the minimum rotational propeller speed intended for this power.

6. *Endurance Tests; 60 Percent of Maximum Continuous Run.* Two hours of continuous operation at the torque corresponding to 60 percent of maximum continuous power must be conducted at the minimum rotational propeller speed intended for this power.

7. *Endurance Tests; Engine Malfunctioning Run.* It must be determined whether malfunctioning of components such as the engine fuel or ignition systems, or whether unequal engine power can cause dynamic conditions detrimental to the drive system. If so, a suitable number of hours of operation must be accomplished under those conditions, 1 hour of which must be included in each cycle and the remaining hours of which must be accomplished at the end of the 20 cycles. If no detrimental condition results, an additional hour of operation in compliance with paragraph 2. of this Special Condition must be conducted.

8. *Endurance Tests; Overspeed Run.* One hour of continuous operation must be conducted at the torque corresponding to maximum continuous power and at the maximum rotational propeller speed expected in service, assuming that speed and torque limiting devices, if any, function properly.

9. *Endurance Tests; One Engine-Out Application.* A total of at least 400 full

differential power applications, including those specified in paragraph J.2. and J.7. of this Special Condition, (120 engine power setting cycles in each of paragraphs J.2. and J.7. totaling 240 cycles) must be made at takeoff torque and rpm. If during these tests, it is found that a critical dynamic condition exists, an investigative assessment to determine the cause shall be performed throughout the torque speed range. In each of the remaining 160-engine power setting cycles (160 per engine drive branch) a full differential power application must be performed and the drive shaft of the engine-out must be at rest.

10. Any components that are affected directly and/or indirectly by any existing flight loads must be investigated for the same flight conditions as is the propeller and their service lives must be determined by fatigue tests or by other acceptable methods. In addition, an acceptable level of safety must be provided for:

(a) Each component in the propeller drive system whose failure would cause an uncontrolled landing; and

(b) Each component common to both engines of the aircraft.

11. Each part tested as prescribed in this section must be in a serviceable condition at the end of the tests. No intervening disassembly which might affect test results may be conducted.

#### K. Additional Drive System Tests

Additional dynamic, endurance and operational tests and vibratory investigations necessary must be performed to determine that the drive mechanism is safe. The following tests and conditions apply:

1. If the torque output of both engines to the transmission can exceed the highest engine or transmission torque limit and that output is not directly controlled by the pilot under normal operating conditions (such as where the primary engine power control is accomplished through the propeller control), the following tests must be made:

Under conditions associated with all engines operating, make 200 applications, for 10 seconds each, of torque that is at least equal to the lesser of:

(a) The maximum torque used in meeting Special Condition J.2. plus 10 percent; or

(b) The maximum torque attainable under probable operating conditions, assuming that torque limiting devices, if any, function properly.

2. For a multi-engine aircraft under conditions associated with each engine,

in turn, becoming inoperative, apply to the remaining transmission inputs the maximum torque attainable under probable operating conditions, assuming that torque limiting devices, if any, function properly. Each transmission input must be tested at this maximum torque for at least 15 minutes.

3. Overspeed test. The drive system must be subjected to 50 overspeed runs, each  $30 \pm 3$  seconds in duration at a speed of at least 120 percent of maximum continuous speed or other maximum overspeed that is likely to occur in service plus a suitable margin approved by the Administrator for that overspeed condition. These runs must be conducted as follows:

(a) Overspeed runs must be alternated with stabilizing runs of from 1 to 5 minutes duration each 60 to 80 percent of maximum continuous speed.

(b) Acceleration and deceleration must be accomplished in a period no longer than 10 seconds and the time for changing speeds may not be deducted from the specified time for the overspeed runs.

(c) Overspeed runs must be made with the propellers in the flattest pitch for smooth operation.

4. The test prescribed in Special Condition K.1. and 3. must be conducted on the aircraft and the torque must be absorbed by the propeller to be installed, except other ground or flight test facilities with other appropriate methods of torque absorption may be used if the conditions of support and vibration are no less severe than the conditions that would exist during a test on the aircraft.

5. Each part tested as prescribed in this section must be in a serviceable condition at the end of the tests. No intervening disassembly which might affect test results may be conducted.

#### L. Shafting Critical Speed

In the absence of a specific regulation, the following applies:

1. The critical speeds of any shafting must be determined by demonstration except that analytical methods may be used if reliable methods of analysis are available for the particular design.

2. If any critical speed lies within, or close to, the operating ranges for idling and power-on conditions, the stresses occurring at that speed must be within safe limits. This must be shown by tests.

3. If analytical methods are used and show that no critical speed lies within the permissible operating ranges, the margins between the calculated critical speeds and the limits of the allowable operating ranges must be adequate to allow for possible variations between the computed and actual values.

#### M. Oil System

In addition to the requirements in § 23.1011 of the FAR's, the oil for components of the propeller drive system that require continuous lubrication must be sufficiently independent of the lubrication systems of the engines to ensure operation with any engine inoperative.

#### N. Cooling System

In addition to the requirements of § 23.1041 of the FAR's, the following applies:

1. There must be cooling provisions to maintain the fluid temperatures in any power transmission within safe values under any critical ground and flight operating conditions.

2. Compliance with paragraph 1 of this Special Condition must be shown by ground and flight tests in which the temperatures of selected powerplant component, engine and transmission fluids are obtained under the conditions prescribed in that paragraph.

#### O. Transmission

In addition to the requirements of § 23.1163 of the FAR's, torque limiting means must be provided on all accessory drives that are located on the transmission, including drives on gear boxes that are part of the transmission, in order to prevent the torque limits established for those drives from being exceeded.

#### P. Transmission Instruments

In addition to the requirements of § 23.1305 of the FAR's, the following instruments must be provided for the powerplant transmission:

1. An oil pressure warning device for each pressure-lubricated gear box to indicate when the oil pressure falls below a safe value.

2. A low oil quantity warning indicator for the propeller drive gear box, if lubricant is self-contained.

3. A chip detector warning light system for the propeller gear box.

4. An oil temperature warning device to indicate unsafe oil temperatures in the propeller drive gear box.

5. A tachometer for the propeller.

#### Q. Propulsion Drive System Limitation

In lieu of the requirements of § 23.1521 of the FAR's, the following shall apply to the propulsion drive system:

1. General—The propulsion drive system limitations must be established so that they do not exceed the corresponding limits approved for the engine, propeller and drive system components.

2. Takeoff operation must be limited by the following:

(a) The powerplant maximum rotational speed (rpm). The maximum rotational propeller speed which may not be greater than the values determined by the drive system type design or the maximum value shown during type tests.

(b) The powerplant maximum allowable gas temperature. The maximum allowable power or torque for each engine considering the power input limitations of the transmission with all engines operating.

(c) The powerplant maximum allowable gas temperature. The maximum allowable power or torque for each engine considering the power input limitations of the transmission with one engine inoperative.

(d) The time limit for the use of the power, gas temperature, and speed corresponding to the limitations established in above subparagraphs 2 (a), (b), and (c).

3. Continuous Operation must be limited by the following:

(a) The powerplant maximum rotational speed (rpm). The maximum rotational propeller speed which may not be greater than the values determined by the drive system type design maximum value and shown during type tests.

(b) The powerplant maximum allowable gas temperature. The maximum allowable power or torque for each engine considering the power input limitations of the transmission with all engines operating.

(c) The maximum allowable power or torque for each engine considering the power input limitations of the transmission with one engine inoperative.

(d) The maximum allowable temperatures for the transmission oil.

4. Fuel designation must be established so that it is not less than that required for the operation of the engines within the limitations in above paragraphs 2. and 3.

5. Ambient temperature limitations (including limitations for winterization installations if applicable) must be established as the maximum ambient atmospheric temperature at which compliance with the cooling provisions of §§ 23.1041 through 23.1045 of the FAR's is shown.

#### R. Limitation Placard

In lieu of the requirements in §§ 23.1559(a) (1) and (2) of the FAR's, there must be a placard in clear view of the pilot stating: "This aircraft must be operated in compliance with the operating limitations specified in the FAA approved Airplane Flight Manual."

If the Instructions for Continued Airworthiness contains an "Airworthiness Limitations" section required by these Special Conditions, the placard must contain the following statement: The Airworthiness Limitations section of the Instructions for Continued Airworthiness must be complied with.

#### S. Propeller Markings

In the absence of a specific regulation, the propeller must be marked so that its disc is conspicuous under normal daylight ground conditions.

#### T. Propulsion Drive System Reliability

In lieu of the propulsion drive system complying with the requirements in §23.903(c), and in the absence of a specific regulation for multi-engine airplanes having a drive system between the engines which drive a single pusher propeller, the installed propulsion drive system must be:

1. Designed so that continuation of torque to the propeller is assured after any probable failure of any single engine or element in the propeller drive system; and

2. Examined in detail to determine all components and their failure modes which would be critical to the continued safe flight and landing of the airplane. For each component and their failure modes identified by this examination it must be shown:

(a) By appropriate test that such a failure is not likely to occur in the system component's service life established by these tests or,

(b) That the system is designed so continued safe flight and landing can be accomplished after occurrence of the failure.

#### U. Propeller Pitch Control

In the absence of a specific regulation the following applies to the propeller pitch control:

1. No loss of normal propeller pitch control may cause hazardous overspeed of the propeller under all intended operations.

2. Each propeller pitch control and pitch locking (safety) device must be subjected in tests to cyclic loading that simulates the frequency and any amplitude to which the components would be subjected during 1000 hours of propeller operations.

3. Compliance with paragraph 2 of this special condition may be shown by a rational analysis based on the results of tests on similar components.

#### V. Propeller Protection

In the absence of a specific regulation, all areas of the fuselage, wings, and

empennage forward of the aft mounted propeller that are likely to accumulate ice during all operating conditions must be suitably protected to prevent ice formation or it must be shown that ice shed will have no adverse effect on the propeller.

#### W. Engine to Transmission Drive Shaft Protection

In the absence of a specific regulation, there must be provisions to minimize the hazards associated with continued safe flight to a landing after failure of an engine to transmission drive shaft.

#### X. Engine Inoperative Indication

In the absence of a specific regulation, a positive means must be provided to indicate an engine is inoperative, or it must be determined that required instruments will readily alert the pilot when an engine is inoperative.

#### Y. Fire Extinguisher System

Due to novel installation of the engines in the aft fuselage and in the absence of a specific regulation, it must be demonstrated by actual or simulated flight tests that an engine fire will be contained within the engine compartment after recognition of a fire occurrence and flammable fluids are turned off; or a fire extinguisher system must be installed. If a fire extinguishing system is installed, the following applies:

1. Except for combustion, turbine, and tail pipe sections of turbine engine installations that contain lines or components carrying flammable fluids or gasses for which it is shown that a fire originating in these sections can be controlled, there must be a fire extinguisher system serving each fire zone.

2. The fire extinguisher system, the quantity of the extinguisher agent, the rate of discharge, and the discharge distribution must be adequate to extinguish fires. It must be shown by either actual or simulated flight tests that under critical airflow conditions in flight, the discharge of the extinguishing agent in each designated fire zone specified in paragraph 1. of this Special Condition will provide an agent concentration capable of extinguishing fires in that zone and of minimizing the probability of reignition. Two discharges must be provided each of which provides adequate agent concentration.

3. The designated fire zones are as follows:

(a) The complete powerplant compartment in which no isolation is provided between the engine power section and the engine's accessory section.

(b) The compressor and accessory sections.

(c) Combustor, turbine, and tailpipe sections that contain lines or components carrying flammable fluids or gasses.

4. Fire Extinguisher agents must meet the following requirements:

(a) Be capable of extinguishing flames emanating from any burning of fluids or other combustible materials in the area protected by the fire extinguishing system; and

(b) Have thermal stability over the temperature range likely to be experienced in the compartment in which they are stored.

(c) If any toxic extinguishing agent is used, provisions must be made to prevent harmful concentrations of fluid or fluid vapors (from leakage during normal operation of the airplane or as a result of discharging the fire extinguisher on the ground or in flight) from entering any personal compartment even though a defect may exist in the extinguisher system. This must be shown by tests.

5. Fire extinguishing agent container must meet the following requirements:

(a) Have a pressure relief to prevent bursting of the container by excessive internal pressure.

(b) The discharge end of each discharge line from a pressure relief connection must be located so that discharge of the fire extinguishing agent would not damage the airplane. The line must also be located or protected to prevent clogging caused by ice or other foreign matter.

(c) Have a means for each fire extinguishing agent container to indicate that the container has discharged or that the charging pressure is below the established minimum necessary for proper functioning.

(d) The temperature of each container must be maintained, under intended operating conditions, to prevent the pressure in the container from falling below that necessary to provide an adequate rate of discharge; or rising high enough to cause premature discharge.

(e) If a pyrotechnic capsule is used to discharge the fire extinguishing agent, each container must be installed so that temperature conditions will not cause hazardous deterioration of the pyrotechnic capsule.

6. Fire Extinguishing system material must meet the following requirements:

(a) No material in any fire extinguishing system may react chemically with any extinguishing agent so as to create a hazard.

(b) Each system component in an engine compartment must be fireproof.

### Z. Rotor Burst Damage to Adjacent Components

In addition to the requirements of FAR § 23.903, design precautions must be taken to minimize the hazards to the airplane in the event of an engine rotor burst.

### AA. Damage-Tolerance and Fatigue Evaluation of Composite Structures

In lieu of complying with §§ 23.571 and 23.572 of the FAR's, primary structure (the failure of which could result in catastrophic loss of the airplane) in the wing, wing carry-through, wing attaching structure, pressurized cabin, aft fuselage and the empennage must be evaluated to damage tolerance criteria prescribed in paragraphs 1. through 7. of this Special Condition, unless shown to be impractical in which case evaluate the aforementioned structure in accordance with the criteria in paragraph 8. of this Special Condition.

1. The growth rate of damage that may occur from fatigue, corrosion, intrinsic defects, large area manufacturing defects (e.g. bond defects), damage from discrete sources, under repeated loads expected in service (between the time at which the damage becomes initially detectable and the time at which the extent of damage reaches the value selected by the applicant for residual strength demonstration) must be established by analysis supported by tests or by tests.

2. The damage growth, between initial detectability and the value selected for residual strength demonstrations, factored to obtain inspection intervals, must permit development of an inspection program suitable for application by operations and maintenance personnel.

3. Instructions for continued airworthiness for the airframe must be established consistent with the results of the damage tolerance evaluations. Inspection intervals must be set so that after the damage initially becomes detectable, by the inspection method specified, the damage will be detected before it exceeds the extent of damage for which residual strength is demonstrated.

4. Loads spectra, load truncation, test proposals, and the locations and types of damage considered in the damage tolerance evaluations must be established and be approved by the Administrator or his authorized representatives.

5. The structure of the pressurized cabin must be shown by analysis supported by residual strength tests or residual strength tests to, (1) be able to

withstand critical limit flight loads (considered as ultimate loads) with the combined effects of normal operating pressures and expected external aerodynamic pressures with the extent of damage consistent with the results of the damage tolerance evaluations and, (2) the expected external aerodynamic pressures in 1 g flight combined with a cabin differential pressure equal to 1.1 times the normal operating differential pressure without any other load.

6. The wing, wing carry-through, wing attaching structure, aft fuselage, and empennage primary structure must be shown by (1) residual strength tests, or (2) analysis supported by residual strength tests to be able to withstand critical limit flight loads (considered as ultimate loads) with the extent of damage consistent with the results of the damage tolerance evaluations.

7. The effects of material variability and environmental conditions (e.g., time, temperature, humidity, erosion, ultraviolet radiation, chemicals) on the strength and durability properties of the composite materials must be accounted for in the damage tolerance evaluations and in the residual strength tests.

8. For those structure where the damage tolerance method is shown to be impractical, the strength of such structures must be demonstrated by tests or analysis supported by tests to be able to withstand the repeated loads of variable magnitude expected in service.

### AB. Instructions for Continued Airworthiness

In lieu of complying with § 23.1529 of the FAR's, Instructions for Continued Airworthiness of the airplane must be developed by the applicant and approved by the Administrator. The instructions may be incomplete at the time of type certification if a program exists to ensure their completion prior to delivery of the first airplane or issuance of a standard certificate of airworthiness, whichever occurs later. The following information must be included in the instructions for Continued Airworthiness Manual:

1. All information that the applicant considers essential for proper maintenance.

2. The mandatory replacement times, inspection intervals and related inspection procedures approved under these special conditions and the part number (or equivalent) of each component to which they apply. This section of the manual must be identified by the title "Airworthiness Limitations," and be segregated clearly distinguishable from the rest of the

document. The information and procedures in this section of the manual:

- (a) Must be consistent with the information in the rest of the manual;
- (b) Must be practicable; and
- (c) Must indicate where "equivalent" procedures are to be permitted.

3. The information of above paragraphs 1. and 2. must be included in the "Airworthiness Limitations" section of the Instructions for Continued Airworthiness.

### AC. Doors and Access Panels

In addition to the requirement of §§ 23.783 and 23.807 of the FAR's, each outward opening external door and access panel must comply with the following:

1. There must be a means to lock and safeguard each external door and access panel against opening in flight (either inadvertently by persons or as a result of mechanical failure or failure of a single structural element either during or after closure). Each normally used external door in the pressure cabin must be openable from both inside and outside the airplane.

2. There must be a provision for direct visual inspection of the locking mechanism by crewmembers to determine, under both day and night lighting conditions, whether all external passenger, baggage and cargo doors for which the initial opening movement is outward, are fully closed and locked. In addition, there must be a visual warning means to signal the appropriate flight crewmembers if any external passenger, baggage and cargo door is not fully closed and locked. The means must be designed such that any failure or combination of failures that would result in an erroneous closed and locked indication is improbable.

3. There must be a means for direct visual inspection by crewmembers of the attachment/latching devices for access panels to determine under both day and night conditions whether access panels are properly closed and/or attached.

### AD. Buffet Onset Envelope

In addition to the requirements of §§ 23.251 and 23.1585 of the FAR's, with the airplane in the cruise configuration, the positive maneuvering load factors at which the onset of perceptible buffeting occurs must be determined for the ranges of airspeed or mach number, weight and altitude for which the airplane is to be certificated. The buffet onset envelopes determined must be furnished as information in the POH/AFM for this airplane. This information will include envelopes of load factor,

speed, altitude and weight which provides a sufficient range for normal operations. The buffet onset envelopes presented may reflect the center of gravity at which the airplane is normally loaded during cruise if corrections for the effect of different center of gravity locations are furnished.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and §§ 11.28 and 11.29(b), Federal Aviation Regulations (14 CFR 11.28 and 11.29(b))

Issued in Kansas City, MO on August 20, 1982.

James O. Robinson,  
Acting Director, Central Region.

[FR Doc. 82-23725 Filed 8-27-82; 8:45 am]

BILLING CODE 4910-13-M

## 14 CFR Part 39

[Docket No. 82-NM-64-AD]

### Airworthiness Directives; Lockheed-California Company Model L-1011-385 Series Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes a new Airworthiness Directive (AD) that would require modification of the electrical system on certain Lockheed Model L-1011-385 Series airplanes. This AD is needed because of reported failures of the DC Standby Bus Transfer Relay. Failure of this relay could cause loss of all power to the DC standby loads in flight.

**DATES:** Comments must be received on or before October 29, 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:** Raymond A. Stoer, Aerospace Engineer, 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:

### Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

### Availability of NPRMS

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 82-NM-64-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

### Discussion

There have been seven reported instances over the past three years where failure of the DC Standby Bus Transfer Relay has resulted in the loss of power to all the DC standby electrical loads during flight. This condition occurs when the relay contacts weld together in the closed position and transfer the DC standby bus from its normal source of power to the aircraft battery. This condition cannot be corrected in flight, and in most cases lack of adequate annunciation may not alert the flight crew to the condition. Under this condition, the aircraft battery power may become depleted leaving the remaining flight and possibly an unscheduled landing to be made without the availability of the critical DC standby functions.

To preclude further incidents of the type described above, the Lockheed-California Company issued L-1011 Service Bulletin 093-24-080, Revision 3, dated July 29, 1980, which provides for the installation of a more reliable DC Standby Bus Transfer Relay. The Lockheed-California Company also issued L-1011 Service Bulletin 093-24-083, Revision 2, dated July 31, 1981,

which provides the flight crew with positive annunciation and the capability to re-configure the battery charger to power the DC standby loads.

Because of the hazardous consequences of a failed DC Standby Bus Transfer Relay, the proposed AD is considered to be necessary.

It is estimated that 65 domestic airplanes will be affected and that it will take approximately 5.3 manhours per airplane to accomplish the required actions at an average labor charge of \$35 per manhour. The replacement relays are estimated to cost \$600 per airplane. Based upon these figures, the total economic impact is estimated to be \$51,058.

For these reasons, the proposed rule is not considered to be a major rule under the criteria of Executive Order 12291. Few, if any, small entities within the meaning of the Regulatory Flexibility Act would be affected.

### List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

### The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

#### Lockheed-California Company

Applies to Lockheed Model L-1011-385 series airplanes, certificated in all categories. Compliance required as indicated, unless previously accomplished.

To minimize the probability of loss of all DC standby functions in flight, accomplish the following by March 31, 1983:

- A. Modify the electrical system in accordance with Part 2A of the Accomplishment Instructions of Lockheed-California Company L-1011 Service Bulletin 093-24-080, Revision 3, dated July 29, 1980, or later revision approved by the Manager, Los Angeles Area Aircraft Certification Office, FAA Northwest Mountain Region.
- B. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Los Angeles Area Aircraft Certification Office, FAA Northwest Mountain Region. Note: Modification of the airplane in accordance with L-1011 Service Bulletin 093-24-083, Revision 2, dated July 31, 1981, is an approved alternate means of compliance.
- C. 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.

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

All persons affected by this proposal who have not already received these documents

from the manufacturer may obtain copies upon request to the 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 4344 Donald Douglas Drive, Long Beach, California 90808. (Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Section 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

**Note.**—For reasons discussed earlier in the preamble: The FAA has determined that this document: (1) involves a proposed regulation which is not major under Executive Order 12291, and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). I certify under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because it involves few, if any, small entities. A regulatory evaluation has been prepared and has been placed in the public docket.

Issued in Seattle, Washington on August 20, 1982.

Charles R. Foster,

Director Northwest Mountain Region.

[FR Doc. 82-23090 Filed 8-27-82; 8:45 am]

BILLING CODE 4910-13-M

## 14 CFR Part 39

[Docket No. 82-ANE-28]

### Airworthiness Directives; Schempp-Hirth GmbH and Company KG, Model "Standard Cissus" Sailplanes Certificated in any Category

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This notice proposes to adopt a new airworthiness directive (AD) that would require installation of new ball joints in the air brake drive lever every 500 hours time in service on Schempp-Hirth Model "Standard Cirrus" sailplanes. The proposed AD is needed to prevent fatigue failure of the ball joints which could result in sailplane excessive airspeed and structural damage.

**DATES:** Comments must be received on or before November 15, 1982. Proposed effective date December 30, 1982.

**ADDRESSES:** Send comments on the proposal in duplicate to: Federal Aviation Administration, New England Region, Office of Regional Counsel, Attn: Rules Docket No. 82-ANE-28, 12

New England Executive Park, Burlington, Massachusetts 01803.

Comments delivered must be marked: Docket No. 82-ANE-28. Comments may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 4:00 p.m.

The applicable Technical Note (TN) No. 278-23 may be obtained from: Schempp-Hirth GmbH, and Company KG, Krenbenstrasse 25, 7312 Kirchheim-Tech, Federal Republic of Germany.

A copy of the Technical Note is contained in the Rules Docket at the above FAA address.

**FOR FURTHER INFORMATION CONTACT:** C. Christie, Chief, Aircraft Certification Staff, Europe, Africa, and Middle East Office, FAA, C/O American Embassy, Brussels, Belgium, telephone 513.38.30; or Edward W. Maila, ANE-152, Boston Aircraft Certification Branch, FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone: (617) 273-7329.

### SUPPLEMENTARY INFORMATION:

#### Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted, in duplicate, to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, before and after the closing date for comments, in the New England Region, Office of the Regional Counsel, Rules Docket, for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

Commentators wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit those comments and a self-addressed stamped post card on which the following statement is made: "Comments to Docket Number 82-ANE-28."

The post card will be date/time stamped and returned to the commentator.

### Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to: Federal Aviation Administration, New England Region, Office of the Regional Counsel, Attn: Airworthiness Rules Docket No. 82-ANE-28, 12 New England Executive Park, Burlington, Massachusetts 01803.

### Discussion

The manufacturer reports, through Schempp-Hirth Technical Note No. 278-23, dated January 11, 1979, that fatigue fracture of the ball joints fitted to the air brake drive lever has occurred on several "Standard Cirrus" series sailplanes with extensive time in service. Failure of either of the two ball joints fitted to the air brake drive lever renders the air brakes inoperable, which may lead to excessive air speed and structural damage or failure. Extensive structural damage or structural failure can result in loss of the sailplane.

Schempp-Hirth Technical Note No. 278-23 specifies repetitive replacement of the air brake drive lever ball joints every 500 hours time in service. German AD No. 79-51 was issued on February 12, 1979, requiring compliance with the technical note on "Standard Cirrus" series sailplanes within the jurisdiction of the German airworthiness authority Luftfahrt-Bundesamt (LBA), to prevent fatigue failure of the ball joints.

FAA review of US Type Certificate G23EU indicates that Schempp-Hirth GmbH and Company KG Model "Standard Cirrus" falls under the corrective action required by Schempp-Hirth GmbH and Company KG and the German airworthiness authority (LBA).

Since fatigue fracture of the air brake drive lever ball joints is likely to develop on other sailplanes of the same type design, the proposed AD would require replacement of ball joints on Schempp-Hirth Model "Standard Cirrus" sailplane, substantially as provided by Schempp-Hirth Technical Note No. 278-23. It is estimated that 83 sailplanes will be affected by this AD. The labor will take approximately 3 hours per sailplane to accomplish the required action, and the average labor cost will be \$30 per hour. Replacement ball joints are approximately \$10 per pair. Based on these figures, the initial cost impact of the proposed AD is estimated to be \$8,300. For these reasons, the proposed rule is not considered to be a major rule under the criteria of Executive Order 12291.

Based on comments received and if the proposed rule is determined to be in the interest of aircraft safety, the AD proposed effective date is December 30, 1982.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend §39.13 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new AD:

#### Schempp-Hirth GmbH and Company KG

Applies to Model "Standard Cirrus" sailplane, certificated in any category.

Compliance is required within the next 100 hours time in service or within 120 days, whichever occurs first, after the effective date of this AD, unless already accomplished within the last 400 hours time in service, and thereafter at intervals not to exceed 500 hours time in service from the last replacement.

To prevent fatigue fracture of the air brake drive lever ball joints, remove the two ball joints in the air brake drive lever in the fuselage and install new ball joints, P/N MS 961-150-150, in accordance with Schempp-Hirth Technical Note No. 278-23 (LBA Approved), dated January 11, 1979, or an FAA-approved equivalent.

An equivalent means of compliance may be approved by the Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, C/O American Embassy, Brussels, Belgium, or the Chief, Boston Aircraft Certification Branch, ANE-150, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts, 01803.

(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 11.85.)

Note.—The FAA has determined that this proposed regulation involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). It is certified under the criteria of the Regulatory Flexibility Act that the proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities, since the cost involved is only \$100 per aircraft per 500 hours. A draft evaluation has been prepared for this proposed 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 Burlington, Massachusetts, on August 20, 1982.

John B. Roach,

Acting Director, New England Region.

[FR Doc. 82-23635 Filed 8-27-82; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF THE TREASURY

### Customs Service

#### 19 CFR Part 177

[067766]

#### Television Camera Lens System; Change of Practice Considered

##### Correction

In Fr Doc. 82-22058 appearing on page 35234 in the issue of Friday, August 13, 1982, second column, last line under "DATE" should read "October 12, 1982."

BILLING CODE 1505-01-M

### Internal Revenue Service

#### 26 CFR Part 1

#### Income Tax; Allocation and Apportionment of Deductions

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

**SUMMARY:** This document contains proposed Income Tax Regulations relating to the allocation and apportionment of deductions for purposes of computing taxable income from sources within the United States and taxable income from other sources. Presently, the rules for allocation and apportionment of deductions contained in § 1.861-8 apply only for taxable years beginning after December 31, 1976. These proposed regulations would provide taxpayers with the option to apply certain rules in § 1.861-8 to taxable years beginning before January 1, 1977.

**DATE:** These regulations are proposed to be effective on the date this regulation is published as a Treasury decision. Written comments and requests for a public hearing must be delivered by October 29, 1982.

**ADDRESS:** Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-215-78), Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Donald K. Duffy of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, DC 20224, Attention: CC:LR:T (LR-215-

78), or call 202-566-4336 (not a toll-free call).

#### SUPPLEMENTARY INFORMATION:

##### Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 861(b) of the Internal Revenue Code of 1954. These amendments propose to revise the effective date provision of § 1.861-8. The amendments are proposed under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917, 26 U.S.C. 7805).

##### Explanation of Proposal

Section 1.861-8 provides rules for the allocation and apportionment of deductions between gross income from sources inside and outside the United States. This allocation and apportionment may be necessary to compute taxable income from specific sources or activities in order to apply a separate operative section of the Internal Revenue Code of 1954.

Section 1.861-8 is generally effective for taxable years beginning after December 31, 1976. For taxable years beginning before January 1, 1977, the rules for the allocation and apportionment of deductions are currently governed by those rules formerly under § 1.861-8 which were in effect on October 23, 1957 (T.D. 6258), as amended on August 22, 1966 (T.D. 6892) and on September 29, 1975 (T.D. 7378). Therefore, the taxpayer is required to allocate and apportion deductions for those taxable years on a basis which is supportable under § 1.861-8 as in effect for those years. For this purpose, the past, supportable practices of the taxpayer for allocation and apportionment of deductions are taken into account. Further, a taxpayer's methods of allocation and apportionment of deductions for taxable years beginning before January 1, 1977, are not necessarily either supportable or improper under § 1.861-8 as in effect for those years merely because the methods would have been allowed or denied by any proposed § 1.861-8 regulations published after 1964. However, proposed paragraph (a)(5)(ii) of § 1.861-8 as contained in this document gives taxpayers the option to apply certain rules of § 1.861-8 as adopted to those taxable years beginning before January 1, 1977, which are open years.

Proposed paragraph (a)(5)(ii) provides that methods for allocation and apportionment of certain deductions

(such as for interest expense or research and development expense) under paragraph (e) of § 1.861-8 may be applied at the taxpayer's option to open taxable years beginning before January 1, 1977. The rules under paragraph (e) may be applied on a deduction-by-deduction basis if the rules are applied consistently to all taxable years beginning before January 1, 1977, with respect to which action by the Internal Revenue Service is not barred.

#### Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is to be held, notice of the time and place will be published in the *Federal Register*.

#### Regulatory Impact Analysis

Pursuant to Executive Order 12291, a draft regulatory impact analysis has been prepared with respect to these proposed regulations and is available for public inspection and copying at the Internal Revenue Service, Room 4429, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

#### Regulatory Flexibility Act

Although this document is a notice of proposed rulemaking which solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. Chapter 6).

#### Drafting Information

The principal author of these proposed regulations is Donald K. Duffy 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 1.861-1—1.997-1

Income taxes, Aliens, Exports, DISC, Foreign investments in U.S., Foreign tax credits, Sources of income, U.S. investments abroad.

#### Proposed Amendment to the Regulations

#### PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

It is proposed that 26 CFR Part 1 (Income Tax Regulations) be amended by revising paragraph (a)(5) of § 1.861-8 to read as follows:

#### § 1.861-8 Computation of taxable income from sources within the United States and from other sources and utilities.

(a) *In general.* \* \* \*

(5) *Effective date*—(i) *Taxable years beginning after December 31, 1976.* The provisions of this section apply to taxable years beginning after December 31, 1976.

(ii) *Taxable years beginning before January 1, 1977.* For taxable years beginning before January 1, 1977, § 1.861-8 applies as in effect on October 23, 1957 (T.D. 6258), as amended on August 22, 1966 (T.D. 6892) and on September 29, 1975 (T.D. 7378). The specific rules for allocation and apportionment of certain deductions as set forth in paragraph (e) of this section may, at the option of the taxpayer, apply to those taxable years on a deduction-by-deduction basis if these rules are applied consistently to all taxable years with respect to which action by the Internal Revenue Service is not barred by any statute of limitations. Thus, for example, a calendar year taxpayer may choose to have the rules of paragraph (e)(2) of this section apply for the allocation and apportionment of all interest expenses for the two taxable years ending December 31, 1975 and 1976, which are open years under examination, and may justify the allocation and apportionment of all research and development expenses for those years on a basis supportable under § 1.861-8 as in effect for 1975 and 1976 without regard to the rules of paragraph (e)(3) of this section.

\* \* \* \* \*

Roscoe L. Egger, Jr.,  
Commissioner of Internal Revenue.

[FR Doc. 82-23746 Filed 8-27-82; 8:45 am]

BILLING CODE 4830-01-M

#### DEPARTMENT OF THE INTERIOR

#### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 946

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

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

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

**SUMMARY:** The Office of Surface Mining Reclamation and Enforcement (OSM) is announcing procedures for the public comment period and for a public hearing on the substantive adequacy of program amendments submitted by Virginia to satisfy 16 of the conditions imposed by the Secretary of the Interior on the approval of the Virginia Permanent Regulatory Program (hereinafter referred to as the Virginia program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

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

**DATES:** Written comments, data or other relevant information relating to Virginia's modifications to its program not received on or before 4:00 p.m. on [30 days from publication date] will not necessarily be considered in the Secretary's decision on whether the proposed program amendments satisfy the conditions.

A public hearing on the proposed modifications has been scheduled for September 21, 1982, at the address listed under "ADDRESSES."

Any person interested in making an oral or written presentation at the hearing should contact Mr. Ralph Cox at the address or phone number listed below by September 10, 1982. If no person has contacted Mr. Cox to express an interest in participating in the hearing by the above date, the hearing will be cancelled. A notice announcing any cancellation will be published in the *Federal Register*.

**ADDRESSES:** Written comments should be mailed or hand delivered to: Ralph

Cox, Director, Virginia Field Office, Office of Surface Mining Reclamation and Enforcement, Highway 23, South, P.O. Box 626, Big Stone Gap, Virginia 24219, Telephone: (703) 523-4303.

The public hearing will be held at: OSM Lebanon Field Office, Conference Room, Flannigan and Carroll Sts., Lebanon, VA 24266. The hearing will begin at 10 a.m.

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

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

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

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

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

**FOR FURTHER INFORMATION CONTACT:**

Ralph Cox, Director, Virginia Field Office, Office of Surface Mining, P.O. Box 626, Big Stone Gap, Virginia 24219, Telephone: (703) 523-4303.

**SUPPLEMENTARY INFORMATION:** On March 3, 1980, the Secretary of the Interior received a proposed regulatory program from the Commonwealth of Virginia. On October 22, 1980, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary approved in part and disapproved in part the proposed program (45 FR 69977-70000). Virginia resubmitted its proposed regulatory program on August 13, 1981, and after a subsequent review, the Secretary approved the program subject to the correction of 19 minor deficiencies. The approval was effective upon publication of the notice of conditional approval in the December 15, 1981 *Federal Register* (46 FR 61088-61115).

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

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

Condition (a) requires Virginia to submit a copy of enacted regulations or otherwise amend its program to revise the term "best technology reasonably available" to read "best technology currently available" and to make the definition of "best technology currently available" consistent with Section 515(d)(10)(B)(i) of SMCRA and 30 CFR 701.5.

Condition (b) requires Virginia to submit a copy of enacted regulations or otherwise amend its program to delete the regulations concerning the zone-fill concept. Furthermore, pending completion of the above, Virginia may not use its authority to approve such fills.

Condition (c) requires Virginia to submit a copy of enacted regulations or otherwise amend its program to require that where roads or ditches are left at the top of the backfill area, the highwall will be shaved and blended into the surrounding natural terrain.

Condition (d) requires Virginia to submit a copy of enacted regulations or otherwise amend its program to prohibit the construction of diversion ditches on areas with landslide potential as required in 30 CFR 816.43(d) and 30 CFR 817.43(d).

Condition (e) requires Virginia to submit a copy of enacted regulations or otherwise amend its program to clarify that discharges in excess of standards allowed under Environmental Protection Agency regulations for coal mining point source will not be allowed. Furthermore, pending completion of the above, Virginia may not use its authority to grant exemptions from effluent limitations, or the approval will terminate.

Condition (f) requires Virginia to submit a copy of enacted regulations or otherwise amend its program to provide for a scale distance factor of 60 as it relates to the maximum pounds of explosives to be used per delay, as required in 30 CFR 817.65(k).

Condition (g) requires Virginia to submit a copy of enacted regulations or otherwise amend its program to allow only five pounds or less of explosive to be detonated without publishing notice of the operator's blasting schedule as required in 30 CFR 816.64(a)(1).

Condition (h) requires Virginia to submit a copy of enacted regulations or otherwise amend its program to require maximum ground vibrations from an explosive detonation to be 1.0 inch per second as required in 30 CFR 816.65(i).

Condition (i) requires Virginia to submit a copy of enacted regulations or

other program amendments deleting provisions allowing for disposal of excess spoil on unpermitted areas such as lawns, fields or commercial development sites at the request and approval of the landowner.

Condition (j) requires Virginia to submit a copy of enacted regulations or otherwise amend its program to delete the language in its Coal Surface Mining Technical Handbook, Standards and Specifications for Diversion Ditches, Abandonment Procedures Items 1 and 4 regarding the elimination of temporary diversions to make the State program consistent with 30 CFR 816.43(e), 30 CFR 816.44 (c) and (d), 30 CFR 817.43(e) and 30 CFR 817.44 (c) and (d).

Condition (l) requires Virginia to submit a copy of enacted regulations or otherwise amend its program to provide acceptable criteria for extending the abatement period of violations beyond 90 days in accordance with 30 CFR 843.12(f).

Condition (m) requires Virginia to submit a copy of enacted regulations or otherwise amend its program to require an authorized representative of the Director to conduct an investigation prior to terminating a violation consistent with Section 521(a)(5) of SMCRA and 30 CFR 843.12(e).

Condition (n) requires Virginia to submit a copy of enacted regulations or otherwise amend its program to provide for those situations where the Director shall determine that a pattern of violations exists in a manner consistent with 30 CFR 843.13(a) (3) and (4).

Condition (o) requires Virginia to submit provisions which amend its program by deleting the program narrative rationale of "significant legal and financial commitments" (SLFC) which provides that mere ownership of mineral rights or the right to mine constitutes a significant legal and financial commitment and provide affirmative assurances that SLFC will be interpreted in accordance with Federal law. If this is accomplished by a policy statement, it must be accompanied by a legal opinion which states that it is enforceable under existing State law and regulations.

Condition (p) requires Virginia to submit a copy of enacted regulations or otherwise amend its program to delete the language requiring a citizen accompanying an inspector to sign a waiver providing that the citizen does so at his or her own risk, and providing that neither the regulatory authority, nor its personnel, nor the operator, nor its personnel shall be liable for any injury or damage sustained by a citizen.

Condition (s) requires Virginia to submit a copy of enacted regulations or otherwise amend its program to define the term "affected area" consistent with 30 CFR 701.5.

In accepting the Secretary's conditional approval Virginia agreed to satisfy the above conditions by October 15, 1982, with the exception of condition (o) which was originally due on February 15, 1982. However, subsequent to a request by Virginia, the Secretary modified the deadline until October 15, 1982, for Virginia to meet condition (o) (See 47 FR 8008-8009, February 24, 1982).

The status of the three remaining conditions, (k), (q) and (r) is as follows: condition (k) was removed by the Secretary on July 21, 1982 (47 FR 31549-31550); condition (q) is not due until July 15, 1983; and condition (r) is presently under review by the Secretary (See the *Federal Register* for August 19, 1982).

On August 13, 1982, Virginia submitted promulgated revisions to the Virginia Coal Surface Mining Reclamation Regulations to satisfy conditions (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (l), (m), (n), (o), (p), and (s) set by the Secretary in his conditional approval (Administrative Record No. VA 411). Also, in the August 13, 1982 letter, Virginia submitted proposed revisions to the Virginia Coal Surface Mining Control and Reclamation Act and its regulations which are non-substantive corrections.

Thus, the Secretary requests comments on the substantive adequacy of the proposed regulations to satisfy the conditions listed above and on the adequacy of the proposed revisions to make non-substantive corrections to Virginia's statute and regulations. The proposed revisions to Virginia's regulations, Abandoned Mine Lands, Subchapter VR, are not being addressed in this rulemaking.

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

On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 6, and 8 of Executive Order 12291 for all State program actions taken to approve or conditionally approve State regulatory programs, actions or amendments. Therefore, this rule is exempt from a Regulatory Impact Analysis and regulatory review by OMB.

Pursuant to the Regulatory Flexibility Act, Pub. L. 96-354, I have certified that this proposed rule will not have a significant economic impact of a substantial number of small entities.

#### List of Subjects in 30 CFR Part 946

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

Dated: August 24, 1982.

James R. Harris,  
Director, Office of Surface Mining.

[FR Doc. 82-23758 Filed 8-27-82; 8:45 am]

BILLING CODE 4310-05

#### DEPARTMENT OF TRANSPORTATION

##### Coast Guard

##### 33 CFR Part 110

[CCGD11-82-01]

##### Anchorage Grounds, Los Angeles and Long Beach Harbors, California

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

**SUMMARY:** The Coast Guard proposes to revise the anchorage regulations for Los Angeles and Long Beach Harbors, California. The affected area lies along the Terminal Island shoreline between Fish Harbor light number "4" and the Naval Base Mole light number "2". The construction of a rock dike to contain dredged spoils from the Los Angeles Harbor Deepening Project has created the need to reflect the shoreline changes in the anchorage regulations. The associated extension of the sewer outfall from the Terminal Island Sewage Treatment Plant has produced a need to create a new nonanchorage area to protect the sewer line. Also, to improve administration of general anchorage "O" (33 CFR 110.214), the Coast Guard proposes to place a portion of the anchorage under the jurisdiction of the city of Los Angeles and to incorporate the remainder into Commercial Anchorage "B" (33 CFR 110.214).

**DATE:** Comments must be received on or before October 14, 1982.

**ADDRESSES:** Comments should be mailed to Commander (m), Eleventh Coast Guard District, Union Bank Building, 400 Oceangate, Long Beach, CA 90822. The comments received, Draft Evaluation, and other materials referenced in this notice will be available for examination or copying at the Marine Safety Division, Office of the Commander, Eleventh Coast Guard District, Room 917, 400 Oceangate, Long Beach, CA 90822. Normal office hours are between 7:30 a.m. and 4:00 p.m. Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Louis S. Stanton, Marine

Safety Division, Eleventh Coast Guard District, 400 Oceangate, Long Beach, California 90822, Phone Number: (213) 590-2301.

#### SUPPLEMENTARY INFORMATION:

Interested persons are invited to participate in this proposed rulemaking by submitting written views, data or arguments. Each person submitting a comment should include the writer's name and address, identify this notice (CCGD11-82-01) and give the reasons for comment. Persons desiring acknowledgement that their comments have been received should enclose a stamped self-addressed postcard or envelope.

The rules may be changed in light of comments received. 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 and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

#### Drafting Information

The principal persons involved in drafting the proposal are: LTJG Jeffrey A. Gabrielson, Vessel Management Officer, Coast Guard Marine Safety Office LA-LB and LCDR William P. Athayde, Project Attorney, District Legal Office, Eleventh Coast Guard District.

#### Discussion of Proposed Rule

Los Angeles Harbor, from Fish Harbor to the Navy Base Mole is an area that is presently undergoing change due to the construction of a rock containment dike for retaining spoils from the Los Angeles Harbor Dredging Project. Other construction associated with this project is: (a) Extension of the outfall from the Terminal Island Sewage Treatment Plant, and (b) the creation of shallow water habitat adjacent to the east dike and inside a breakwater extension of the south dike. Each of these items will have an effect on the immediate area surrounding the dike. The sewer extension will extend 1000 feet past the south dike into the "B" anchorage and will require a modification of the present nonanchorage "U" regulations to encompass this new area. The building of the containment dike will eliminate approximately 50% of the existing general anchorage "O" and the creation of the shallow water habitat will greatly restrict the depth of most of the remainder of the anchorage that is on the Los Angeles side of the Harbor. Small, pleasure craft type vessels will

become the sole users of this area because of the shallower depth. Control of boating activities in the area will be required to insure the continued safety of the boating public. The remaining area of general anchorage "O" (that on the Long Beach side of the Harbor) is small enough that it would be better utilized by being incorporated into Commercial Anchorage "B".

The intent of these revisions is to provide for the control which will be required. Specifically, this proposal will adjust the present nonanchorage "U" to reflect the new sewer outfall extension. It will create a recreational boating anchorage over the shallow water habitat and reflect the construction of the rock containment dikes. It will also incorporate part of the existing general anchorage "O" into commercial anchorage "B" and modify the northern boundary of the "B" anchorage to conform to the newly incorporated anchorage section and the newly established nonanchorage. The proposal will also provide for control of boating in the general anchorage by the City of Los Angeles. Prior to drafting this proposal, several groups, including the City of Los Angeles (Harbor Department), the City of Long Beach (Harbor Department), the Los Angeles Port Pilots, and the Long Beach Port Pilots were consulted. Their input has been incorporated into the revisions where possible and practical. A preliminary environmental evaluation of the proposed changes has been completed and an initial determination has been made that this proposed action would result in no adverse impact on the quality of the human environment.

#### Detailed Description

The following changes are proposed to the Anchorage Regulations for Los Angeles and Long Beach Harbors:

1. Existing Nonanchorage "U" (§§110.214(a)(14)) will be shifted to an area over the new sewer outfall extension. The outfall will require protection against possible damage and this adjustment of the location of the nonanchorage area will provide for the vessel control required. The requirements of this section will remain as at present.

2. A new General Anchorage "O" will be established over the shallow water habitat between the east dike and the west boundary of Los Angeles Harbor (the Navy Mole). The anchorage needs of recreational and other small craft will predominate in this area. Operational control of the anchorage will lie with the City of Los Angeles. This anchorage is being established to provide control over small craft which may utilize the

area. Providing for control of Anchorage "O" by the City of Los Angeles will insure its effective and efficient use and allow the city direct involvement with vessels anchoring along its shoreline. Usage of the area will be in accordance with City of Los Angeles ordinances and will be monitored by law enforcement personnel of the City of Los Angeles.

3. The remainder of Commercial Anchorage "O", which lies between the west boundary of Long Beach Harbor and the Navy Mole, will be incorporated into Commercial Anchorage "B". This will provide for effective administration of this small portion of the old General Anchorage "O". Designation of this area as a separate anchorage would not be an efficient use of resources because of its small size and therefore limited use.

4. The northern boundaries of Commercial Anchorage "B" will be realigned to conform with the southern boundaries of the proposed Nonanchorage "U" and General Anchorage "O".

#### Summary of Draft Evaluation

These proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these proposed regulations are considered to be non-significant in accordance with the 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 of the proposal has not been conducted since, for the reasons discussed above, its impact is expected to be minimal. In accordance with section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules, if promulgated, will not have a significant economic impact on a substantial number of small entities.

#### List of Subjects in 33 CFR Part 10

Anchorage grounds.

#### Proposed Regulations

#### PART 110—ANCHORAGE REGULATIONS

In consideration of the foregoing, it is proposed to amend Part 110 of Title 33, Code of Federal Regulations as follows:

##### § 110.214 [Amended]

1. By revising the geographical description of Commercial Anchorage "B" found in the introductory paragraph of § 110.214(a)(2) to read as follows:

(a) \* \* \*

(2) Commercial Anchorage B (Los Angeles and Long Beach Harbors). An area enclosed by a line beginning at the

southwestern corner of Reservation Point of latitude 33°43'18.0" N., longitude 118°16'00.2" W.; thence east southeasterly to latitude 33°43'13.8" N., longitude 118°15'51.4" W.; thence northeasterly to latitude 33°44'00.9" N., longitude 118°13'11.2" W.; thence northwesterly to the southern edge of the eastern extension of the Naval Base Mole at latitude 33°44'32.3" N., longitude 118°13'24.3" W.; thence southerly along the Naval Base Mole to Naval Base Mole Light 2 at latitude 33°44'25.5" N., longitude 118°13'49.0" W.; thence northwesterly along the Naval Base Mole to latitude 33°44'37.1" N., longitude 118°14'34.0" W.; thence southeasterly to latitude 33°44'14.2" N., longitude 118°14'25.0" W.; thence southwesterly to the east end of breakwater extension of the south containment dike, latitude 33°44'07.8" N., longitude 118°14'45.7" W.; thence southwesterly along the southern edge of the south containment dike to Fish Harbor Channel Light #3 at latitude 33°43'48.8" N., longitude 118°15'52.7" W.; thence west southwesterly along the southern edge of Fish Harbor west jetty until it intersects Reservation Point; thence along the eastern and southern shoreline of Reservation Point to the beginning point.

\* \* \* \* \*

2. By revising § 110.214(a)(11) to read as follows:

(a) \* \* \*

(11) General Anchorage O (Los Angeles Harbor). An area enclosed by a line beginning at the east end of the south containment dike breakwater extension, latitude 33°44'07.8" N., longitude 118°14'45.7" W.; thence southwesterly to the intersection of the south and east containment dikes, latitude 33°44'04.6" N., longitude 118°14'56.9" W.; thence northwesterly along the east containment dike to the Terminal Island shoreline, latitude 33°44'37.9" N., longitude 118°15'10.9" W.; thence along the Terminal Island shoreline to latitude 33°44'37.1" N., longitude 118°14'34.8" W.; thence southeasterly to latitude 33°44'14.2" N., longitude 118°14'25.0" W.; thence southwesterly to the beginning point.

(i) In this anchorage the requirements of recreational and other small craft shall predominate.

(ii) Anchoring, mooring, and boating activities conforming to applicable City of Los Angeles ordinances and regulations adopted pursuant thereto are allowed in this anchorage.

\* \* \* \* \*

3. By revising the geographical description of Nonanchorage "U" found in § 110.214(a)(14) to read as follows:

(a) \* \* \*

(14) Nonanchorage U (Los Angeles Harbor). An area enclosed by a line beginning at latitude 33°44'00.0" N., longitude 118°15'12.2" W.; thence southerly to latitude 33°43'48.7" N., longitude 118°15'06.4" W.; thence easterly to latitude 33°43'49.7" N., longitude 118°15'03.9" W.; thence northerly to latitude 33°44'01.1" N., longitude 118°15'09.2" W.; thence along the south containment dike to the beginning point.

(Sec. 7, 38 Stat. 1053, as amended, (33 U.S.C. 471); Sec 6(g)(1)(A), 80 Stat. 937, (49 U.S.C. 1655(g)(1)(A); 49 CFR 1.46(c)(1); 33 CFR 1.05-1(g) (1) and (2))

Dated: August 13, 1982.

A. P. Manning,

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

[FR Doc. 82-23738 Filed 8-27-82; 8:45am]

BILLING CODE 4910-14-M

### 33 CFR Part 117

[CCGD7 82-12]

#### Drawbridge Operation Regulations; St. Lucie River, Okeechobee Waterway, Mile 7.5, Florida

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

**SUMMARY:** At the request of the City of Stuart, the Coast Guard will consider changing the regulations governing the Roosevelt Bridge across the St. Lucie River, Okeechobee Waterway, mile 7.5, at Stuart, Florida. This proposal is being made because the periods of peak vehicular traffic have increased. This 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 October 14, 1982.

**ADDRESS:** Comments should be submitted to and are available for examination from 7:30 a.m. to 4:00 p.m., Monday through Friday, except holidays, at the office of the Commander (oan), Seventh Coast Guard District, 51 S.W. First Avenue, Miami, Florida, 33130. Comments may also be hand-delivered to this address.

**FOR FURTHER INFORMATION CONTACT:** James R. Kretschmer, Bridge Administrator, Seventh Coast Guard District (oan), Room 1006, Federal Building, 51 S.W. First Avenue, Miami, Florida 33130, Telephone (305) 350-4108.

**SUPPLEMENTARY INFORMATION:** Interested persons are invited to participate in this proposed rule 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 to the proposal. Persons desiring acknowledgement that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Seventh Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulations may be changed in the light of comments received.

#### Drafting Information

The principal persons involved in drafting this 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

The existing regulation, effective 14 July 1976, provides that the bridge need not open from 7:30 a.m. to 9 a.m. and 4:30 p.m. to 6 p.m., Monday through Friday, except on the hour and half-hour. The proposed amendment to the regulations provides for an additional closed period from noon to 2 p.m. and extends the evening closed period from 4 p.m. to 6 p.m. Monday through Friday with openings on the hour and half-hour. Land traffic consists primarily of private vehicles. The hourly average vehicular traffic count during the times of the proposed regulation is 2150 vehicles per hour between noon and 2 p.m., and 2366 vehicles per hour between 4 p.m. and 6 p.m. Average hourly openings during the times of the proposed regulation is 0.9 openings per hour between noon and 2 p.m. and 0.6 openings per hour between 4 p.m. and 6 p.m. Marine traffic consists primarily of pleasure craft with about 10 percent commercial vessels (primarily tugs with tows). The St. Lucie River comprises the eastern end of the Okeechobee Waterway, a Federal navigation project which provides for a channel 80 feet wide and 8 feet deep across the state from Stuart to Fort Myers, Florida. An economic evaluation will not be prepared because of minimal economic impact, since tugs with tows will continue to be exempt from this additional rule. The opening signal for exempt vessels will be changed to five short blasts to conform to the present Inland Rules of the Road.

These proposed regulations have been reviewed under Executive Order 12291 and have been determined not to be a

major rule. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). 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 these rules, 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.

#### PART 117—DRAWBRIDGE OPERATION REGULATION

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.438b (a) and (b) to read as follows:

§ 117.438b St. Lucie River, Okeechobee Waterway, mile 7.5, Roosevelt Bridge, U.S. Highway No. 1, Stuart, Florida.

(a) From 7:30 a.m. to 9:00 a.m.; 12 noon to 2:00 p.m.; and 4:00 p.m. to 6:00 p.m., Monday through Friday, the draw need not open for passage of vessels except that on the hour and half-hour the draw shall open to pass all accumulated vessels. At all other times the draw shall open on signal.

(b) The draw shall open at any time for the passage of public vessels of the United States; State, or local government vessels used for public service; 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.

(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: August 9, 1982.

D. C. Thompson,

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

[FR Doc. 82-23737 Filed 8-27-82; 8:45 am]

BILLING CODE 4910-14-M

### 33 CFR Part 117

[CGD3-82-017]

#### Drawbridge Operation Regulations; Harlem River, NY

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

**SUMMARY:** At the request of New York City Department of Transportation, the

Coast Guard will consider changing the regulation governing all New York City (NYC) drawbridges over the Harlem River between the Bronx and Manhattan to provide that the drawspans need not open for commercial or recreational vessels from 10 a.m. to 5 p.m. unless four hours notice is given. New York City initially requested six in lieu of four hours notice. However, based on preliminary discussions with NYC officials and habitual users of the waterway, four hours notice of opening for the Willis Avenue, Third Avenue, Madison Avenue, 145th Street, and Broadway bridges during normal operational hours appears feasible. Additionally, the six hours notice presently required at their 103rd Street, Macombs Dam, and 207th Street (University Avenue) bridges is proposed to be reduced to 4 hours. This proposal is being made because of relatively infrequent requests for bridge openings since the majority of the vessels regularly transiting the waterway have been modified to pass under the bridges in the closed position except during extreme tides.

This action should relieve the bridge owner of the requirement to have a person constantly available to open the draw at each Harlem River bridge (during operational hours) and should still provide for the reasonable needs of navigation.

**DATE:** Comments must be received on or before October 14, 1982.

**ADDRESS:** Comments should be submitted to and are available for examination from 9 a.m. to 3 p.m., Monday through Friday, except holidays, at the office of the Commander (oan-br), Third Coast Guard District, Bldg. 135A, Governors Island, NY 10004. Comments may also be hand-delivered to this address.

**FOR FURTHER INFORMATION CONTACT:** William C. Heming, Bridge Administrator, Third Coast Guard District, Governors Island, NY, (212)-668-7994.

**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 acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Third Coast Guard District, will evaluate all communications received and determine

if this proposal is feasible. The proposed regulations may be changed based on comments received.

#### Drafting Information

The principal persons involved in drafting this proposal are: Ernest J. Feemster, Project Manager, and LCDR Frank E. Couper, Project Attorney, Third Coast Guard District, Aids to Navigation Branch and Legal Office, respectively.

#### Discussion of the Proposed Regulations

The Harlem River is primarily a commercial waterway on which movable bridges owned by New York City are presently only required to open on signal for commercial and recreational vessels between 10 a.m. and 5 p.m. Two movable railroad bridges, one movable New York City (NYC) pedestrian bridge, and seven movable NYC highway bridges cross the waterway, plus several high level (greater than 50 feet vertical clearance) fixed bridges. The pedestrian bridge and two of the city-owned highway bridges with clearances over 26 feet now require six hours notice to open for a vessel. NYC requested that their five other movable highway bridges across the Harlem River be required to open only upon six hours notice. The Coast Guard met with the City of New York, New York Towboat and Harbor Carriers Association, and Circle Line Sightseeing Yachts Company and all parties agreed that four hours notice should normally be acceptable.

Excluding the Willis Avenue and Broadway bridges, no NYC Harlem River bridge has opened for a vessel more than 25 times per year from 1976 to 1979. There were an unusually large number of openings at the three downstream (eastern) highway bridges in 1980 but this was attributed to the need to obtain building supplies for a large construction project which is now complete. No economic evaluation has been prepared because of the minimal economic impact these changes will have on the waterway users. This determination is based on the fact that generally less than 25 openings a year were required and the bridge owner will be providing openings on signal if at least four hours notice is given to the NYC Highway Radio Hotline room. The hotline telephone number is prominently displayed on the bridges. Additionally, adequate provisions continue to be in effect for expeditious openings for public vessels of the United States and New York City. If the proposed regulations are issued, New York City (NYC) has assured the Coast Guard that the bridges would be remanned whenever an unusually large number of

openings are required, whether due to temporary or permanent conditions. New York City has also stated that when requested, personnel will be available to open any of the bridges if "spring tides" or any other unusually high water conditions occur. The proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis and Review of Regulations (DOT Order 2100.5 of 5-22-80). As explained above, an economic evaluation had not been conducted. In accordance with section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164) it is also certified that these rules, if promulgated, would not have a significant economic impact on a substantial number of small entities because of infrequent openings and the provision to provide openings on signal with at least 4 hours notice.

#### List of Subjects in 33 CFR Part 117

Bridges.

#### PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, it is proposed that Part 117 to Title 33 of the Code of Federal Regulations be amended by revising § 117.160(h) to read as follows:

##### § 117.170 Harlem River, N.Y.; bridges.

(h) New York City Bridges (1) The draws of the following bridges shall open on signal from 10 a.m. to 5 p.m. if at least four hours notice is given to New York City Highway Radio (Hotline) Room. At all other times the draws need not open for commercial or recreational vessels.

- (i) 103rd Street Bridge, mile 0.0
- (ii) Willis Avenue Bridge, mile 1.5
- (iii) 3rd Avenue Bridge, mile 1.9
- (iv) Madison Avenue Bridge, mile 2.3
- (v) 145th Street Bridge, mile 2.8
- (vi) Macombs Dam Bridge, mile 3.2
- (vii) 207th Street (University Heights) Bridge, mile 6.0

(viii) Broadway Bridge, mile 6.8  
 (2) The draws of the bridges listed in § 117.160(h)(1) of this section shall open on signal as soon as possible for the passage of federal, state and local government vessels after advising NYC Highway Radio (Hotline) Room of the need for an opening.

(33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 CFR 1.45 (c)(5); 33 CFR 1.051(g)(3))

Dated: August 9, 1982.

W.E. Caldwell,

Vice Admiral, USCG, Commander, Third Coast Guard District.

[FR Doc. 82-23736 Filed 8-27-82; 8:45 am]

BILLING CODE 4910-14-M

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### 36 CFR Part 7

#### Cedar Breaks National Monument, Utah; Snowmobile Regulations

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

**SUMMARY:** The proposed regulation set forth below is necessary to designate the location in Cedar Breaks National Monument where snowmobiles may be used for recreational purposes when that portion of the motor road is closed to normal motor vehicular traffic by snow and ice. It is the objective of this proposed regulation to provide for the preservation and enjoyment of the Monument in a way that is consistent with both the snowmobile policy of the National Park Service and the off-road vehicle policy of the Department of the Interior.

**DATES:** Written comments, suggestions or objections will be accepted until September 29, 1982.

**ADDRESS:** Comments should be directed to: Superintendent, Cedar Breaks National Monument, P.O. Box 749, Cedar City, Utah 84720.

**FOR FURTHER INFORMATION CONTACT:** Clay Alderson, Superintendent, Cedar Breaks National Monument, Telephone: 801-586-9451.

#### SUPPLEMENTARY INFORMATION:

##### Background

Executive Order 11644 (Use of Off-Road Vehicles on Public Lands) issued in 1972, directed Federal land managing agencies to develop unified regulations and to designate areas of use for off-road vehicles. Such areas must meet criteria which minimize resource damage, harassment of wildlife, disruption of wildlife habitat, and, in the case of national parks, not adversely affect scenic, natural and aesthetic values.

In response to Executive Order 11644, the Secretary of Interior issued a Departmental memorandum on May 5, 1972, to assure full compliance with the Order and to provide policies and procedures for its implementation. The National Park Service, as required by the above directive, promulgated 36 CFR

2.34 on April 1, 1974, which closed all National Park System areas to snowmobile use except those specifically designated as open by Federal Register notice or special regulation.

Routes open to snowmobiling in Cedar Breaks National Monument were discussed in an Environmental Assessment approved August 23, 1976. It was determined at that time that snowmobile use in the Monument did not constitute a major federal action and no environmental impact statement would be necessary. Designated routes in Cedar Breaks were published in the Federal Register of Friday, December 3, 1976, (41 FR 53145). This proposal designates the same routes that were discussed in the Environmental Assessment and which were designated by Federal Register notice. These routes have been used by snowmobiles since 1976.

In order to comply with the requirements of Executive Order 11644 and 36 CFR 2.34, the National Park Service developed a Servicewide policy revision which was published in the Federal Register on August 13, 1979, (44 FR 47412). This policy provides for the use of snowmobiles in units of the National Park System as mode of transportation to provide the opportunity for visitors to see, sense, and enjoy the special qualities of the park in the winter. Snowmobiling must be consistent with the Park's natural, cultural, scenic and aesthetic values; safety considerations; park management objectives; and not disturb the wildlife or damage other park resources.

The policy further provides that, where permitted, snowmobiles shall be confined to properly designated routes and water surfaces which are used by motorized vehicles or motorboats during other seasons. Routes and water surfaces to be designated for snowmobile use shall be promulgated as special regulations in the Code of Federal Regulations. This proposed regulation is necessary to comply with Servicewide policy.

The designated route for snowmobiles will be the main Monument road from the south boundary to the north boundary, the Panguitch Lake road from its junction with the main Monument road east to the east Park boundary, and the paved walkway from the Visitor Center parking lot to Point Supreme overlook. Use of the walkway in this manner departs from usual National Park Service Policy. The walkway is maintained, however, as a service road for park vehicles, and has been traditionally used for access by

snowmobiles to the Point Supreme overlook.

#### Public Participation

It is the policy of the Department of the Interior that whenever practicable, the public will be afforded an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections regarding this proposed regulation to the address noted at the beginning of this rulemaking.

#### Drafting Information

The following person participated in the writing of this regulation: Clay Alderson, Superintendent, Cedar Breaks National Monument.

#### Compliance with Other Laws

The Department of the Interior has determined that this document is not a "major rule" within the meaning of Executive Order 12291 (February 19, 1981), 46 FR 13193, and does not require a regulatory analysis under the requirements of the Regulatory Flexibility Act (94 Stat. 1164, 5 U.S.C. 601 *et seq.*), nor will it have a significant effect on a substantial number of small entities. As noted earlier, the rule would formally designate snowmobile routes which have been in use since 1976. Snowmobiling in Cedar Breaks National Monument has a positive economic impact on nearby winter sports developments and gateway communities.

Pursuant to the National Environmental Policy Act (42 U.S.C. 4332), the Service has prepared an environmental assessment on this proposed regulation which is available at the address noted above.

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

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

#### List of Subjects in 36 CFR Part 7

National parks.

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

In consideration of the foregoing, it is proposed to add a new § 7.52 to Title 36, Code of Federal Regulations, to read as follows:

##### § 7.52 Cedar Breaks National Monument.

(a) *Snowmobiles.* (1) During periods when snow depth prevents regular

vehicular travel in the Monument, snowmobiling will be permitted on the main Monument road and parking areas from the south boundary to the north boundary and on the Panguitch Lake road from its junction with the main Monument road east to the east park boundary. In addition, the paved walkway from the Visitor Center parking lot to the Point Supreme overlook is also open for snowmobile travel.

(2) On roads designated for snowmobile use, only that portion of the road or parking area intended for other motor vehicle use may be used by snowmobiles. Such roadway is available for snowmobile use only when the designated road or parking area is closed by snow depth to all other motor vehicle use by the public. These routes will be marked by signs, snow poles, or other appropriate means. Snowmobile use outside designated routes is prohibited.

(3) The superintendent shall determine the opening and closing dates for use of designated snowmobile routes each year.

Dated: July 27, 1982.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 82-23696 Filed 8-27-82; 8:45 am]

BILLING CODE 4310-70-M

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

#### 46 CFR Part 340

#### Priority Use and Allocation of Shipping Services, Containers, and Port Facilities and Services, for National Defense Operations

AGENCY: Maritime Administration, DOT.  
ACTION: Proposed rulemaking.

**SUMMARY:** The Maritime Administration is issuing as proposed rulemaking a new 46 CFR Part 340, establishing procedures for granting priority use of shipping services, containers and port facilities and services, as well as for allocating shipping capacity, cargo containers and port facilities to defense agencies for dedicated use whenever appropriate to implement authority in Title I of the Defense Production Act of 1950 (50 U.S.C. App. 2061, et seq.).

**DATE:** Written comments by interested persons must be received by the close of business (October 29, 1982).

**ADDRESS:** Send comments to the Secretary, Maritime Administration, Washington, D.C. 20590. All comments

will be made available for inspection during normal business hours in Room 7300, Department of Transportation, Nassif Building.

**FOR FURTHER INFORMATION CONTACT:** Frank B. Case, Chief, Division of National Security Plans, Department of Transportation, Maritime Administration, 400 Seventh Street SW., Washington, D.C. 20590, (202) 382-6100.

#### SUPPLEMENTARY INFORMATION:

##### Background

Title I of the Defense Production Act, 1950, as amended, authorizes the President to require that performance under contracts or orders (other than contracts of employment) which he deems necessary or appropriate to promote the national defense shall take priority over performance under any other contract or order and to allocate materials and facilities in such manner, upon such conditions, and to such extent as he shall deem necessary or appropriate to promote the national defense. Executive Order 10480 delegates the functions conferred upon the President by Title I of the Defense Production Act to the Director of the Federal Emergency Management Agency (FEMA). The Director, FEMA, has redelegated those functions with respect to transportation services to the Secretary of Transportation. Department of Transportation Organization Order 1100.60 delegates to the Maritime Administrator the authority vested in the Secretary of Transportation with respect to defense mobilization and emergency preparedness for coastwise, intercoastal and overseas shipping, ports and port facilities, ship construction, conversion and repair, and support functions related thereto.

#### National Defense Requirement for Priority of Use and Allocation of Shipping Services, Port Facilities and Services, and Container Equipment

In an early stage of a defense emergency, or in anticipation thereof, it would be necessary to move large amounts of military cargo, within short periods, using resources in addition to those that are normally used for the movement of military cargo in peacetime. Emergency conditions would preclude the extended advance planning that is customary for large military movements in peacetime. The requirements for the use of shipping services, containers, and port outloading capacity would be of overriding importance to the national security.

The proposed regulation provides that, on request of a defense agency, the Maritime Administrator, Department of

Transportation, (the "Administrator") may direct vessel operators, container suppliers, and port authorities to give priority of service and equipment use to the defense agency for a specified period.

During an extended national defense emergency, the Department of Defense, and possibly other defense agencies, might require dedicated commercial shipping services on certain trade routes, dedicated or guaranteed supply of containers on a continuing basis, and dedicated facilities at certain commercial ports. The proposed regulation provides that, on request of a defense agency, the Administrator may allocate specified services, facilities and containers for use by the defense agency on a continuing basis. Whenever practicable, an allocation of services, facilities or containers will be preceded by coordination between the defense agency, the Maritime Administration and vessel operators, container suppliers, or port authorities.

Although this rulemaking applies to defense agencies generally, it is contemplated that the Department of Defense will be the primary user.

The provisions of this rulemaking are necessary for timely civil support of military and defense-related operations and there is no alternative found that would be suitable to accomplish this objective. The Administrator has determined that this rulemaking relates to a military function of the United States that is exempt from application of Executive Order 12291 and implementing DOT Order 2100.5. Although this rulemaking is also exempt from application of the Administrative Procedure Act, with respect to notice and public procedures (5 U.S.C. 553), the Maritime Administration (MARAD) is providing an opportunity for public comment. MARAD certifies that the Regulatory Flexibility Act of 1980 (Pub. L. 96-354) is also inapplicable. This rulemaking includes no new reporting requirement for the collection of information within the scope of the Paperwork Reduction Act of 1980 (Pub. L. 96-511).

#### List of Subjects in 46 CFR Part 340

Maritime carriers, National defense, Containers, Habors.

In consideration of the foregoing and pursuant to Title I of the Defense Production Act, 1950, as amended, the following Part 340 is added to Title 46, Code of Federal Regulations:

**PART 340—PRIORITY USE AND ALLOCATION OF SHIPPING SERVICES, CONTAINERS, AND PORT FACILITIES AND SERVICES, FOR NATIONAL DEFENSE OPERATIONS**

**Secs.**

- 340.1 Scope.  
 340.2 Definitions.  
 340.3 General provisions.  
 340.4 Shipping services.  
 340.5 Containers.  
 340.6 Port facilities and services.  
 340.7 Application to contractors and subcontractors.  
 340.8 Priorities for materials and production.

Authority: Defense Production Act of 1950, as amended (50 U.S.C. App. 2061, et seq.); E.O. 10480, as amended (18 FR 4939, 6201, 19 FR 3779); Section 901 of E.O. 11490, as amended (34 FR 17567); Department of Transportation Order DOT 1100.60, as amended.

**§ 340.1 Scope.**

This regulation establishes procedures for assigning priority for use by defense agencies, at any time where appropriate under provision of Title I of the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), of shipping services, containers, and port facilities and services and for allocating shipping services, containers and port facilities and services for exclusive use by defense agencies, as defined herein.

**§ 340.2 Definitions.**

As used in this regulation:

(a) "Administrator" means the Maritime Administrator, Department of Transportation, who is, ex officio, the Director, National Shipping Authority.

(b) "Container" means any type of container for intermodal surface movement that is 20 feet in length or longer, 8 feet wide, and of any height, with ISO standard fittings.

(c) "Container service" means the intermodal movement of goods in containers by surface modes, which includes an ocean movement leg.

(d) "Container service operator" means the operator of a U.S.-flag, U.S.-citizen controlled (pursuant to 46 U.S.C. 802) or non-citizen controlled foreign-flag vessel (within the meaning of § 340.3(j)) that provides containerized ocean shipping service to and from any U.S. port.

(e) "Container supplier" means a U.S.-citizen controlled (pursuant to 46 U.S.C. 802) company which manufactures containers, a container service operator, or a container leasing company.

(f) "Defense agency" means a defense or defense-supporting department or agency of the Federal Government including the Department of Defense, the Department of Energy, the Department of Commerce, or any other

Government agency or subdivision thereof, designated as such by FEMA for the purposes of this regulation or any other regulation or order in implementation of the Defense Production Act of 1950.

(g) "FEMA" means the Federal Emergency Management Agency.

(h) "National defense programs" means programs for military and atomic energy production or construction, military assistance to any foreign nation, stockpiling, space, and directly related activity.

(i) "NSA" means the National Shipping Authority, which is the emergency shipping operations activity of the MARAD established by the Department of Transportation.

(j) "NSAAO" means a National Shipping Authority Allocation Order, which is an order allocating the exclusive use of specified services, containers or facilities to a defense agency for lease or purchase in accordance with this regulation.

(k) "NSASPO" means a National Shipping Authority Service Priority Order, which is an order directing that priority of service be given to the movement of cargoes of a defense agency in accordance with this regulation.

(l) "Port authority" means any State, municipal, or private agency, or firm that owns port facilities or manages such facilities for common-user commercial shipping services under lease from an owner, and any owner or operator of a proprietary port facility or terminal.

(m) "Port facilities and services" means all port facilities, specifically including wharves, piers, sheds, warehouses, yards, and docks, port equipment including harbor craft; and port services normally used in accomplishing the transfer or interchange of cargo and passengers between ocean-going vessels and other modes of transportation, or in connection therewith.

(n) "Shipper" means a civilian or military agency that owns (or is responsible to the owner for) goods transported in shipping service.

(o) "Shipping service" means the waterborne movement of passengers or cargo in the overseas, coastwise, intercoastal and Great Lakes shipping trades.

(p) "Vessel operator" means a U.S.-flag or U.S.-citizen controlled (pursuant to 46 U.S.C. 802) company which operates an ocean-going or Great Lakes vessel to and from any U.S. port.

**§ 340.3 General provisions.**

(a) Pursuant to authority granted to the President by Title I, Defense Production Act of 1950, as amended (50 U.S.C. App. 2071), as delegated, to give priority to performance under contracts deemed necessary or appropriate to promote the national defense, and when necessary for timely support of the national defense to allocate materials and facilities in such manner, upon such conditions and to such extent as necessary or appropriate to promote the national defense:

(1) A defense agency may request priority use or allocation of shipping services, containers, or port facilities and services, and

(2) The Administrator, in conformance with national program priorities as announced or confirmed by FEMA and as authorized by E.O. 10480 and E.O. 11490, may direct owners or operators of the requested services, containers or facilities to give priority of use to the defense agency, or may allocate the requested services, containers, or facilities for the defense agency's use during specified periods.

(b) A defense agency may transmit requests for priority use or allocation of shipping services, containers and port facilities and services to the Administrator by letter, memorandum, or electrical message.

(c) Justification for requested priorities or allocations may include references to military operations plans. When classified, justifications may be provided separately by correspondence or staff coordination. NSASPOs and NSAAOs will not include classified information.

(d) The Administrator shall determine, before issuing an NSASPO or NSAAO, that the action is necessary to meet the requirements of the national defense and is the most effective way to do so. The Administrator, in conjunction with the defense agency, shall coordinate with vessel operators, container suppliers and port authorities to identify services, equipment and facilities to meet requirements covered by NSASPOs and NSAAPs. The Administrator shall ensure that arrangements to provide defense support under NSASPOs and NSAAOs satisfy the defense agency's requirements, with minimum disruption of commercial activities. In particular, when resources are required for movement of hazardous or other special cargo, the Administrator shall ensure that the views of all concerned agencies and interests are obtained and reflected in any actions taken in accordance with this regulation.

(e) The Administrator shall notify FEMA of the intention to issue any directive granting priority for use of or allocating shipping services, containers, or port facilities and services, and shall provide information copies of NSASPOs and NSAAOs to the defense agency concerned, FEMA and the ICC.

(f) Defense agencies which are able to foresee the need for priority use or allocation of shipping services, containers or port facilities and services under emergency conditions shall coordinate with MARAD vessel operators, containers suppliers and port authorities concerned before the need arises. To provide a basis for planning by the defense agency and the concerned vessel operators, container suppliers and port authorities, the Administrator may issue provisional NSASPOs or NSAAOs, which shall include statements of the conditions under which the priorities of use or allocations will take effect.

(g) Defense agencies shall pay for services covered by NSASPOs in accordance with existing or new contracts, or commercial tariffs.

(h) Defense agencies shall contract with vessel operators for use of allocated ships, with port authorities for the use of allocated facilities, and with container suppliers for use of allocated containers. As circumstances require, defense agencies shall also contract with harbor tug operators, stevedores and other service contractors.

(i) Defense agencies benefitting from NSASPOs and NSAAOs shall be responsible for payment of costs arising from:

- (1) The shifting of ships to free berths for defense use;
- (2) Discharging of commercial cargo to free ships for defense use;
- (3) Demurrage incurred by commercial ships as a result of delays occasioned by priority movement of defense agency cargo;
- (4) Indemnification of leaseholders for temporary preemption of facilities, and equipment and other costs arising from priority use of vessels, containers, and port facilities; and
- (5) Equipment and other costs arising from priority use of vessels, containers, and port facilities and services.

(j) The provisions of this regulation shall apply to foreign vessels and containers only when and to the extent that such vessels and containers are available to the United States because of control (46 U.S.C. 802) by U.S. citizens or by provision of international agreements for use of shipping services and related resources for the common defense.

(k) Recipients of NSASPOs and NSAAOs shall notify the Administrator, without undue delay, when they cannot agree with the defense agency about problems in complying with the provisions of the Orders.

#### § 340.4 Shipping services.

(a) When a defense agency requires priority of use of shipping services:

- (1) The agency shall transmit a request to the Administrator specifying:
  - (i) The type of service required;
  - (ii) The route over which priority service is required;
  - (iii) The period during which priority of service is required; and
  - (iv) Justification for priority use of the requested service.

(2) The Administrator shall identify vessel operators that can provide the requested service and issue NSASPOs to those operators directing that priority be given to the movement and delivery of the defense agency's cargo by the type of service specified in the NSASPO during the specified period.

(3) Each vessel operator in receipt of an NSASPO shall:

- (i) Give precedence to the cargoes of the defense agency in provision of equipment, loading, ocean transport and foreign delivery; and
- (ii) Coordinate with other vessel operators that participate in the same priority movement program to ensure movement of the defense agency's cargo on first available sailings.

(b) When a defense agency requires allocation of shipping services on a continuing basis for national defense operations for a specified period or for the duration of a defense emergency, the following procedures shall apply:

(1) The agency shall transmit to the Administrator a request specifying the kinds of services required and the arrangements under which the agency proposes that the services be acquired, managed and compensated.

(2) The Administrator shall identify vessel operators that can supply the requested services and, in directing the allocation of specified services for exclusive use of the defense agency for a specified period, so far as practicable, shall balance the economic burden among operators in issuing NSAAOs to operators.

(3) Each vessel operator in receipt of an NSAAO shall provide shipping services in coordination with the defense agency as specified in the NSAAO.

#### § 340.5 Containers.

(a) When a defense agency requires priority use of containers, the following procedures shall apply:

(1) The agency shall transmit a request to the Administrator specifying:

- (i) The route over which or the area in which priority use of containers is required;
- (ii) The period during which priority of use is required;
- (iii) The approximate time-phased movement requirement in containers of specified sizes and types or in 20-foot equivalent units (TEU);
- (iv) Justification for priority use of containers.

(2) The Administrator shall:

- (i) Identify container service operators capable of meeting the requirement; and
- (ii) Issue NSASPOs to those container service operators, directing that priority be given to supply of containers against the defense agency's movement requirements during the specified period.

(3) Each container service operator in receipt of an NSASPO shall:

- (i) Coordinate with the defense agency on schedules for spotting empty containers and for movement of containerized cargoes; and
- (ii) Supply containers to the defense agency in accordance with the defense agency's scheduling needs or supply the first available containers if those needs cannot be met.

(b) When a defense agency requires the allocation of containers on a continuing basis for national defense operations:

(1) The agency shall transmit a request to the Administrator specifying:

- (i) The number of containers required by type;
- (ii) Whether the agency proposes to lease or purchase the containers;
- (iii) The expected duration of the lease, if the containers are to be leased;
- (iv) The locations at which the agency will take possession of the containers and the required delivery schedule; and
- (v) Justification for allocation of containers.

(2) The Administrator shall identify container suppliers that can supply the required containers, and shall provide, so far as practicable, for balancing of the defense agency's requirement against other requirements for containers so as to minimize disruption of inventory distribution, and shall issue NSAAOs to suppliers, directing the allocation of specified numbers of containers by type for exclusive use of the defense agency for a specified period.

(3) Each container supplier in receipt of an NSAAO shall lease or sell the containers specified in the NSAAO to the defense agency and deliver the containers to the defense agency at the

places and times specified in the NSAAO or separately agreed with the defense agency.

**§ 340.6 Port facilities and service.**

(a) When a defense agency requires priority use of port facilities and services:

(1) The agency shall transmit a request to the Administrator specifying:

(i) The ports at which priority use of port facilities and services is required and the kinds of facilities and services required at each port;

(ii) The approximate scale and duration of the operation for which priority support is required;

(iii) Justification for priority use of port facilities and services; and

(iv) When standby arrangements in anticipation of requirements are requested, definition of the circumstances that would cause activation of the standby arrangements.

(2) The Administrator shall issue NSASPOs to the port authorities concerned, directing that priority be given to the receipt, in transit handling, and outloading of the defense agency's cargo during a specified period and, when arrangements are made on a standby basis, upon the occurrence of specified events.

(3) Each port authority in receipt of an NSASPO shall:

(i) In coordination with the defense agency, identify the facilities and equipment needed to meet the requirements;

(ii) Make such dispositions of commercial cargoes and ships loading or discharging commercial cargoes as may be necessary to accommodate priority

movement of the defense agency's cargoes; and

(iii) Ensure receipt, in transit handling and outloading of the defense agency's cargoes as rapidly as possible.

(b) When a defense agency requires the allocation of port facilities for exclusive use of the agency on a continuing basis:

(1) The agency shall transmit a request to the Administrator specifying:

(i) The ports at which the allocation of facilities is required and the kinds of facilities needed at each port;

(ii) The general terms and conditions under which the agency proposes to acquire the needed facilities and compensate the owners or leaseholders;

(iii) The periods during which the facilities will be required;

(iv) Justification for allocation of facilities; and

(v) When standby arrangements in anticipation of requirements are requested, definition of the circumstances that would cause activation of the standby arrangements.

(2) The Administrator shall identify facilities that meet the defense agency's needs, and shall issue to each concerned port authority an NSAAO directing the allocation of specified facilities for exclusive use of the defense agency during a specified period, or when arrangements are made on a standby basis, upon the occurrence of specified events.

(3) Each port authority in receipt of a NSAAO shall make the specified facilities available to the defense agency for the specified period under terms and conditions agreed with the defense agency or specified in the NSAAO.

**§ 340.7 Application of NSASPOs and NSAAOs to contractors and subcontractors**

A NSASPO or NSAAO issued to a vessel operator, port authority or container supplier shall apply, to the extent necessary to meet the defense agency needs covered by the NSASPO or NSAAO, to bunkering, stevedoring and docking contractors and other contractors and subcontractors operating at or providing services at the facilities used by recipients of the NSASPO or NSAAO and to other subcontractors of those recipients.

**§ 340.8 Priorities for materials and production.**

(a) Priorities for production services which vessel operators, port authorities and container suppliers need to comply with NSASPOs and NSAAOs will be requested in accordance with regulations governing the Defense Materials System (15 CFR Part 330 et seq.) and the Defense Production System (44 CFR Part 320 et seq.)

(b) Priorities for fuels which vessel operators, port authorities and container suppliers need to comply with NSASPOs and NSAAOs will be requested in accordance with regulations issued by the Department of Energy.

By order of the Maritime Administrator,  
Department of Transportation.

Dated: August 25, 1982.

Georgia P. Stamas,  
Assistant Secretary.

[FR Doc. 82-23724 Filed 8-27-82; 8:45 am]

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# Notices

Federal Register

Vol. 47, No. 168

Monday, August 30, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## COMMISSION ON CIVIL RIGHTS

### Michigan Advisory Committee; Meeting; Amendment

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a meeting of the Michigan Advisory Committee of the Commission originally scheduled for September 15-16, 1982, at Sault Ste. Marie, Michigan, (FR Doc. 82-23159 on page 35873) has been changed.

The meeting now will be held on September 22, 1982, beginning at 6:00p, and will adjourn at 12:00p, on September 23, 1982, at the Westin Hotel, Renaissance Center, Detroit, Michigan, 48243

Dated at Washington, D.C., August 25, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-23674 Filed 8-27-82; 8:45 am]

BILLING CODE 6335-01-M

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Preliminary Affirmative Countervailing Duty Determinations; Certain Steel Products From Spain

AGENCY: International Trade Administration, Commerce.

ACTION: Preliminary affirmative countervailing duty determinations.

**SUMMARY:** We preliminarily determine that certain benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in Spain of certain steel products, as described in the "Scope of Investigations" section of this notice. The estimated net subsidy for each firm is indicated in the "Suspension of Liquidation" section of this notice. Therefore, we are directing the U.S.

Customs Service to suspend liquidation of all entries of the products subject to these determinations which are entered, or withdrawn from warehouse, for consumption, and to require a cash deposit or the posting of a bond on these products in an amount equal to the estimated net subsidy.

If these investigations proceed normally, we will make our final determinations by November 8, 1982.

**EFFECTIVE DATE:** August 30, 1982.

#### FOR FURTHER INFORMATION CONTACT:

Holly Kuga, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 377-0171.

#### SUPPLEMENTARY INFORMATION:

##### Preliminary Determinations

Based upon our investigations, we preliminarily determine that there is reason to believe or suspect that certain benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended ("the Act"), are being provided to manufacturers, producers, or exporters in Spain of certain steel products, as described in the "Scope of Investigations" section of this notice. For purposes of these investigations, the following programs are preliminarily found to confer benefits which constitute subsidies:

- Medium and long-term preferential loans
- Privileged circuit exporter credits—working-capital loans (short-term preferential loans)
- Capital infusions

We estimate the net subsidy to be the amount indicated for each firm in the "Suspension of Liquidation" section of this notice.

##### Case History

On January 11, 1982, we received petitions from United States Steel Corporation; and counsel for Republic Steel Corporation, Inland Steel Company, Jones & Laughlin Steel, Inc., National Steel Corporation, and Cyclops Corporation, filed on behalf of the U.S. industry producing carbon steel structural shapes, hot-rolled carbon steel plate, cold-rolled carbon steel sheet, galvanized carbon steel sheet, hot-rolled carbon steel bars, cold-formed carbon steel bars, hot-rolled carbon

steel sheet, hot-rolled alloy steel bars, and cold-formed alloy steel bars. The petitions alleged that certain benefits which constitute bounties or grants within the meaning of section 303 of the Act are being provided, directly or indirectly, to the manufacturers, producers, or exporters in Spain of the steel products listed above. Counsel for petitioners also alleged that "critical circumstances" exist, as defined in section 703(e) of the Act.

We reviewed the petitions and on February 1, 1982, determined that countervailing duty investigations should be initiated (47 FR 5753). In the notice announcing these investigations, we stated that we expected to issue preliminary determinations by April 6, 1982.

Section 303 of the Act applied to these investigations when they were initiated because at that time, Spain was not a "country under the Agreement" within the meaning of section 701(b) of the Act and the products at issue were dutiable. Therefore, the domestic industry was not required to allege that, and the U.S. International Trade Commission (ITC) was not required to determine whether, imports of these products caused or threatened to cause material injury to the U.S. industry in question.

On April 14, 1982, the Office of the U.S. Trade Representative announced that Spain had become a "country under the Agreement" as defined in section 701(b) of the Act. As a result, Title VII of the Act applies to all countervailing duty investigations concerning merchandise from Spain. Accordingly, on April 29, 1982, we published a notice in the *Federal Register* (47 FR 18402) of our termination of the investigations begun of February 1, 1982 under section 303, and our initiation of investigations under Title VII of the Act as of April 14, 1982. Unless extended, the preliminary determinations in these investigations were due no later than June 18, 1982. We subsequently determined that these investigations were "extraordinarily complicated" as defined in section 703(c) of the Act, and extended the deadline for making our preliminary determinations by 65 days to August 23, 1982 (47 FR 25393).

Since injury determinations are required for investigations involving a country under the Agreement, we advised the ITC of our initiations and made information from our files

available to it, in accordance with section 355.25(b) of the Commerce Department Regulations. On June 10, 1982, the ITC preliminarily determined that there is a reasonable indication that imports of carbon steel structural shapes, hot-rolled carbon steel plate, cold-rolled carbon steel sheet, galvanized carbon steel sheet, hot-rolled carbon steel bars and cold-formed carbon steel bars are materially injuring or threatening to materially injure a U.S. industry.

We presented questionnaires concerning the allegations to the government of Spain at its embassy in Washington, D.C. on February 19, 1982. On May 17, 1982, we received the responses to the questionnaires. Supplemental responses were received on June 21, June 29, and August 4, 1982. Additional data has been submitted since the August 4 submission. Where possible this data has been considered in these preliminary determinations. Data that could not be considered in making our preliminary determinations will be considered in making our final determinations in these cases.

#### Scope of the Investigations

The products covered by these investigations are:

- Carbon steel structural shapes
- Hot-rolled carbon steel plate
- Cold-rolled carbon steel sheet
- Galvanized carbon steel sheet
- Hot-rolled carbon steel bars
- Cold-formed carbon steel bars

The products are fully described in Appendix A to this notice. (The product definition of cold-formed carbon steel bars has been amended since the initiation of these investigations (47 FR 5739-40)).

Empresa Nacional Siderurgica, S.A. ("ENSIDESA"); Altos Hornos Del Mediterraneo, S.A. ("AHM"); Altos Hornos De Vizcaya, S.A. ("AHV"); Jose Maria Aristrain, S.A. ("Aristrain"); Industrias Del Besos, S.A. ("IDB"); Pedro Orbeago y Cia, S.A. ("Orbeago"); Tuyper, S.A. ("Tuyper"); Hierros Madrid, S.A.; Aceros De Llodio, S.A.; Forjas y Aceros De Reinosa, S.A.; Forjas Alevasas, S.A.; S.A. Echevarria; and Babcock & Wilcox Espanola, S.A. are the only known producers and exporters in Spain of the subject products which were exported to the United States. The period for which we are measuring subsidization is the 1981 calendar year.

#### Analysis of Programs

In its responses, the government of Spain provided data for the applicable periods. Additionally, we received information from the following firms,

which produced and exported to the United States the products under investigation:

#### Firms and Product

ENSIDESA—carbon steel structural shapes, hot-rolled carbon steel plate, cold-rolled carbon steel sheet and galvanized carbon steel sheet

AHM—cold-roll carbon steel sheet

AHV—galvanized carbon steel sheet

Jose Maria Aristrain—carbon steel structural shapes

Pedro Orbeago—hot-rolled carbon steel bars and cold-formed carbon steel bars

Industrias Del Besos—hot-rolled carbon steel bars

Tuyper—cold-formed carbon steel bars

Certain subsidies discussed in this notice were conveyed through a series of laws and decrees issued by the government of Spain. Those laws and decrees include the following:

*Decree 669/74 of March 14, 1974* ("Concerted Action")—This decree established the National Steel Industry Program, 1974-1982. To achieve the specific goals established by this program, the government authorized certain benefits for the integrated and non-integrated steel firms which included preferential loans and loan terms, accelerated amortization of non-liquid investments, substantial reduction of certain taxes, and expropriation of land for new plant construction.

*Law 60/1978 of December 23, 1978*—This law authorized government aid in the form of preferential loans and loan terms and capital infusions for the three integrated steel producers, ENSIDESA, AHM and AHV.

*Royal Decree 878/1981 of May 8, 1981*—This decree, also known as the Integral Iron and Steel Reconversion Plan, provided aid to the integrated steel producers in the form of preferential interest rates and terms of outstanding loans, new loans with preferential interest rates and terms, loan guarantees, capital grants, and tax and social security payment deferrals.

References will be made throughout this notice to a public holding company, the Instituto Nacional de Industria ("INI"). This company was created in 1941 as an autonomous government agency to promote and stimulate the industrial development of Spain. INI's responsibilities cover a variety of sectors ranging from basic services to basic industries such as iron and steel.

Based upon our analysis to date of the petitions and responses to our questionnaires, we have preliminarily determined the following:

#### I. Programs Preliminarily Determined To Be Subsidies

We preliminarily determine that subsidies are being provided to manufacturers, producers, or exporters in Spain of the products under investigation under the programs listed below.

##### A. Preferential Loans

Petitioners alleged preferential financing in the form of low interest loans, preferential loan terms and loan guarantees. The Department requested from each of the companies under investigation information on all loans outstanding during the period for which we are measuring subsidization. A number of the loans applicable to the Spanish steel producers were authorized in 1981 by the government as evidenced by Royal Decree 878/1981. This suggests that benefits to the steel industry may be continuing. Any subsidies flowing from such loans under this decree occur outside the period for which we are measuring subsidization and would be part of an annual review should countervailing duty orders be issued in these investigations. Consequently they are not part of the analysis that follows.

We discuss short-term borrowings and medium and long-term financing separately below.

1. *Medium and Long-Term Preferential Loans.* Medium-term financing in Spain is from two to five years. Long-term financing is less prevalent and is usually not for periods longer than ten years. Each of the companies under investigation reported medium and long-term loans outstanding during the period for which we are measuring subsidization.

We examined each loan reported to determine if the government was lending or had directed the bank to lend these funds to certain companies, sectors or regions in Spain at preferential rates or terms.

To calculate any subsidy on such loans, we compared the principal and interest payments the company would have made during a given period on a comparable loan from a normal commercial lender with the amount actually paid on the loans in question.

To determine what the company would have paid on a comparable loan, we used as our benchmark interest rate, the average maximum interest rates published by the Banco de Espana for the year in which the loan was received. Where published, the appropriate monthly or quarterly rates were used. The only published information available to us for 1962-1969 was the

fixed minimum rates established for that period by the government of Spain. From 1972-1977, rates were published for commercial and industrial banks. We used the industrial banks' maximum rate since these banks lent funds to industry and were the primary source of long-term money during this period. Commercial bank rates were used during all other time periods.

Some loans and loan terms were mandated for certain companies by name in law or decrees issued by the government of Spain. In these cases, when available, we used as a benchmark the rate the firm had received on commercial loans of similar terms in the same year from Spanish commercial banks. In choosing the company-specific benchmark, we did not consider government-guaranteed loans or government-mandated loans.

We computed in each year of each loan the differential in payments between the actual loan and the comparable commercial loan. We then calculated the present value of this stream of differentials in the year the loan was made using as the discount rate for that year, the average long-term government-bond yield for Spain. (Where the bond yield was not available, we calculated it by dividing the government bond rate by the commercial bond rate in the nearest year for which these rates existed and applying the percentage that results to the commercial bond rate for the year in question.)

The lump-sum benefit (present value of stream of differentials) was then allocated in constant nominal amounts over the life of the loan. The 1981 portion of the benefit was then further allocated over the total sales value of steel production reported by the company under investigation.

The majority of loans reported by the responding Spanish firms contained provisions for deferred principal repayments. Loans to those companies and generally from commercial sources within and outside of Spain contained similar provisions. Therefore, for purposes of these preliminary determinations, we are treating deferred principal repayments as not preferential and thus not a countervailable subsidy. Exceptions to this position for unusually long deferment periods are noted below in the discussion of individual companies. For purposes of these preliminary determinations, we treated loans guaranteed or directed by INI as having been guaranteed or mandated by the government of Spain.

A discussion of our treatment of these loans by company follows:

### 1. ENSIDESA

Petitioners alleged that ENSIDESA is uncreditworthy. We found that the firm incurred significant losses ranging from approximately seven to thirteen percent of sales and negative cash flows in each year since 1977. Certain significant financial ratios suggest an uncreditworthy situation. ENSIDESA, however, reported many loans from private commercial sources. In the absence of information indicating that these loans are guaranteed by the government of Spain, or are otherwise subsidized, we consider these loans evidence that ENSIDESA is a creditworthy institution.

ENSIDESA reported medium and long-term loans outstanding during the period for which we are measuring subsidization. A number of these were loans that the government had specifically issued or directed to the steel industry and ENSIDESA. We found a subsidy flowing from these loans when the interest rate was less than the benchmark discussed earlier. In those instances where we did not know the month in which a loan was obtained, the highest quarterly interest rate prevalent in that year was used. We did not have a benchmark interest rate for one loan in 1963. We used as best information the interest rate in 1964. Multiple disbursements from a single loan were treated as individual loans. In such cases we used as the benchmark the commercial interest rate at the time of the disbursement. Royal Decree 878/1981 extended the deferral period on some of the loans under discussion. Where this occurred, we considered the extension to be a benefit and included it in our subsidy calculations.

Two other categories of loans were not countervailed: a) Loans of ENSIDESA which reportedly carried no INI or government guarantee and were not the result of a government mandate; and b) loans from the United States Export-Import Bank that were guaranteed by INI and the government of Spain, because, under the Act, loans from U.S. government lending institutions are not countervailable.

We preliminarily determine that the ad valorem subsidy for preferential medium and long-term loans to ENSIDESA is 2.91 percent.

### 2. AHM

Petitioners had also alleged that AHM was uncreditworthy. We found that this firm incurred significant losses ranging from approximately twenty-five to forty-nine percent of sales in each year since 1977. In addition, cash flow has been negative and certain significant

financial ratios indicate an uncreditworthy situation since 1977. AHM has not identified any loans from private commercial sources in the data submitted. It was also during this period of large financial losses that the government of Spain first purchased equity in AHM. The government of Spain acquired 33.3 percent of the company in 1978. In 1979, the government purchased the remainder of the company. While government ownership is not in itself indicative of uncreditworthiness, its growing equity participation in the absence of similar investments from private sources is an indication of the company's difficulty in acquisition of capital. On the basis of this information, we have decided for purposes of these preliminary determinations to consider AHM as uncreditworthy since 1977.

AHM did not report all loans outstanding during the period for which we are measuring subsidization. The loan data originally submitted was for new loans received in 1979 and 1980 and did not account for the long-term loan balance reflected in AHM's financial statements. We requested and received supplemental information on a portion of the loans that make up this difference. We used as best information available AHM's financial statements to estimate the loans that were outstanding and obtained prior to 1979 but were not specifically identified in any of the information we received. AHM also did not supply sufficient information on the conditions of certain loans. As best information available, we are treating all their loans carrying incomplete terms as if they were specifically directed by the government to AHM at preferential rates and terms. For purposes of these preliminary determinations we are treating the funds received prior to 1979 for which we have incomplete information as a single 1978 loan.

One loan from BCI was reported by AHM as outstanding prior to the period during which we consider AHM uncreditworthy. We use the methodology described earlier in this notice for loans to creditworthy companies to calculate any subsidy flowing from this loan to AHM. We treated loans to AHM during the period we considered it uncreditworthy as equity infusions to reflect their great risk, very junior status and low probability of repayment. The methodology we used to quantify the subsidies conferred through equity infusions in AHM is discussed later in this notice under the section entitled "Capital Infusions." According to our methodology for loans to

uncreditworthy companies, we reduce the subsidy calculated using this equity methodology by the principal and/or interest paid on the subject loans. AHM states that they have made principal and interest payments on these loans but does not provide the amounts. Therefore, these loans have been treated for purposes of the preliminary determinations, as if no payments were made.

We preliminarily determine that the ad valorem subsidy for preferential medium- and long-term loans to AHM is 18.8 percent.

### 3. AHV

Petitioners alleged that AHV is uncreditworthy. We found that the firm incurred significant losses ranging from approximately seven to twenty-one percent of sales and negative cash flows in each year since 1977. Certain significant financial ratios suggest an uncreditworthy situation. The company, however, reported loans from private commercial sources where there was no evidence of an INI or government of Spain guarantee. These loans did not result from an INI or government of Spain mandate or appear to be otherwise subsidized. Furthermore, government ownership in this company is not significant (less than one percent). In light of these findings we are treating AHV as a creditworthy institution. Therefore, we are using the methodology discussed above for loans to creditworthy companies to determine any subsidies to AHV.

AHV reported medium- and long-term loans outstanding during the period for which we are measuring subsidization. A number were loans that the government had specifically issued or directed to the steel industry and AHV. We found a subsidy flowing from these loans when the interest rate was less than the benchmark discussed earlier. The normal deferral period on private commercial loans to AHV appeared to be approximately 3 years or less. AHV reported deferrals of greater than 3 years on some of the loans under discussion. We considered the longer deferral to be a benefit and included the difference in deferral periods in our subsidy calculations. We did not have sufficient information on three loans to determine if they were preferential because AHV did not provide the original loan amount, issuance date, loan length or interest rate. We shall seek this information during verification. We did not have benchmark interest rates for loans in the period 1957 to 1963. We used as best information the interest rate on bonds issued by AHV in the

year or within one year of the date of each loan.

Three of the loans in this period occurred in one year. AHV supplied the interest rate on only one of these loans. For purposes of the preliminary determinations, we assumed the rate known applied to the remaining two loans in that year. Therefore, all three loans were determined to be preferential. AHV also reported a loan received in 1975 under the Concerted Action program. We requested but have not received information on the interest rate on this loan. As best information, we calculated a rate by taking the ratio of the interest rate to the benchmark for a Concerted Action loan that was obtained at about the same time by another Spanish company in these steel investigations. We applied this ratio to the benchmark interest rate to obtain an interest rate for AHV's Concerted Action loan. Therefore, it was considered preferential and included in our subsidy calculations.

We also found a number of loans that were not countervailable. These were loans from private commercial sources reported by the company as not having resulted from a government act or bearing a government guarantee.

We preliminarily determine that the ad valorem subsidy for preferential medium and long-term loans to AHV is 1.83 percent.

### 4. Jose Maria Aristrain

Aristrain had only one long-term loan outstanding during the period for which we are measuring subsidization. This loan was from the Banco Credito de Industrial ("BCI"), a government credit institution which issues loans directed by the government to the Spanish steel industry. We used the methodology described earlier in this notice for loans to creditworthy companies to calculate any subsidy to the Aristrain.

We preliminarily determine that the ad valorem subsidy to Aristrain for this preferential long-term loan is 0.08 percent.

### 5. Industrias Del Besos

IDB reported long-term loans outstanding during the period for which we are measuring subsidization. These loans were from BCI. We used the methodology described earlier in this notice for loans to creditworthy companies to calculate any subsidy to IDB.

We preliminarily determine that the ad valorem subsidy to IDB for preferential long-term loans is 0.05 percent.

### 6. Pedro Orbeago y Cia, S.A.

Orbeago reported two loans outstanding during the period for which we are measuring subsidization. The outstanding balances on these loans do not account for the long-term loan balance is largely comprised of loans received under the Concerted Action Program. In addition, Aceriales, the consortium of specialty steel producers created by the Spanish government under Royal Decree 2206/1980 for the restructuring of the Spanish steel industry, reports disbursing funds to Orbeago in 1980. We have requested, but not received, additional information on these matters.

Of the two loans reported by Orbeago, we have preliminarily determined that no subsidy arises from the loan obtained from private sources. BCI provides the other funds but has not paid out in total the amount it approved for Orbeago. We treated as individual loans the two disbursements that have been made on that loan thus far. We deducted from the long-term loan total recorded in Orbeago's 1980 financial statements the principal outstanding on the loan from private sources, as well as two other categories of long-term debt which did not appear to be related to preferential financing. For purposes of these preliminary determinations, we treated the balance as a single loan issued the same year as the first disbursement of the BCI loan described above and subject to its terms and conditions. The company's response indicates that Orbeago is in receivership. Best available information indicates that the loans were issued prior to this occurrence. Therefore, for purposes of these preliminary determinations, we are using the methodology for loans to creditworthy companies to calculate any subsidy to the company. We will seek additional information.

We preliminarily determine that the ad valorem subsidy to Orbeago for preferential long-term loans is 1.38 percent.

### 7. Tuyper

Tuyper reported outstanding loans during the period for which we are measuring subsidization but did not supply information on all loan terms. Two loans were obtained from BCI. We have requested but not received information on the interest rate on these loans. We used as best information available the rate another Spanish company in the steel investigations obtained from BCI in approximately the same time period. We used the

methodology described earlier in this notice for loans to creditworthy companies to calculate any subsidy to Tupper.

We preliminarily determine that the ad valorem subsidy to Tupper for its preferential medium and long-term loans is 0.48 percent.

**2. Short-term Preferential Loans.** In Spain short-term borrowing is for any period up to 18 months. The only short-term borrowing reported by the companies under investigation was that obtained under the Privileged Circuit Exporter Credits.

The government of Spain requires all Spanish commercial banks to maintain a specific percentage of their lendable funds in privileged circuit accounts. These funds are made available to exporters at preferential interest rates through a variety of credit programs. While there is no direct outlay of government funds, the benefits conferred on the companies are the result of a government-mandated program to promote exports. Of the four privileged circuit programs identified in the notice of initiation, we determine that certain steel producers benefited from one, the working-capital loans program.

Under the privileged circuit program, firms may obtain working-capital loans for less than one year, the total of which is not to exceed a specified percentage of their previous year's exports. In 1981 this percentage for firms without exporter's cards was 20 percent until November, when it was decreased to 16 percent. For firms with government-issued exporter's cards, the applicable rates were 30 percent before November and 24 percent thereafter. On April 14, 1982 the percentage was further reduced to 22.5 percent for firms with exporter's cards and to 15 percent for firms without such cards.

In 1981, the privileged circuit working-capital loan interest rate ceiling mandated by the government was 10 percent, including fees and commissions. Working-capital loans are available throughout Spain to all exporters meeting eligibility requirements. In such instances we calculate the subsidy by comparing the preferential interest rate with the national average commercial interest rate on loans with similar terms and conditions.

The loans obtained by the manufacturers, producers, and exporters in Spain of the products under investigation were approximately one year in length. We determined that for June through December 1981, the period when most firms received their working-capital loans, the average prime interest

rate was 16.94 percent for loans of approximately one year and that the average borrower paid 2 percentage points over the prime rate for loans of this type. As the percent working-capital loan rate includes fees and commissions, we also made an addition of 0.5 percent to the commercial rate, which by Spanish law is the maximum allowable charge for fees and commissions. Based on this data we determined the national average commercial interest rate to average borrowers to be 19.44 percent for one-year loans, including fees and commissions.

To determine the benefit, the interest differential of 9.44 percent was applied to the total privileged circuit working capital loans of producers exporting the subject merchandise to the United States in 1981. The total working-capital loan figure for 1981 was comprised of the actual loans received by ENSIDESA, AHM, were eligible to receive under this program in June 1981. AHV Aristrian, Tupper and IDB, and the amount of loans Orbeago and AHV supplied no information on its participation in the program. Orbeago indicated participation in the program, but it provided no specific loan information. For the purposes of these preliminary determinations, we used 30 percent of these two companies' 1980 exports to represent their use of working-capital loans. The total working-capital loan figure was prorated over all exports of these seven companies to arrive at a subsidy per metric ton. We divided this figure by the weighted-average f.o.b. price per metric ton of all steel products exported by these firms in 1981 to arrive at the estimated ad valorem countervailing duty rate of 1.91 percent.

#### B. Capital Infusions

The petitioners allege that the integrated steel companies have received equity infusions from the government of Spain under Law 60/1978 and Decree 878/1981.

A discussion of these capital infusions on a company-by-company basis follows:

##### 1. Ensidesa

INI purchased new stock issuances of ENSIDESA in 1979 and 1981. We do not consider such equity infusions by the government or its agencies to be subsidies per se. They are subsidies only when the investments are made on terms inconsistent with commercial considerations. As discussed earlier, ENSIDESA has recorded significant and persistent losses in each year since 1977. Where such losses exist, and other financial indicators are such as to

discourage normal commercial investors, we treat equity infusions as potentially giving rise to a subsidy on the subject merchandise.

Since ENSIDESA's stock is traded on the stock market, we obtained the average stock price of the company prior to the time of the INI's purchases. We then compared this market price of the new stock issued to the government with the actual value to the company of the government's equity purchases. If the actual value was greater than the market value, we found the difference to be a grant and allocated it over 15 years, the average useful life of capital assets in the steel industry based upon studies of actual experience in integrated steel mills. To allocate this grant, we used the government-bond yield in the year the funds were received to reflect the time value of money. While the 1981 stock issuance was subscribed to in its entirety by INI, we included in our calculations only those shares actually paid for by INI in that year. We allocated the 1981 portions of these equity infusions in ENSIDESA over its total sales value of steel production to arrive at a preliminary ad valorem subsidy of 1.35 percent.

##### 2. AHM

AHM is owned entirely by INI. As stated earlier, these shareholdings were obtained during a period when AHM was experiencing significant and persistent losses. We treated these infusions as potentially giving rise to a subsidy on the subject merchandise because these equity purchases were made on terms inconsistent with commercial considerations at the time of purchase.

AHM's stock is not traded on the market. We review the return the government received on their equity investments where, as in this case, there is no market price. To the extent that in any year the government's rate of return on its investment is less than the average rate of return on equity investments in Spain in that year, its equity infusion is a subsidy.

AHM indicates in its response that the company issued 12,000 new shares of stock in 1978. AHM also reported that INI paid 10.17 billion pesetas for stock in 1978 increasing its ownership from zero in 1977 to 33.3 percent in 1978. We assume for these preliminary determinations that INI's increase in ownership is the result of its purchase of only the new stock issuance. Therefore, we are including this amount in our analysis of equity purchases by INI.

In 1979, INI spent 1.86 billion pesetas to purchase additional shares in AHM.

Private shareholdings in the company dropped from 66.6 percent in 1978 to zero percent in 1979 as the government shareholdings increased to 100 percent. Since there were no new issuances of stock that year, we assume for these preliminary determinations that INI purchased its shares from private stockholders. Any benefit from the price INI paid would be passed to the prior shareholders and not AHM. Therefore, we did not treat this purchase as potentially giving rise to a subsidy on the subject merchandise.

In 1980, INI owned 100 percent of AHM. New issuances of stock that year were purchased in their entirety by INI for 2.79 billion pesetas. Therefore, we are including this amount in our analysis of equity purchases in AHM.

AHM did not respond to our questionnaire concerning any of the benefits granted to it by Royal Decree 878/1981. The Decree authorizes INI to purchase 8.0 billion pesetas of stock from AHM in 1981. Our review indicates that AHM has consistently and on a timely basis received the benefits authorized in the laws and decrees issued for the integrated steel producers by the government of Spain. Therefore, for these preliminary determinations, we are including this amount in our analysis of equity purchases in AHM.

To determine if the government's investments gave rise to a subsidy on the merchandise under investigation, we compared the rate of return the government received on its investment in AHM with the average rate of return on equity investments in Spain in 1981. We used earnings yield as the nationwide benchmark for return on equity. Since the government's return from its holdings in AHM was less than the return for the country as a whole, we treated these equity purchases as subsidies.

In no case do we countervail an equity infusion (including a loan subsidy to an uncreditworthy company) more than if the government gave the funds as an outright grant. Comparing AHM's return with the average national return yielded a 1981 subsidy exceeding the subsidy we would have calculated had we treated the equity purchases as outright grants. Consequently, we limited the subsidy to the 1981 amount which would have been found if the equity investments were treated as grants.

We allocated the 1981 portion of the equity investments in AHM over its total sales value steel production to arrive at a preliminary ad valorem subsidy of 11.75 percent.

### 3. AHV

One of the petitioners states in its petition that Law 60/1978 authorizes the "capital conversion" of long-term loans which the government granted to AHV through the BCI. New loans of 4.5 billion pesetas granted to AHV under this law can also be converted to stock. Decree 878/1981 does not grant any capital infusions to AHV. AHV reported no instances of government loans having been converted into capital. Therefore, we preliminarily determine that AHV has not received subsidies as a result of government equity infusions.

## II. Programs Preliminarily Determined Not To Be Subsidies

We preliminarily determine that subsidies are not being provided to manufacturers, producers, or exporters in Spain of the products under investigation, under the following programs.

### A. *Desgravacion Fiscal a la Exportacion (DFE)*

Spain employs a cascading tax system. A turnover tax (IGTE) is levied on each sale of a product through its various stages of production, up to (but not including) the ultimate sale at the retail level. The DFE is the mechanism used in Spain for the rebate of these accumulated taxes (hereafter referred to as "indirect taxes") upon exportation of that product. In calculating the DFE payments to be rebated to exporters, the Spanish used an input-output table of the economy that defined indirect tax incidences on a sectoral basis. This is the basis for a schedule of border taxes ("ICGI") designed to subject imported goods to a tax burden equivalent to that borne by an identical or similar item produced in Spain. The DFE is tied by law to the level of the ICGI.

To demonstrate the actual indirect tax incidence on each product under investigation, the government of Spain provided a "structure of cost" analysis of each product. This identified inputs incorporated into each product, the percent each input comprised of the total cost of producing each product, and the indirect tax incidence burdening each input.

Based on the 1980 IGTE tax rate of 2.4 percent, the total indirect tax burden (including two final stage taxes) in 1980 on each product under investigation was 10.31 percent for carbon steel structural shapes, 12.28 percent for hot-rolled carbon steel plate, 13.47 percent for galvanized carbon steel sheet, 12.19 percent on hot-rolled carbon steel bars, 11.32 percent on cold-formed carbon steel bars and 14.07 percent on cold-

rolled carbon steel sheet. The DFE rate in 1980 did constitute an overrebate of indirect taxes because the DFE rebate for each product was 15.5 percent. However, in January 1981, the government of Spain increased the IGTE rate by 58 percent to 3.8 percent; and in January, 1982, further increased the IGTE to 4.6 percent. As a result of these increases in the tax rate the indirect tax burden on each product exceeds the 15.5 percent DFE rate and the overrebate is eliminated. Therefore, we preliminarily determine that the current DFE rebate of 15.5 percent is less than the indirect tax burden currently borne by each product under investigation and thus, in these cases, the DFE is not a benefit which constitutes a subsidy.

### B. *Amendment of Annual Finance Investment Plans*

The government of Spain allowed ENSIDESA and AHM to obtain additional loans by permitting amendments to the companies' annual finance plans. This, in itself, is not a subsidy. Benefits that result from the loans this amendment made possible are dealt with in the manner described in the loans section of this notice.

## III. Programs Preliminarily Determined Not To Be Utilized

We have preliminarily determined that the following programs which were identified in the notice of "Initiation of Countervailing Duty Investigations" are not utilized by the manufacturers, producers, or exporters in Spain of the products under investigation.

### A. *Certain Privileged Circuit Exporter Credits*

Privileged Circuit Exporter Credits were discussed in general earlier in this notice. One program, working-capital loans, has been preliminarily determined to provide subsidies to manufacturers, producers or exporters of the products under investigation. The three remaining privileged circuit programs identified in our notice of initiations were not utilized. They are:

(1) *Commercial Services Loans.* Exporters may obtain preferential loans to establish, expand or acquire commercial services in export markets or to maintain stock for export. Commercial services loans may cover 60-65 percent of the real investment while stock maintenance loans may cover 30-35 percent of the average annual value of the stock.

(2) *Short-Term Export Credit.* Companies with firm orders for export can qualify for preferential short-term export credit. The loan amounts are

limited to 80-90 percent of the total contract price of the exported goods.

(3) *Prefinancing Exports.* Companies that manufacture certain capital and consumer products can qualify for preferential short-term financing with firm orders for export of these items. The loan amounts are limited to 80-85 percent of the contract price of exported products.

#### B. Warehouse Construction Loans

Exporters desiring to construct warehouse facilities adjacent to loading zones may borrow 70-75 percent of the total investment. Respondents state that they received no loans under this program.

#### IV. Programs for Which Additional Information Is Needed

The programs listed below were alleged by the petitioners to be subsidies. At this time, we do not have sufficient information from petitioners or respondents to quantify or to determine whether these programs are providing manufacturers, producers, or exporters in Spain of the products under investigation benefits which constitute subsidies within the meaning of the countervailing duty law. We will seek additional information regarding these programs before reaching final determinations.

##### A. Export Credit Insurance

The Compania Espanola de Seguros de Credito a la Exportacion, S.A. ("CESCE"), 51 percent of which is owned by the government of Spain, provides export insurance to cover commercial, political, exchange-rate fluctuations and inflation risks. We do not have sufficient information from the responding companies to determine those that use this program. Additionally, we do not have sufficient information about CESCE to evaluate its operations. Therefore, we will seek additional information on the terms of the program and the companies that use the program before determining whether this program is providing benefits which constitute a subsidy within the countervailing duty law.

##### B. Research and Development (R&D) Incentives

Firms located in Spain may receive government grants covering up to 50 percent or more of the cost of R & D projects. At this time we have insufficient information from both the government of Spain and the companies upon which to determine whether this program is used by the manufacturers, producers or exporters in Spain of the

products subject to these investigations and whether it provides benefits which constitute a subsidy within the meaning of the U.S. countervailing duty law. We will seek additional information regarding these programs before reaching final determinations.

##### C. Regional Investment Incentive Programs

The government of Spain, as well as regional and municipal authorities, provides a wide variety of investment incentive programs which vary according to the region of the country. They include reduction in taxes, reduced import duties on imported tools and equipment, cash grants, preferential access to official credit, and free or inexpensive land. At this time we have insufficient information from both the government of Spain and the companies upon which to determine whether programs of this nature are being used by manufacturers, producers or exporters in Spain of the products subject to these investigations and whether they provide benefits which constitute a subsidy within the meaning of the U.S. countervailing duty law. We will seek additional information regarding these programs before reaching final determinations.

##### D. Deferral of Tax and Social Security Debt

Decree 878/1981 permits the integrated steel producers to defer payment of the tax debt the companies have with the Public Treasury and Social Security. We do not have enough information on the nature of the deferral and the extent to which the companies used it to determine whether this provision of the decree conveys a benefit which constitutes a subsidy within the meaning of the U.S. countervailing duty law. We will seek additional information regarding this program before reaching final determinations in these cases.

##### E. Financial Assistance in Reduction of Labor Force

Certain workers who retire as a result of the reconversion of the steel industry are eligible for assistance under the general Social Security System in Spain. Decree 878/1981 indicates that fifty percent of the financing for this assistance will be borne by the affected company and fifty percent will come from the Investment Plan for Labor Protection. At this time we have insufficient information about the companies' obligation to these workers and the source of these funds to determine whether this program provides benefits which constitute a

subsidy within the meaning of the U.S. countervailing duty law. We will seek additional information regarding these programs before reaching final determinations.

##### F. Accelerated Depreciation and Reduction in Taxes

Decree 669/74 permits the steel industry to employ accelerated depreciation of non-liquid investments and to obtain a substantial reduction in certain taxes. We do not have sufficient information about the provision and the companies that used it to determine whether it confers a benefit that constitutes a subsidy within the countervailing duty law. We will seek additional information regarding this program before reaching a final determination.

##### Partial Affirmative Determination of Critical Circumstances

Counsel for petitioners alleged that imports of all steel products under investigation present "critical circumstances." Under section 703(e)(1) of the Act, critical circumstances exist when there is a reasonable basis to believe or suspect that: "(A) the alleged subsidy is inconsistent with the Agreement, and (B) there have been massive imports of the class or kind of merchandise which is the subject of the investigation over a relatively short period." Section 355.29(a) of the Commerce Regulations on critical circumstances provides, inter alia, that we will determine "whether the alleged subsidy is an export subsidy inconsistent with the Agreement." In determining whether there is a reasonable basis to believe or suspect that there have been massive imports over a relatively short period, we considered the following factors: recent import penetration levels; changes in import penetration since the date of the ITC's preliminary affirmative determinations of injury; whether imports have surged recently; whether recent imports are significantly above the average calculated over the last 3½ years (January 1979-June 1982); and whether the pattern of imports over that 3½ year period may be explained by seasonal swings. Based upon our consideration, we have determined that in the context of the steel industry, imports of hot-rolled carbon steel plate and carbon steel structural shapes from Spain appear massive over a relatively short period (March through June 1982). Imports of the remaining products subject to these investigations do not appear massive over that period.

With respect to carbon steel structural shapes and carbon steel plate, we proceed to consider whether the subsidies include any export subsidies. As discussed supra, we have preliminarily determined that these products benefited from Privileged Circuit Exporter Credits, which constitute an export subsidy.

Therefore, we preliminarily determine that critical circumstances exist for imports of carbon steel structural shapes and carbon steel plate from Spain, but do not otherwise exist in these investigations.

We note that Spain acceded to the Subsidies Code with a time-limited reservation concerning its current export subsidy programs. Prior to our final determinations in these investigations, we will consult with the Office of the U.S. Trade Representative as to what, if any, legal effect this reservation has upon our critical circumstances determination.

#### Verification

In accordance with section 776(a) of the Act, we will verify data used in making our final determinations.

#### Suspension of Liquidation

In accordance with section 703 of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of cold-rolled carbon steel sheet, galvanized carbon steel sheet, hot-rolled carbon steel bars and cold-formed carbon steel bars which are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**. In the case of carbon steel structural shapes and hot-rolled carbon steel plate, this suspension of liquidation applies to unliquidated entries of merchandise entered, or withdrawn from warehouse, for consumption, on or after the date which is 90 days before the date of publication of this notice. The Customs Service shall require a cash deposit or the posting of a bond for each such entry of the merchandise in the amounts indicated below:

Manufacturers/producers/exporters	Ad valorem rate (percent)
Empresa Nacional Siderurgica, S.A.....	6.17
Altos Hornos Del Mediterraneo, S.A.....	32.46
Altos Hornos De Vizcaya, S.A.....	3.74
Jose Maria Aristrain, S.A.....	1.99
Industrias Del Besos, S.A.....	1.96
Pedro Orbegoza y Cia, S.A.....	3.29
Tuyper, S.A.....	2.39
All other manufacturers, producers, and exporters of the products under investigation, as follows:	
Carbon steel structural shapes.....	6.17

Manufacturers/producers/exporters	Ad valorem rate (percent)
Hot-rolled carbon steel plate.....	6.17
Cold-rolled carbon steel sheet.....	32.46
Galvanized carbon steel sheet.....	6.17
Hot-rolled carbon steel bars.....	3.29
Cold-formed carbon steel bars.....	3.29

Where a company specifically listed above has not exported one of the products under investigation during the period for which we are measuring subsidization, the cash deposit or bond amount for these products should be based on the rate for the investigated products that were exported by that company. If the manufacturer is unknown, the rate for all other manufacturers/producers/exporters shall be used.

This suspension will remain in effect until further notice.

#### ITC Notifications

In accordance with section 703(f) of the Act, we will notify the ITC of our determinations. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to these investigations. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

#### Public Comment

In accordance with § 355.35 of the Commerce Department Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on these preliminary determinations at 10:00 a.m. on October 1, 1982, at the U.S. Department of Commerce, Room 5611, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within ten days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least ten copies must be submitted to the Deputy Assistant Secretary by September 27, 1982. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 355.34,

within thirty days of this notice's publication, at the above address and in at least ten copies.

August 24, 1982.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

#### APPENDIX A—DESCRIPTION OF PRODUCTS

For purposes of these investigations:

1. The term "carbon steel structural shapes" covers hot-rolled forged, extruded, or drawn, or cold-formed or cold-finished carbon steel angles, shapes, or sections, not drilled, not punched, and not otherwise advanced, and not conforming completely to the specifications given in the headnotes to Schedule 6, Part 2 of the Tariff Schedules of the United States Annotated ("TSUSA"), for blooms, billets, slabs, sheet bars, bars, wire rods, plates, sheets, strip, wire, rails, joint bars, tie plates, or any tubular products set forth in the TSUSA, having a maximum cross-sectional dimension of 3 inches or more, as currently provided for in items 609.8005, 609.8015, 609.8035, 609.8041, or 609.8045 of the TSUSA. Such products are generally referred to as structural shapes.

2. The term "hot-rolled carbon steel plate" covers hot-rolled carbon steel products, whether or not corrugated or crimped; not pickled; not cold-rolled; not in coils; not cut, not pressed, and not stamped to non-rectangular shape; 0.1875 inch or more in thickness and over 8 inches in width; as currently provided for in items 607.6615, or 607.94, of the Tariff Schedules of the United States Annotated ("TSUSA"); and hot- or cold-rolled carbon steel plate which has been coated or plated with zinc including any material which has been painted or otherwise covered after having been coated or plated with zinc, as currently provided for in items 608.0710 or 608.11 of the TSUSA. Semifinished products of solid rectangular cross section with a width at least four times the thickness in the as cast condition or processed only through primary mill hot rolling are not included.

3. The term "hot-rolled carbon steel sheet and strip" covers the following hot-rolled carbon steel products. Hot-rolled carbon steel sheet is a hot-rolled carbon steel product, whether or not corrugated or crimped and whether or not pickled; not cold-rolled; not cut, not pressed, and not stamped to non-rectangular shape; not coated or plated with metal; over 8 inches<sup>1</sup> in width and in coils or if not in coils under 0.1875 inch in thickness and over 12 inches in width; <sup>2</sup> as currently provided for in items 607.6610, 607.6700, 607.8320, 607.8342, or 607.9400 of the Tariff Schedules of the United States Annotated ("TSUSA"). Please note that the definition of hot-rolled carbon steel sheet includes some products classified as "plate" in the TSUSA. (Items 607.6610 and 607.8320). Hot-rolled carbon steel strip is a flat-rolled steel product, whether or not corrugated or

<sup>1</sup> Amended from 12 inches in the initiation notice.

<sup>2</sup> Initiation notice amended by adding after thickness "and over 12 inches in width."

crimped and whether or not pickled; not cold-rolled, not cut, not pressed, and not stamped to non-rectangular shape; under 0.1875 inch in thickness and not over 12 inches in width; as currently provided for in items 608.1920, 608.2120, or 608.2320 of the TSUSA. Hot-rolled carbon steel strip originally rolled less than 12 inches in width and containing over 0.25 percent carbon is not included.

4. The term "cold-rolled carbon steel sheet and strip" covers the following cold-rolled carbon steel products. Cold-rolled carbon steel sheet is a cold-rolled carbon steel product, whether or not corrugated or crimped and whether or not pickled; not cut, not pressed, and not stamped to non-rectangular shape; not coated or plated with metal; over 12 inches in width and in coils or if not in coils under 0.1875 inch in thickness; as currently provided for in items 607.8320 or 607.8344 of the Tariff Schedules of the United States Annotated ("TSUSA"). Please note that the definition of cold-rolled carbon steel sheet includes some products classified as "plate" in the TSUSA (Item 607.8320).

Cold-rolled carbon steel strip is a flat-rolled carbon steel product; cold-rolled, whether or not corrugated or crimped and whether or not pickled; not cut, not pressed, and not stamped to non-rectangular shape; under 0.1875 inch in thickness and over 0.50 inch in width but not over 12 inches in width; as currently provided for in items 608.1940, 608.2140, or 608.2340 of the TSUSA. Cold-rolled carbon steel strip originally rolled less than 12 inches in width and containing over 0.25 percent carbon is not included.

5. The term "galvanized carbon steel sheet" covers hot- or cold-rolled carbon steel sheet which has been coated or plated with zinc including any material which has been painted or otherwise covered after having been coated or plated with zinc, as currently provided for in items 608.0710, 608.0730, 608.11 or 608.13 of the Tariff Schedules of the United States Annotated ("TSUSA"). Note that the definition of galvanized carbon steel sheet includes some products classified as "plate" in the TSUSA (Items 608.0710 and 608.11). Hot- or cold-rolled carbon steel sheet which has been coated or plated with metal other than zinc is not included.

6. The term "hot-rolled carbon steel bars" covers hot-rolled carbon steel products of solid section which have cross sections in the shape of circles, segments of circles, ovals, triangles, rectangles, hexagons, or octagons, not cold-formed, and not coated or plated with metal, as currently provided for in items 608.8310, 608.8330, or 608.8350 of the Tariff Schedules of the United States Annotated.

7. The term "hot-rolled alloy steel bars" covers hot-rolled alloy steel products, other than those of stainless or tool steel, of solid section which have cross sections in the shape of circles, segments of circles, ovals, triangles, rectangles, hexagons, or octagons, not cold-formed, \* \* \* as currently provided for in item 606.97 of the Tariff Schedules of the United States.

8. The term "cold-formed carbon steel bars" covers cold-formed carbon steel products of solid section which have cross sections in the shape of circles, segments of circles, ovals, triangles, rectangles, hexagons,

or octagons,<sup>3</sup> as currently provided for in items 606.8805 or 606.8815 of the Tariff Schedules of the United States Annotated.

9. The term "cold-formed alloy steel bars" covers cold-formed alloy steel products, other than those of stainless or tool steel, of solid section which have cross sections in the shape of circles, segments of circles, ovals, triangles, rectangles, hexagons, or octagons,<sup>3</sup> as currently provided for in item 606.99 of the Tariff Schedules of the United States.

[FR Doc. 82-23642 Filed 8-27-82; 8:45 am]

BILLING CODE 3510-25-M

#### [Case No. 633]

#### Creusot-Loire S.A.; Order Temporarily Denying Export Privileges

The Department of Commerce (the "Department"), pursuant to the provisions of § 388.19 of the Export Administration Regulations (15 CFR 388, *et seq.* (1981)) (the "Regulations"), has petitioned the Hearing Commissioner for an order temporarily denying all export privileges to Creusot-Loire S.A. ("Creusot-Loire") 42 Rue d'Anjou, 75008 Paris, France.

The Department states that Creusot-Loire is under investigation by the Department's Office of Export Enforcement. The Department states further that its investigation gives it reason to believe: (i) That Creusot-Loire is a French company which is a licensee of Cooper Industries, a United States corporation; (ii) that, in order to carry out certain transactions, Creusot-Loire has exported, or has placed beyond its control to prevent the export of, certain compressors from France to the Soviet Union; (iii) that these compressors were made in France based on U.S.-origin technology; (iv) that the Regulations prohibit the export to the Soviet Union of such items; and (v) that Creusot-Loire may make similar exports in the future contrary to the Regulations unless appropriate action is taken to preclude such attempts.

Based upon the showing made by the Department, I find that an order temporarily denying all export privileges to Creusot-Loire is required in the public interest to facilitate enforcement of the Export Administration Act of 1979, as amended (50 U.S.C. app. 2401, *et seq.* (Supp. III 1979)), and the Regulations and to permit completion of the Department's investigation.

Anyone who is now or may in the future be dealing with the above-named respondent in transactions that in any way involve U.S.-origin commodities or technical data is specifically alerted to the provisions set forth in Paragraph IV below.

<sup>3</sup> Initiation notice amended by deleting after octagons "and not coated or plated with metal."

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which respondent appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Administration for cancellation.

II. The respondent, its successors or assignees, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or that are otherwise subject to the Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to a validated export license application, (b) in the preparation or filing of any export license application or reexport authorization, or of any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part, exported or to be exported from the United States, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to its agents and employees and to any successor.

IV. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Administration, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent, or whereby the respondent may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any export, reexport, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

by, to, or for the respondent denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any export, reexport, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

V. In accordance with the provisions of § 388.19(b) of the Regulations, the respondent may move at any time to vacate or modify this temporary denial order by filing with the Hearing Commissioner, International Trade Administration, U.S. Department of Commerce, Room 3886D, 14th and Constitution Avenue, N.W., Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested, shall be held before the Hearing Commissioner at the earliest convenient date. In accordance with the provisions of § 388.22 of the Regulations, the respondent may appeal to the Assistant Secretary for Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Room 3898-C, Washington, D.C. 20230, an order temporarily denying export privileges.

VI. This order is effective immediately. It remains in effect until the final disposition of any administrative or judicial proceeding or proceedings initiated against the named respondent as a result of the ongoing investigation. A copy of this order and parts 387 and 388 of the Regulations shall be served upon the respondent.

Dated: August 26, 1982.

Thomas W. Hoya,

Hearing Commissioner.

[FR Doc. 82-23829 Filed 8-26-82; 2:58 pm]

BILLING CODE 3510-25-M

[Case No. 632]

**Dresser (France) S.A.; Order Temporarily Denying Export Privileges**

The Department of Commerce (the "Department"), pursuant to the provisions of Section 388.19 of the Export Administration Regulations (15 CFR 388, *et seq.* (1981)) (the "Regulations"), has petitioned the Hearing Commissioner for an order temporarily denying all export privileges to Dresser (France) S.A. ("Dresser-France"), Cidex L 192, SILIC 5 Rue d'Antony, 94563 Rungis, France.

The Department states that Dresser-France is under investigation by the Department's Office of Export Enforcement. The Department states

further that its investigation gives it reason to believe: (i) That Dresser-France, almost entirely owned by Dresser A.G. (Vaduz), a Liechtenstein corporation which is a wholly-owned subsidiary of Dresser Industries, a United States corporation, has manufactured compressors using United States-origin technology for use in, for, or by the Soviet Union; (ii) that, in order to carry out certain transactions, Dresser-France has exported, or has placed beyond its control to prevent the export of, these compressors from France to the Soviet Union contrary to the Regulations; and (iii) that Dresser-France may make similar exports in the future contrary to the Regulations unless appropriate action is taken to preclude such attempts.

Based upon the showing made by the Department, I find that an order temporarily denying all export privileges to Dresser-France is required in the public interest to facilitate enforcement of the Export Administration Act of 1979, as amended (50 U.S.C. app. 2401, *et seq.* (Supp. III 1979)), and the Regulations and to permit completion of the Department's investigation.

Anyone who is now or may in the future be dealing with the above-named respondent in transactions that in any way involve U.S.-origin commodities or technical data is specifically alerted to the provisions set forth in Paragraph IV below.

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which respondent appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Administration for cancellation.

II. The respondent, its successors or assignees, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or that are otherwise subject to the Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to a validated export license application, (b) in the preparation or filing of any export license application or reexport authorization, or of any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control

document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part, exported or to be exported from the United States, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to its agents and employees and to any successor.

IV. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Administration, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent, or whereby the respondent may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any export, reexport, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for the respondent denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any export, reexport, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

V. In accordance with the provisions of § 388.19(b) of the Regulations, the respondent may move at any time to vacate or modify this temporary denial order by filing with the Hearing Commissioner, International Trade Administration, U.S. Department of Commerce, Room 3886D, 14th and Constitution Avenue, N.W., Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested, shall be held before the Hearing Commissioner at the earliest convenient date. In accordance with the provisions of § 388.22 of the Regulations, the respondent may appeal to the Assistant Secretary for Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Room 3898-C,

Washington, D.C. 20230, an order temporarily denying export privileges.

VI. This order is effective immediately. It remains in effect until the final disposition of any administrative or judicial proceeding or proceedings initiated against the named respondent as a result of the ongoing investigation. A copy of this order and Parts 387 and 388 of the Regulations shall be served upon the respondent.

Dated: August 26, 1982.

Thomas W. Hoya,

Hearing Commissioner.

[FR Doc. 82-23830 Filed 8-26-82; 2:58 pm]

BILLING CODE 3510-25-M

## National Bureau of Standards

### Status Report on Voluntary Product Standards

**AGENCY:** National Bureau of Standards, Commerce.

**ACTION:** Development, maintenance, and withdrawal of certain voluntary standards.

On January 20, 1982, the Department of Commerce (Department) announced in the *Federal Register* (47 FR 2910) the status of 52 standards classified as voluntary standards. The announcement was made in accordance with the revised "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10).

The January 20, 1982, notice specified the retention of specific standards for fixed periods of time. The updated status of all existing voluntary standards is indicated below.

The following Voluntary Product Standards will continue to be maintained by the Department:

#### Standard and Proponent Organization

- PS 1-74 "Construction and Industrial Plywood"—American Plywood Association  
 PS 20-70 "American Softwood Lumber Standard"—American Lumber Standards Committee  
 PS 73-77 "Carbonated Soft Drink Bottles"—Glass Packaging Institute

The Department has agreed to sponsor the development of a Voluntary Product Standard for the production of carbonated soft drinks in glass bottles, which was requested by the National Soft Drink Association. It has been determined that this standards project meets the six requirements for Department sponsorship stated in § 10.0(b) of the mentioned Procedures.

The following standards will be retained by the Department until the dates shown below to permit the orderly transfer of sponsorship of such

standards from the Department to the identified organizations.

January 20, 1983

- PS 36-70 "Body Measurements for the Sizing of Boys' Apparel"—American Society for Testing and Materials  
 PS 42-70 "Body Measurements for the Sizing of Women's Patterns and Apparel"—American Society for Testing and Materials  
 PS 45-71 "Body Measurements for the Sizing of Apparel for Young Men (Students)"—American Society for Testing and Materials  
 PS 51-71 "Hardwood and Decorative Plywood"—Hardwood Plywood Manufacturers Association  
 PS 54-72 "Body Measurements for the Sizing of Girls' Apparel"—American Society for Testing and Materials  
 PS 63-75 "Latex Foam Mattresses for Hospitals"—American Society for Testing and Materials  
 PS 66-75 "Safety Requirements for Home Playground Equipment"—American Society for Testing and Materials  
 CS 151-50 "Body Measurements for the Sizing of Apparel for Infants, Babies, Toddlers and Children (for the Knit Underwear Industry)"—American Society for Testing and Materials

January 20, 1984

- PS 56-73 "Structural Glued Laminated Timber"—American Institute of Timber Construction  
 PS 67-76 "Marking of Gold Filled and Rolled Gold Plate Articles Other Than Watchcases"—Jewelers Vigilance Committee  
 PS 68-76 "Marking of Articles Made of Silver in Combination with Gold"—Jewelers Vigilance Committee  
 PS 69-76 "Marking of Articles Made Wholly or in Part of Platinum"—Jewelers Vigilance Committee  
 PS 70-76 "Marking of Articles Made of Karat Gold"—Jewelers Vigilance Committee  
 PS 71-76 "Marking of Jewelry and Novelties of Silver"—Jewelers Vigilance Committee  
 PS 72-76 "Toy Safety"—American Society for Testing and Materials

In accordance with section 10.13 of the mentioned Procedures, notice is hereby given of the withdrawal of the following standards. This action is taken in furtherance of the Department's announced intentions as set forth in the January 20, 1982, notice to withdraw those standards. The effective date for the withdrawal of those standards will be October 29, 1982. This withdrawal action terminates the authority to refer to these standards as voluntary standards developed under the Department of Commerce procedures.

- PS 30-70 "School Chalk"  
 PS 46-71 "Flame-Resistant Paper and Paperboard"  
 PS 64-75 "School Paste"  
 PS 65-75 "Paints and Inks for Art Education in Schools"

- CS 98-62 "Artists Oil Paints"  
 CS 130-60 "Color Materials for Art Education in Schools"  
 R 192-63 "Crayons and Related Art Materials for School Use (Types, Sizes, Packages and Colors)"

For further information, contact Karl G. Newell, Jr., Office of Product Standards Policy, National Bureau of Standards, Washington, D.C. 20234, Telephone: (301) 921-2092.

Dated: August 25, 1982.

Ernest Ambler,

Director.

[FR Doc. 82-23686 Filed 8-27-82; 8:45 am]

BILLING CODE 3510-13-M

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Adjusting Import Restraint Levels for Certain Cotton Apparel Products from the People's Republic of China

August 24, 1982.

**AGENCY:** Committee for the Implementation of Textile Agreements.

**ACTION:** Increasing from 250,417 to 268,967 dozen the import restraint level established for women's, girls' and infants' cotton coats in Category 335, produced or manufactured in the People's Republic of China and exported during the agreement year which began on January 1, 1982, by the application of swing. The level of restraint for cotton trousers in Category 347/348 is being reduced from 1,730,560 to 1,657,861 dozen which also reflects carryforward used to date.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (47 FR 25121), October 5, 1981 (46 FR 48963), October 27, 1981 (46 FR 52409), February 9, 1982 (47 FR 5926), and May 13, 1982 (47 FR 20654)).

**SUMMARY:** The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 17, 1980, as amended, between the Governments of the United States and the People's Republic of China provides that certain specific ceilings may be exceeded by designated percentages, provided the specific limit for another is decreased by an equivalent amount (swing). At the request of the Government of the People's Republic of China, swing is being applied to the level of restraint for Category 335 and the level for Category

347/348 is being reduced by an equivalent amount.

**EFFECTIVE DATE:** August 30, 1982.

**FOR FURTHER INFORMATION CONTACT:**

Carl J. Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

**SUPPLEMENTARY INFORMATION:**

On December 23, 1981, there was published in the *Federal Register* (46 FR 61495) a letter dated December 14, 1981 from the Chairman of the Committee for the Implementation of Textile Agreements, to the Commissioner of Customs which established levels of restraint for certain specific categories of cotton, wool and man-made fiber textile products, including Categories 335 and 347/348, produced or manufactured in the People's Republic of China, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1982 and extends through December 31, 1982. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to adjust the levels of restraint for Categories 335 and 347/348 for the agreement year which began on January 1, 1982.

Walter C. Lenahan,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

August 24, 1982.

UNITED STATES DEPARTMENT OF COMMERCE

International Trade Administration  
Washington, D.C. 20230  
August 24, 1982.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,

*Department of the Treasury, Washington, D.C. 20229*

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of December 14, 1981 concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in the People's Republic of China.

Effective on August 30, 1982, paragraph 1 of the directive of December 14, 1981 is amended to include the following adjusted levels of restraint for cotton textile products in categories 335 and 347/348, produced or manufactured in the People's Republic of China and exported during the twelve-month period which began on January 1, 1982:

Category	Adjusted 12-month level of restraint <sup>1</sup>
335.....	288,967 dozen.
347/348.....	1,657,861 dozen.

<sup>1</sup>The levels of restraint have not been adjusted to account for any imports after December 31, 1981.

The action taken with respect to the Government of the People's Republic of China and with respect to imports of cotton textile products from China has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the *Federal Register*.

Sincerely,

Walter C. Lenahan,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 82-23645 Filed 8-27-82; 8:45 am]

BILLING CODE 3510-25-M

## DEFENSE DEPARTMENT

### Defense Communications Agency

#### Scientific Advisory Group; Closed Meeting

The DCA Scientific Advisory Group will hold closed meetings on 29 and 30 September 1982 at the Defense Communications Agency, Director's Management Information Center, at Headquarters, Defense Communications Agency, 8th Street and South Courthouse Road, Arlington, Virginia.

The subject of the meeting will be the Defense Digital and Switched networks, WWCCS Information System, and planning for future DCA activities.

Any person desiring information about the Advisory Group may telephone (Area Code 202-692-2888) or write Deputy Director, Planning and System Integration, Headquarters, Defense Communications Agency, 8th Street and South Courthouse Road, Arlington, Virginia 22204.

These meetings are closed because the material to be discussed is classified requiring protection in the interest of National Defense.

(5 U.S.C. 552b(c)(1))

David R. Israel,

*Deputy Director, Planning & System Integration.*

[FR Doc. 82-23713 Filed 8-27-82; 8:45 am]

BILLING CODE 3610-05-M

## DEPARTMENT OF EDUCATION

### National Advisory Council on Continuing Education; Meeting

**AGENCY:** National Advisory Council on Continuing Education.

**ACTION:** Notice of meeting.

**SUMMARY:** This notice sets forth the schedule and proposed agenda of a meeting of the National Advisory Council on Continuing Education. It also describes the functions of the Council. Notice of meetings is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

**DATES:** September 15, 16 and 17, 1982.

**ADDRESS:** The Shoreham Hotel, 2500 Calvert Street NW., Washington, D.C. 20008.

**FOR FURTHER INFORMATION CONTACT:**

Dr. William G. Shannon, Executive Director, National Advisory Council on Continuing Education, 425 Thirteenth Street NW.; Suite 529, Washington, D.C. 20004, telephone (202) 376-8888.

**SUPPLEMENTARY INFORMATION:**

The National Advisory Council on Continuing Education is established under section 117 of the Higher Education Act (20 U.S.C. 1009), as amended. The Council is established to advise the President, the Congress, and the Secretary of the Department of Education on the following subjects:

(a) An examination of all federally supported continuing education and training programs, and recommendations to eliminate duplication and encourage coordination among these programs;

(b) The preparation of general regulations and the development of policies and procedures related to the administration of Title I of the Higher Education Act; and

(c) Activities that will lead to changes in the legislative provisions of this title and other federal laws affecting federal continuing education and training programs.

The meetings of the Council are open to the public. However, because of limited space, those interested in attending are asked to call the Council's office beforehand.

The Council meeting will be held from 2:00 p.m. until 5:00 p.m. and from 7:30 p.m. until 9:00 p.m. on September 15; from 9:00 a.m. until 5:00 p.m. on September 16; and from 9:00 a.m. until Noon on September 17, 1982.

The proposed agenda includes:

1. Reports by the Chairman and Executive Director.

2. Examination of select federal efforts in human resource development, manpower training, and working partnerships between industry and higher education for the training of essential workers.

3. Recent Administration and Congressional initiatives with implications for continuing education and training.

4. Election of Officers.

5. Budget review.

6. Other Council business.

Records are kept of all Council proceedings and are available for public inspection at the office of the National Advisory Council on Continuing Education, 425 Thirteenth Street NW., Room 529, Washington, D.C.

Signed at Washington, D.C. on August 25, 1982.

William G. Shannon,  
Executive Director.

[FR Doc. 82-23705 Filed 8-27-82; 8:45 am]

BILLING CODE 4000-01-M

## DEPARTMENT OF ENERGY

### Economic Regulatory Administration

#### Gasoline Marketers of America, Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Office of Special Counsel (OSC) of the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Gasoline Marketers of America, Inc. ("GMA"). This Proposed Remedial Order charges GMA with pricing violations in the amount of \$841,393.66, plus interest, connected with the sale of motor gasoline during the period March 1, 1979 through August 30, 1979.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Robert J. McKee, Jr., Director, Philadelphia Field Office, ERA (215) 597-3870. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 12th & Pennsylvania Ave., N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Philadelphia, Pennsylvania, on the 13th day of August 1982.

Albert P. Mancini, Jr.,  
Acting Director, Philadelphia Field Office,  
Economic Regulatory Administration.

[FR Doc. 82-23681 Filed 8-27-82; 8:45 am]

BILLING CODE 6450-01-M

#### Mountain Fuel Supply Co.; Proposed Remedial Order; Correction

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice.

**SUMMARY:** In the notice of a Proposed Remedial Order which was issued to Mountain Fuel Supply Company appearing in the *Federal Register* issue of July 28, 1982, Volume 47 on page 32560, make the following correction in the first complete paragraph, line number two:

This Proposed Remedial Order charges Mountain Fuel with pricing violations in the amount of \$468,849.16 connected with the sale of crude oil at prices in excess of those permitted by 10 CFR Part 212, Subpart D during the time periods September 1, 1973 through December 31, 1974 and January 1, 1975 through December 1980.

Is corrected to read:

This Proposed Remedial Order charges Mountain Fuel with pricing violations in the amount of \$468,849.16 connected with the sale of crude oil at prices in excess of those permitted by 10 CFR Part 212, Subpart D during the time period January 1, 1975 through December 1980.

**FOR FURTHER INFORMATION CONTACT:** James A. Martin, Deputy Director, Crude and NGL Audit & Litigation Support Group, Economic Regulatory Administration, U.S. Department of Energy, P.O. Box 35228, Dallas, Texas 75235, (214) 767-7401.

Issued in Dallas, Texas, on the 18th day of August, 1982.

Ben L. Lemos,  
Director, Dallas Office, Economic Regulatory Administration.

[FR Doc. 82-23682 Filed 8-27-82; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-80-005; FC Case Nos. 56400-9073-01, 02, 03-12]

#### Proposed Modification of an Order Granting Permanent Fuels Mixture Exemptions to Shell Oil Co., Norco, Louisiana

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice.

**SUMMARY:** The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) has commenced a proceeding under 10 CFR Part 501, Subpart G to modify the permanent fuels mixture exemptions granted by Order to three major fuel burning installations (MFBI's), known as Boilers EPP-NCR-BLR-1, 2, and 3, owned and operated by the Shell Oil Company (Shell) at its Norco, Louisiana facility under the

Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act).

Based upon its review of Shell's July 29, 1982 modification request as well as other materials in the record, ERA is proposing to modify the Order on the basis of its determination that significantly changed circumstances as defined in 10 CFR 501.102(b)(3) exist with respect to the applicability of the original exemptions. Accordingly, ERA is hereby giving notice to all parties to the original proceeding of their right, pursuant to 10 CFR 501.101(d), to file a written response to ERA's proposal within 30 days of the publication of this Notice in the *Federal Register* (see **DATES** section, below). If no responses are received within the established period, the Order modification, as proposed, shall become final upon the expiration of that period, without further action by ERA.

A detailed discussion of the Order and Shell's request for modification thereof is provided in the **SUPPLEMENTARY INFORMATION** section below.

**DATES:** Written responses to ERA's proposed modification of The Shell Order must be received no later than September 29, 1982.

**ADDRESS:** Written responses are to be addressed to Department of Energy, Economic Regulatory Administration, Office of Fuels Programs, Case Control Unit, GA-093, 1000 Independence Avenue, S.W., Washington, D.C. 20585. FC-56400-9073-01, 02, and 03-12 should be printed on the outside of the envelope and the documents contained therein.

#### FOR FURTHER INFORMATION CONTACT:

Edward J. Peters, Jr., Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA-073, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Telephone (202) 252-8162; Allan Stein, Esq. or Marya Rowan, Esq., Office of General Counsel, Department of Energy, Forrestal Building, Room 6B-178, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Telephone (202) 252-2967.

**SUPPLEMENTARY INFORMATION:** On September 12, 1980, ERA exempted, by Order, Shell's Norco, Louisiana boilers EPP-NCR-BLR-1, 2, and 3 from the prohibitions of section 202 of FUA, which prohibits the use of natural gas or petroleum as a primary energy source by certain MFBI's (45 FR 82181, September 18, 1980). Subject to the terms and conditions set forth in the Order, the

permanent exemptions permitted the use of a fuel mixture of pyrolysis pitch and petroleum (pyrolysis gas-oil), the latter in an amount not to exceed 25 percent of the total annual Btu heat input of the primary energy sources of the MFBI's, each of which has a design heat input rate of 820 million Btu/hr. Shell's exemption request was filed under the then effective 10 CFR 505.28 and was granted pursuant to section 212(d) of FUA.

By letter of July 29, 1982, Shell requested that ERA modify the Order to permit the use of either natural gas or pyrolysis gas-oil in the mixture with pyrolysis pitch as the primary energy source for the MFBI's, up to a combined total of 25 percent of the annual Btu heat input of the primary energy sources of each unit, based upon the following significantly changed circumstances under 10 CFR 501.102(b): Since the Order was granted, the natural gas supply situation at the Norco facility has improved and Shell's interstate natural gas pipeline supplier has advised that no curtailment is anticipated in the winter of 1982-83. In view of this improved natural gas supply situation, Shell is developing the technology to atomize the alternate fuel, pyrolysis pitch, at the burner with high pressure natural gas. If this new technology proves technically viable, the use of natural gas in the fuels mixture will result in conservation of both the amounts of steam and overall energy consumed at the plant, while giving Shell the greater flexibility that natural gas would add to its fuel mixture capability.

As requested, ERA has, pursuant to 10 CFR 501.101(a), commenced a proceeding to modify the above-described exemption Order. The procedures and criteria governing this proceeding are found in 10 CFR Part 501, Subpart G, §§ 501.100-501.103 (46 FR 59872, December 7, 1981). Based upon the information contained in Shell's modification request and upon the record as a whole, ERA proposes:

(1) To find that the subsequent availability of uncurtailed natural gas together with the development of the atomizing technology which may permit increased steam and energy conservation at the Norco plant and provide greater fuels mixture flexibility in Shell's fuels mixture, constitute significantly changed material facts and circumstances that warrant a modification of the Order, as provided by 10 CFR 501.102(b); and

(2) To modify the Order to permit the use, as a primary energy source for the MFBI's, of a fuels mixture consisting of pyrolysis pitch and natural gas or petroleum (pyrolysis gas-oil), the latter

in amounts up to 25 percent of the total annual Btu heat input of each of the units.

Parties to the original Order proceeding are hereby notified of ERA's proposed modification of the Order exempting Shell Boilers EPP-NCR-BLR-1, 2, and 3 from the prohibitions in section 202 of FUA and of their right pursuant to 10 CFR 501.101(d) to file a response thereto on or before September 29, 1982. If ERA receives no responses within the allotted period, the Order modification shall become final as proposed, without further ERA action, upon expiration of that period.

Issued in Washington, D.C., August 19, 1982.

**James W. Workman,**

*Director, Office of Fuels Programs, Economic Regulatory Administration.*

[FR Doc. 82-23685 Filed 8-27-82; 8:45 am]

**BILLING CODE 6450-01-M**

### Office of Energy Research

#### Conservation Panel of the Energy Research Advisory Board; Meeting

Notice is hereby given of the following meeting:

Name: Conservation of the Energy Research Advisory Board (ERAB). ERAB is a Committee constituted under the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770).

Date and time: September 24, 1982, 9 a.m. to 5 p.m.

Place: Department of Energy, Room 8E-089, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585

Contact: Mary Gant, Energy Research Advisory Board, Department of Energy, Forrestal Building, ER-6, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone: 202/252-8933

#### Purpose of the Parent Board

To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

#### Tentative Agenda

Discussion of draft Conservation Panel report.

#### Public Participation

The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Energy Research Advisory Board at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to

include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

#### Transcripts

Available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 8:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on August 23, 1982.

**J. Ronald Young,**

*Director for Management, Office of Energy Research.*

[FR Doc. 82-23687 Filed 8-27-82; 8:45 am]

**BILLING CODE 6450-01-M**

### Federal Energy Regulatory Commission

[Docket No. EF82-2011-000]

#### Bonneville Power Administration; Filing

August 20, 1982.

The filing Company submits the following:

Take notice that the Bonneville Power Administration (BPA) of the United States Department of Energy, on August 16, 1982, tendered for filing a proposed wholesale power rate increase and a request for interim approval, pursuant to section 7 (i)(6) of the Pacific Northwest Electric Power Planning and Conservation Act, 16 U.S.C. § 839e (i)(6), and the Commission's Interim Rule for the Confirmation and Approval of the Rates of the Bonneville Power Administration, 18 C.F.R. § 300.

BPA is proposing wholesale power rates designed to increase revenues by approximately \$815 million, which represents an increase of approximately 58 percent. With this increase BPA's total revenue requirement will be approximately \$2.2 billion.

The average rate increase for BPA's publicly owned and Federal agency customers is approximately 60 percent. The average industrial firm rate increase is approximately 50 percent. The new resources rate has decreased by approximately 5 percent.

The reasons for the proposed increase are several. A comparison of BPA's last wholesale rate increase filing (Docket No. EF81-2011), which was based on FY 1982 costs, and the proposed rates which are based on FY 1983 costs, reveals that costs have risen substantially. Operation and

maintenance costs have increased by approximately \$45 million (21 percent). Exchange costs have risen since the last rate increase by approximately \$214 million (47 percent). Costs associated with Washington Public Power Supply System (Supply System) Nuclear Projects 1, 2, and 3 have also increased significantly. In the EF81-2011 filing the estimated Supply System costs included in the rates were \$248.8 million. The proposed rates reflect for the first time the inclusion in BPA's Repayment Study of the debt service for Project 3. With this project, the estimated Supply System costs included in the proposed rates is \$621 million.

BPA has had to defer interest payments to the Treasury in both FY 1979 and FY 1980 because of revenue shortfalls. The total deferral outstanding at the end of FY 1981 was approximately \$109 million. BPA estimates an additional deferral of \$109 million in FY 1982, increasing the cumulative deferral to \$218 million by September 30, 1982. BPA is required by DOE Order No. RA 6120.2 to repay all deferrals before applying funds to the amortization of the Federal investment. Accordingly, BPA intends to repay the deferral before making amortization payments. BPA's proposed rates are designed to yield revenues at a level sufficient to fully pay the total \$218 million deferral over the 3-year period from FY 1983 through FY 1985, and to repay to the Treasury the normally required amortization that would have been scheduled during FY 1983 through FY 1985 if no deferral had existed.

BPA proposes that this rate increase become effective as of October 1, 1982. The proposed rate approval period is from October 1, 1982, through September 30, 1984. BPA contemplates, however, filing a rate increase proposed to become effective prior to October 1, 1984, most likely October 1, 1983. BPA requests waiver of the Commission's 90-day filing requirement in order that its rates may become effective on an interim basis as of October 1, 1982.

The designations of the rate schedules which are the subject of this proposed rate increase are as follows: PF-2—Priority Firm Power Rate, IP-2 (MP-2)—Industrial Firm Power Rate, NR-2—New Resources Firm Power Rate, SP-1—Surplus Firm Power Rate, NF-2—Nonfirm Energy Rate, RP-2—Reserve Power Rate, FE-2—Firm Energy Rate, SI-2—Special Industrial Power Rate, CF-2—Firm Capacity Rate, CE-2—Emergency Capacity Rate, EB-1—Energy Broker Rate.

Any person desiring to be heard, protest, or comment on the interim rate filing should file a petition to intervene,

or protest or comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions, protests or comments should be filed on or before September 10, 1982. Protests or comments will be considered by the Commission in determining the appropriate action to be taken with respect to interim approval of the rate but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

A further opportunity for comments regarding final confirmation and approval of the rate will be provided within approximately thirty days of a Commission order approving the interim rate, if such approval is granted.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 82-23660 Filed 8-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-730-000]

**Duke Power Co.; Filing**

August 20, 1982.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) on August 17, 1982, tendered for filing a Restated Interconnection Agreement dated June 21, 1982 between Duke Power and North Carolina Municipal Power Agency Number 1 (Power Agency). Power Agency owns 75 percent of Unit No. 2 of Duke Power's Catawba Nuclear Station. Under the terms of the Agreement, Duke Power will interconnect its generation and transmission system with the Catawba Nuclear Station, presently being constructed, and wheel electric power and energy to the members of Power Agency.

Duke Power states that the Restated Interconnection Agreement supersedes the March 6, 1978 Interconnection Agreement, which Agreement is on file with the Commission and has been designated Duke Rate Schedule FERC No. 271.

Duke Power further states that the revision of the March 6, 1978 Interconnection Agreement was necessitated by a provision of that Agreement requiring amendments to be made in the event of a subsequent sale to other entities of an ownership interest in the Catawba Nuclear Station. On

February 6, 1981, Duke Power sold 75 percent of Unit No. 1 of the Catawba Nuclear Station to groups of its North Carolina and South Carolina cooperative customers. The Company represents that the primary purpose of the revisions is to reflect the addition of the cooperatives as owners of Catawba and to add provisions that were included in the Interconnection Agreements between Duke Power and the cooperatives (which Agreements are on file with the Commission and designated as FERC Rate Schedule Nos. 273 and 274) that were not contained in the March 6, 1978 Interconnection Agreement between Duke Power and Power Agency.

Duke Power indicates that service under the Restated Interconnection Agreement is expected to begin on January 1, 1983.

Copies of this filing were mailed to Power Agency, the North Carolina Utilities Commission, and the South Carolina Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 8, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 82-23661 Filed 8-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP65-393-004]

**Florida Gas Transmission Co., Petition To Amend**

August 24, 1982.

Take notice that on August 10, 1982, Florida Gas Transmission Company (Petitioner), P.O. Box 44, Winter Park, Florida 32790, filed in Docket No. CP65-393-004 a petition to amend the order of March 1, 1967,<sup>1</sup> issuing a certificate of

<sup>1</sup> This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

public convenience and necessity in Docket No. CP65-393 pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation of gas for direct sale by Petitioner to Florida Power & Light Company (FP&L) on an interruptible basis and for permission and approval to abandon said service upon termination of the sale, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it currently transports natural gas for FP&L pursuant to an agreement dated March 12, 1965, on file as Applicant's Rate Schedule T-3. Petitioner indicates that FP&L purchases the gas transported under Rate Schedule T-3 from Amoco Production Company (Amoco) and others under an agreement also dated March 12, 1965, pursuant to which Amoco has warranted to sell to FP&L 200,000 billion Btu equivalent of natural gas per day until June 10, 1983. Amoco has elected to terminate its warranty obligation on June 10, 1983, and then Amoco will deliver only quantities of gas produced from specific properties.

Pursuant to an agreement dated June 10, 1982, Petitioner proposes to deliver, on a fully interruptible basis, the difference between 200,000 billion Btu equivalent of gas per day and the quantity of gas available for delivery under FP&L's March 12, 1965, contract with Amoco. The initial price for gas under the agreement would be calculated in the same manner as the price under an April 1, 1979, contract between Petitioner and FP&L except that the base price would be equal to the rate per million Btu Petitioner charges FP&L for transportation service under Rate Schedule T-3, as such may be in effect from time to time.

Petitioner further proposes that its existing curtailment plan be amended to provide for the curtailment of deliveries, as new category P-9A, under the agreement of June 10, 1982, after curtailment of Petitioner's existing primary interruptible customers in category P-10 but prior to the curtailment deliveries to Petitioner's other customers.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 17, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it

in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 82-23662 Filed 8-27-82; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. CP82-477-000]

**Gas Gathering Corp.; Application**

August 24, 1982.

Take notice that on August 9, 1982, Gas Gathering Corporation (Applicant), P.O. Box 519, Hammond, Louisiana 70704, filed in Docket No. CP82-477-000 an application pursuant to Section 7 of the Natural Gas Act and Subpart F of Part 157 of the Commission's Regulations for a blanket certificate of public convenience and necessity authorizing the construction, acquisition, and operation of certain facilities and the transportation and sale of natural gas and for permission and approval to abandon certain facilities and service, all as more fully set forth in the application on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 17, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the

matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own notion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 82-23663 Filed 8-27-82; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. ER82-731-000]

**Interstate Power Co.; Filing**

August 20, 1982.

The filing Company submits the following:

Take notice that Interstate Power Company (Company) on August 17, 1982, tendered for filing an Interconnection Agreement dated July 27, 1982, with the City of Luverne, Minnesota. The Interconnection Agreement described above provides for a continued interconnection of electrical facilities between the Company and the City. This tie would be used as an alternate source of delivery, if required. The Company and the City have also agreed to cancel the existing electric service agreement dated February 24, 1972.

The Company requests waiver of the Commission's notice requirements to allow for an effective date of July 27, 1982.

Any person desiring to be heard to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.W., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before September 8, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the

Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 82-23664 Filed 8-27-82; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. RP82-8-000]

**Kansas-Nebraska Natural Gas Company, Inc.; Informal Settlement Conference**

August 20, 1982.

Take notice that on September 1, 1982, at 10:00 a.m., a settlement conference of all interested parties will be convened concerning the issues involved in the above-referenced proceeding. All parties should come prepared to discuss all the remaining issues in this case and the establishment of a procedural schedule. The conference will be held in a room to be designated for such purposes at the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 82-23665 Filed 8-27-82; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. RA82-25-000]

**Landsea Oil Co.; Filing of Petition for Review**

August 23, 1982.

Take notice that Landsea Oil Company, on July 8, 1982, filed a Petition for Review under 42 U.S.C. § 7194(b) (1977) Supp. from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before September 17, 1982, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before in accordance

with the Commission's Rules of Practice and Procedure (18 CFR §§ 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through the Office of General Counsel, the Deputy General Counsel for Enforcement and Litigation, Department of Energy, Room 6H-025, 1000 Independence Avenue SW., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 82-23666 Filed 8-27-82; 8:45 am]  
BILLING CODE 6717-01-M

[Project No. 6432-001]

**County of Liberty, Montana, Town of Chester, Montana, and MRR; Application for License (Over 5 MW)**

August 19, 1982.

Take notice that County of Liberty, Montana, Town of Chester, Montana, and MRR (Applicant) filed on July 13, 1982, an application for license [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for construction and operation of a water power project to be known as the Lake Elwell Hydroelectric Project No. 6432. The project would be located on the Marias River, near Chester in Liberty County, Montana. Correspondence with the Applicant should be directed to: Mr. High B. Brown, Liberty County, Attorney, P.O. Box C, Chester, Montana 59522.

*Project Description*—The proposed project would consist of: (1) the existing 4,300-foot long, 210-foot high, U.S. Bureau of Reclamation Tiber Dam on the Marias River; (2) the existing Lake Elwell Reservoir with a storage capacity of 1,555,897 acre-feet; (3) and existing 1,693-foot long tunnel 14-foot in diameter to convey water from the impoundment to the powerplant; (4) a proposed powerhouse with a single turbine/generator unit having an estimated total installed capacity of 8.0 MW and producing an average annual energy output of 45.05 GWh; (5) an existing 1,600-foot long tailrace 45-foot wide and graduating to a 75-foot width 60 feet downstream; (6) a proposed 115 kV primary transmission line one mile long to connect to an existing Western Area Power Administration line; and (7)

appurtenant facilities. The project would be entirely on U.S. Bureau of Reclamation lands. Energy produced at the project would be sold to Montana Power Company.

*Competing Applications*—Anyone desiring to file a competing application must submit to the Commission, or before November 1, 1982, either the competing application itself [See 18 CFR § 4.33(a) and (d)] or a notice of intent [See 18 CFR § 4.33(b) and (c)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or § 4.101 et seq. (1981).

*Comments, Protests, or Petitions To Intervene*—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 1, 1982.

*Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 82-23659 Filed 8-27-82; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. ER82-200-000]

**Maine Public Service Co.; Order Granting Motion To Collect Interim Settlement Rates**

August 18, 1982.

On August 6, 1982, Maine Public Service Company (MPSC) filed a motion for confirmation of authority to impose settlement rates pending action on a settlement proposal. On August 5, 1982, MPSC had filed a letter agreement between counsel for itself and counsel for its customers under which MPSC would commence billing its customers under reduced rates resulting from a settlement agreement that was filed July 19, 1982. The settlement agreement provides for a settlement of all cost of service issues in the docket except for rate of return. The issue of whether MPSC may include construction work in progress in rate base is also an issue remaining for hearing. If MPSC's motion is granted, MPSC would collect settlement rates, subject to refund, from its wholesale customers affected by the rates filed in this docket. The settlement rates would replace the rates which are currently in effect, subject to refund, as a result of a Commission order of March 1, 1982. They would remain in effect, subject to refund, pending Commission action on the filed settlement agreement and the outcome of further proceedings with regard to the issues remaining in the proceeding.

In its motion, MPSC states that the settlement rates represent a reduction from the rates presently in effect, subject to refund, in this docket. The motion is made with the agreement of the wholesale customers.

MPSC seeks permission to put the settlement rates into effect as of July 1, 1982. Under the letter agreement which MPSC seeks Commission authorization to implement, MPSC could reinstate, subject to refund, the rates in effect prior to this order, from the date of any action by the Commission or the Presiding Administrative Law Judge disapproving the settlement agreement or any aspect of it, or approving the settlement agreement subject to substantial modification.

Pursuant to sections 35.1(e) and 35.11 of the Commission's regulations, we find that good cause exists to permit the collection of the settlement rates, subject to refund, as of July 1, 1982, until such time as the Commission acts upon the settlement agreement filed in this docket on July 19, 1982. This order shall be without prejudice to our subsequent

determination on the merits of the settlement agreement. In the event that the settlement agreement is not approved or is approved in such a fashion that the settlement agreement is withdrawn, the originally filed rates in effect prior to this order shall apply prospectively only from the date of such final order by the Commission.

**The Commission orders:**

(A) The motion filed by MPSC on August 6, 1982, requesting confirmation of authority to collect settlement rates in lieu of the rates in effect prior to this order is hereby granted.

(B) Good cause having been shown, MPSC is hereby authorized, pursuant to sections 35.1(e) and 35.11 of the Commission's regulations, to collect, subject to refund, the settlement rates which it has filed, effective July 1, 1982, until final Commission action on the settlement. In the event that the settlement agreement is not approved or is approved in such a fashion that the settlement agreement is withdrawn, the rates in effect prior to this order shall become effective prospectively and subject to refund from the date of such final order by the Commission.

(C) The Secretary shall promptly publish this order in the **Federal Register**.

By the Commission.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 82-23667 Filed 8-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-464-000]

**Northern Natural Gas Co., Division of InterNorth, Inc.; Application**

August 23, 1982.

Take notice that on August 5, 1982, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP82-464-000 an application pursuant to Section 7(c) of the Natural Gas Act for permission and approval to continue sales of natural gas in interstate commerce for resale with changes in entitlements, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to change entitlements to firm gas sales of 3,000 Mcf of natural gas per day for the 1982-83 heating season and 6,000 Mcf for the 1983-84 heating season and thereafter. It is stated that Iowa Power and Light Company, Lake Superior District power Company, and Peoples Natural Gas Company, Division of InterNorth, Inc., have proposed the reduction in their contract demands to meet more effectively their heating season requirements. The proposed changes are as follows:

[Thousand of cubic feet at 14.73 psia]

Utility group rate zone community	Presently authorized		Adjustments		Total heating season	
	Contract demand	Pipeline service	Contract demand	Pipeline service	Contract demand	Pipeline service
<b>Proposed 1982-83 Heating Season</b>						
Kansas Power & Light Co.:						
Group 0:						
Rate Zone 1 Clifton .....		0		3,000		3,000
Lake Superior District Power Co.:						
Group E-F:						
Rate Zone C Phillips Lionite Hardboard .....	630		(630)			0
Iowa Power & Light Co.:						
Group C:						
Rate Zone 2 Des Moines, Iowa .....	131,775		(2,370)		129,405	
Total utilities .....	132,405	0	(3,000)	3,000	129,405	3,000
<b>Proposed 1983-84 Heating Season and Thereafter</b>						
Kansas Power & Light Co.:						
Group 0:						
Rate Zone 1 Clifton .....		3,000		3,000		6,000
Peoples Natural Gas Company, Division of InterNorth, Inc.:						
Group E-F:						
Rate Zone C Reserve Mining Co. ....	20,000		(3,000)		17,000	
Total utilities .....	20,000	3,000	(3,000)	3,000	17,000	6,000

The subject gas would be reallocated to Kansas Power and Light Company (KP&L) under Applicant's Rate Schedule PL-1. In addition, Applicant submits that it may offer interruptible pipeline overrun service to KP&L at Applicant's

discretion.

Applicant submits that the subject gas would be delivered to KP&L at an existing interconnection between Applicant's and KP&L's pipelines near

Applicant's Clifton Compressor Station in Clay County, Kansas; therefore, no facilities are required to be constructed to facilitate this sale.

Applicant avers that the changes in entitlements as proposed would have no effect on Applicant's presently authorized level of firm entitlement.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 17, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 82-23668 Filed 8-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP81-19-001]

### Northwest Pipeline Corp.; Amendment

August 24, 1982.

Take notice that on August 2, 1982, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP81-19-001 an amendment to its application filed in Docket No. CP81-19-

000 pursuant to Section 7(c) of the Natural Gas Act for authorization of a new point of delivery for the sale and delivery of natural gas to Southwest Gas Corporation (Southwest) at Ignacio, Colorado, to reflect Southwest's intention to place gas into storage at the proposed Pataya Storage facilities in northwest Arizona for the ultimate delivery by Applicant to Southwest's northern Nevada system, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that in its application it requested authority for a new point of delivery for the sale and delivery of natural gas to Southwest at Ignacio, Colorado. The volumes delivered at Ignacio would be used by Southwest for protection and continued growth of high priority customers on its southern system. The amendment indicates that Southwest has represented to Applicant that Pataya Storage Company has proposed in Docket No. CP80-581-000 to provide storage facilities for Southwest in northwest Arizona and that El Paso Natural Gas Company (El Paso) is seeking authorization in Docket No. CP80-581-000 to transport natural gas for Southwest through El Paso's interstate pipeline transmission system from the proposed Pataya Storage Project to Southwest's receipt points in southern Nevada, central and southern Arizona, and/or the Ignacio delivery point. Applicant is seeking in Docket No. CP82-256-000 authorization to transport natural gas for Southwest from the Ignacio delivery point to the Idaho/Nevada border for use on Southwest's northern Nevada system. Applicant, therefore, amends its application to indicate that Southwest would also inject some of the diverted gas into the Pataya Storage facilities for ultimate withdrawal and redelivery to Southwest's northern system.

The amendment indicates that Southwest has represented to Applicant that the services proposed by the above-mentioned dockets are interdependent and complementary to each other and that the proposed service would protect customers on Southwest's northern system.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before September 17, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with

the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 82-23668 Filed 8-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA 83-1-37-001]

### Northwest Pipeline Corp.; Change in Rates Pursuant To Demand Charge Credit Adjustment

August 23, 1982.

Take notice that Northwest Pipeline Corporation ("Northwest"), on August 16, 1982 tendered for filing proposed changes in its FERC Gas Tariff, First Revised Volume No. 1, filed pursuant to the Commission's order issued March 29, 1974, at Docket No. RP74-72 and Article 13.7 of Northwest's FERC Gas Tariff, First Revised Volume No. 1. The change in rates will result in .000¢ per therm for Rate Schedule ODL-1, DS-1 and PL-1. As more fully explained in the instant filing, the demand charge credit adjustment reflected on Northwest's Statement of Rates is zero.

Northwest is concurrently filing a notice of change in rates applicable to Article 16, Purchased Gas Cost Adjustment Provision contained in its First Revised Volume No. 1 Tariff. Both rate adjustments are reflected on the tendered Substitute Seventh Revised Sheet No. 10 which is proposed to become effective October 1, 1982.

Copies of this filing have been served upon Northwest's jurisdictional customers and affected state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the FERC, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 3, 1982. Protests will be considered by the Commission in determining the appropriate actions to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 82-23670 Filed 8-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-2-17-001 (PGA 82-2)  
(IPR82-2) (DCA82-2)]

**Texas Eastern Transmission Corp.;  
Proposed Changes in FERC Gas Tariff**

August 23, 1982.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on August 16, 1982 tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following sheets:

- Substitute Sixty-second Revised Sheet No. 14
- Substitute Sixty-second Revised Sheet No. 14A
- Substitute Sixty-second Revised Sheet No. 14B
- Substitute Sixty-second Revised Sheet No. 14C
- Substitute Sixty-second Revised Sheet No. 14D

These sheets are being issued pursuant to Ordering Paragraph (A) of the Commission's Order issued July 30, 1982 in Docket No. TA82-2-17-000 (PGA82-2) (IPR82-2) and (DC82-2). In such Ordering Paragraph (A) the Commission accepted for filing and suspended to become effective August 1, 1982, subject to refund and further conditions, proposed tariff sheets filed by Texas Eastern on July 1, 1982 consisting of Texas Eastern's semiannual PGA tracking filing for August 1, 1982. The above tariff sheets are being filed in substitution for their counterparts which were filed on July 1, 1982. These substitute tariff sheets reflect a downward modification in the rates of Texas Eastern's pipeline suppliers Texas Gas Transmission Corporation and Southern Natural Gas Company as required by Ordering Paragraph (A) of the Commission's July 30, 1982 order. No other changes to the rates filed July 1, 1982 have been made.

The proposed effective date of the above substitute tariff sheets is August 1, 1982.

Copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules

of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 3, 1982. Protests will be considered by the Commission in determining the appropriate actions to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 82-23654 Filed 8-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP80-513-002]

**Texas Gas Transmission Corp.;  
Petition To Amend**

August 23, 1982.

Take notice that on August 23, 1982, Texas Gas Transmission Corporation (Petitioner), P.O. Box 1160, Owensboro, Kentucky 42302, filed in Docket No. CP80-513-002 a petition to amend the order of March 25, 1981, as amended, issuing a certificate of public convenience and necessity in Docket No. CP80-513 pursuant to Section 7(c) of the Natural Gas Act so as to authorize Petitioner to extend the transportation service for Owens-Corning Fiberglas Corporation (Owens-Corning) for an additional one-year period ending August 28, 1983, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that the order issued March 25, 1981, as amended, authorized Petitioner to transport and simultaneously redeliver, on an interruptible basis, for Owens-Corning's account up to 1,000 Mcf of natural gas per day to its existing point or points of delivery with Jackson Utility Division (Jackson) or to divert all or a portion of the volumes up to 1,000 Mcf per day to Transcontinental Gas Pipe Line Corporation (Transco) for ultimate delivery to Owens-Corning's Anderson, South Carolina, plant for a period ending August 28, 1982.

It is asserted that in no event would Petitioner be obligated to deliver on any day an aggregate volume of more than 34,370 Mcf of natural gas at 14.73 psia through all points of delivery of Petitioner to Jackson. Jackson has agreed to accept volumes of natural gas and transport such volumes on an interruptible basis up to 1,000 Mcf per day for the account of Owen-Corning, it is stated.

Petitioner would not retain any volumes of natural gas here-under for its

own system supply but would retain as makeup for compressor fuel and line loss 2.83 percent of those volumes delivered to Jackson and 0.32 percent of those volumes delivered to Transco. Such percentages were calculated on an incremental basis for pipeline throughput to and within the rate zone in which delivery by Petitioner would be made, it is asserted.

Petitioner would collect a rate of 21.30 cents per Mcf for those volumes delivered to Jackson and 6.92 cents per Mcf for those volumes delivered to Transco. Such interruptible zone transportation rates are set forth at Sheet No. 7A of Petitioner's FERC Gas Tariff, Third Revised Volume No. 1, it is asserted.

Any person desiring to be heard or to make any protest with reference to said filing petition to amend should on or before September 17, 1982, file with the Federal Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 82-23671 Filed 8-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No., CP82-466-000]

**United Gas Pipe Line Co.; Application**

August 20, 1982.

Take notice that on August 5, 1982, United Gas Pipe Line Company (Applicant), United Energy Plaza, P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP82-466-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon by sale certain pipeline facilities in Jefferson Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to abandon by sale to LGS Pipeline, Inc. (LGS), 1.1203 miles of 16-inch pipeline and appurtenant facilities, which constitutes a portion of Applicant's 16-

inch pipeline in Jefferson Parish, Louisiana, known as its Westwego line. Applicant explains that the Westwego line was constructed in 1951 to serve Louisiana Gas Service Company (formerly Louisiana Power and Light Company) but that in 1966 Applicant removed approximately 7,298 feet of the 16-inch Westwego line at the request of the landowner since Applicant did not have a firm right-of-way grant for this section of pipeline. It is stated that Applicant's service to Louisiana Gas Service Company was continued through other facilities owned by Applicant and that due to changes to United's operations, the Westwego Field is no longer a producing field and the aforementioned remaining portion of the Westwego line is no longer required by Applicant to maintain service to its customers.

It is asserted that a letter of intent between LGS and Applicant provides for the sale and transfer of the subject 1.1203 miles of Applicant's Westwego line at a cost of \$43,575.20. The agreement further provides that Applicant would transfer and assign to LGS the right-of-way for the 1.1203 miles of remaining line.

Applicant maintains that none of its customers would be impacted by the proposed abandonment because, as indicated, the Westwego line is no longer used to serve Louisiana Gas Service Company, and Applicant does not currently serve any other customers through that facility.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 3, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this

application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 82-23656 Filed 8-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-23-000]

**West Texas Utilities Co.; Granting Motion To Collect Interim Settlement Rates**

August 19, 1982.

On July 20, 1982, West Texas Utilities Company (WTU) filed a motion for authorization to collect settlement rates from Texas-New Mexico Power Company (TNP) and from its one municipal and fourteen cooperative customers. The settlement rates would replace interim rates currently in effect for these customers as a result of a Commission order issued on February 26, 1982. A formal offer of settlement was submitted on July 28, 1982.

In its motion, WTU states that the settlement rates for the municipal and cooperative customers feature a summer-winter differential at the request of these customers, and that early implementation of the settlement rates will provide the municipal and cooperative customers the opportunity to give to their own retail customers the intended summer price signal. In addition, TNP will be charged lower rates than it is currently paying.

The motion seeks permission for WTU to place the settlement rates in effect, beginning with bills to be issued in August, 1982. The motion further seeks approval for a surcharge to be collected over a six month period to make up any difference in the amount collected between the presently effective interim rates and the settlement rates, in the event that the Commission does not approve the settlement agreement filed in this docket. The motion further states that the affected customers concur in the motion.

Pursuant to §§ 35.1(e) and 35.11 of the Commission's regulations, we find that

good cause exists to permit the collection of the settlement rates, subject to refund, beginning with bills to be issued in August, 1982, until such time as the Commission acts upon the settlement agreement filed in this docket on July 28, 1982. This order shall be without prejudice to our subsequent determination on the merits of the settlement agreement. In the event that the settlement agreement is not approved, the provisions of WTU's motion shall apply to the recovery of revenues for the interim period.

The Commission orders:

(A) The motion filed by WTU on July 20, 1982, requesting permission to collect settlement rates in lieu of the rates originally filed in the docket and in lieu of the interim rates currently being collected in the docket is hereby granted.

(B) Good cause having been shown, WTU is hereby authorized, pursuant to §§ 35.1(e) and 35.11 of the Commission's regulations, to collect, subject to refund, the settlement rates which it has filed, beginning with bills to be issued in August, 1982, until final Commission action on the settlement. In the event that the settlement agreement is not approved, the provisions of WTU's motion shall apply to the recovery of revenues for the interim period.

(C) The Secretary shall promptly publish this order in the **Federal Register**.

By the Commission.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 82-23673 Filed 8-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-669-000]

**Westchester Resco Co.; Filing**

August 20, 1982.

The filing Company submits the following:

Take notice that on July 20, 1982, WESI Westchester, Inc., (WESI Westchester), on behalf of Westchester Resco Company (Westchester Resco), a partnership to be formed with WESI Westchester as a general partner and as the managing partner, tendered for filing proposed FERC Rate Schedule No. 1, applicable to sales of energy by Westchester Resco to Consolidated Edison Company of New York, Inc. (Con Ed) from a solid waste resource recovery facility and electric generating facility to be located at Peekskill, Westchester County, New York (the facility). The Federal Energy Regulatory Commission (Commission or FERC) has

issued an order stating that the facility is a qualifying small power production facility within the meaning of section 201 of the Public Utility Regulatory Policies Act of 1978 (PURPA).

The proposed initial rate is set forth in the Energy Purchase Agreement, dated January 19, 1982, between WESI Westchester and Con Ed (the "Energy Purchase Agreement"). The Energy Purchase Agreement establishes that the rate for sales to Con Ed in any hour will be Con Ed's "avoided cost" for such hour, equal to the excess of

(a) the variable costs which Con Ed would have incurred for such hour if energy from the facility had not been so delivered, under the alternatives which (i) would have resulted in the lowest variable costs and (ii) were actually available over

(b) Con Ed's actual variable costs for such hour.

If during any hour Con Ed makes sales, other than firm sales to another utility, the price for sales from the facility to Con Ed for such hour shall be the greater of:

(i) What would have been the avoided costs for such hour had all alternatives which would have been available but for such non-firm sales actually been available, or

(ii) the price paid to Con Ed by such other utility or utilities for such sales.

WESI Westchester requests waiver of the Commission's rule requiring that rate schedules be filed no more than one hundred twenty (120) days prior to the date on which service is to commence under an initial rate schedule. This requirement is intended to prevent the use of stale data in developing the test period for cost-of-service-based rates.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before September 1, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 82-23657 Filed 8-17-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EF82-5051-000]

### Western Area Power Administration; Filing

August 20, 1982.

Take notice that on August 12, 1982, the Assistant Secretary for Conservation and Renewable Energy of the Department of Energy, by Rate Order No. WAPA-13, confirmed and approved the new rate schedule RGP-F1, which is effective on an interim basis on the first day of the first full billing period beginning on or after September 1, 1982, for the Western Area Power Administration's Rio Grande Project.

On August 18, 1982, the Assistant Secretary submitted the new rate schedule for confirmation and approval on a final basis pursuant to authority vested in the Commission by Delegation Order No. 0204-33.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before September 13, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 82-23658 Filed 8-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-625-000]

### Boston Edison Co.; Order Accepting for Filing and Suspending Rates, Denying Motion To Reject, Granting in Part and Denying in Part Motions for Summary Disposition, Granting Interventions, and Establishing Hearing and Price Squeeze Procedures

August 24, 1982.

On June 25, 1982, Boston Edison Company (Edison) tendered for filing increased rates<sup>1</sup> for its three full requirements wholesale customers<sup>2</sup> and

<sup>1</sup>See Attachment A for rate schedule designations.

<sup>2</sup>The Towns of Concord, Norwood, and Wellesley, Massachusetts.

its one contract demand customer.<sup>3</sup> The proposed increase to the full requirements customers, who take service under Edison's S-7 rate schedule, would increase revenues by approximately \$6,396,500 based on the test year ending September 30, 1983. The proposed increase to the contract demand customer would result in an increase of approximately \$1,659,000. Edison requests an effective date of August 24, 1982.

Notice of the Edison's filing was issued on July 7, 1982, with protests or petitions to intervene due on or before July 19, 1982. In response to a motion by the Towns of Concord, Norwood, and Wellesley, Massachusetts (Towns), the comment date was extended until July 23, 1982.

On July 20, 1982, the Municipal Light Board of the Town of Reading, Massachusetts, (Reading) filed a protest and petition to intervene. Reading requests a five month suspension for the contract demand rate, asserting that (1) the increase is inadequately supported, (2) the proposed effective date precedes the commencement of purchases of high cost Canadian power included in the cost of service, and (3) the cost of service inclusion of cancellation costs associated with Pilgrim Unit No. II is improper.

On July 23, 1982, the Department of Public Utilities of the Commonwealth of Massachusetts submitted a notice of intervention and protest to Edison's filing which requests a five month suspension. In addition, the Massachusetts D.P.U. opposes portions of Edison's requested recovery of costs associated with the cancellation of Pilgrim II in light of that agency's finding (in *Boston Edison Company*, D.P.U. 906 (1982)) that the company was imprudent in continuing construction of the unit after June, 1980.

The Towns submitted a joint protest and petition to intervene on July 23, 1982. In their pleading, the Towns state that Edison's filing will result in a price squeeze and should be rejected as patently discriminatory and anticompetitive. The Towns state that the proposed increase will place the Towns in immediate threat of an ouster from the competitive geographic market by jeopardizing their ability to compete with Edison for new and existing retail loads in the area. If the filing is not rejected, the Towns request a five month suspension and hearing with respect to the proposed rates, and request an exception to the Commission's usual practice of phasing the price squeeze

<sup>3</sup>The Town of Reading, Massachusetts.

issue. Further, the Towns request summary disposition with respect to Edison's: (1) Claim for a 14% carrying charge on the unamortized portion of its investment in the cancelled Pilgrim unit; (2) proposal to recover increased costs associated with nuclear fuel burned in prior periods; (3) inclusion of spent nuclear fuel disposal costs in the fuel clause as opposed to in base rates; (4) proposed five year amortization of expenses for vacation pay in a prior period; and (5) calculation of the rate base deduction associated with Account No. 283. The Towns also raise issues with respect to Edison's treatment of demand cost allocation, rate of return, capital structure, rate design, terms and conditions of service, and a number of other cost of service items. Finally, the Towns request that the Commission order Edison to file within thirty days complete justification, explanation, and description of the claims contained in its filing, and that the Commission consider this material as constituting Edison's complete case-in-chief in the proceeding.

On August 5, 1982, Edison submitted an answer to the pleadings filed by Reading and the Towns. Edison states that it does not object to intervention by any of the petitioners, but strenuously opposes the requests for rejection or a five month suspension. Edison also disputes the Massachusetts DPU's contention that expenditures related to Pilgrim Unit No. II incurred after June of 1980 were imprudent. In addition, the company opposes the request to litigate price squeeze simultaneously with other issues and answers most of the other issues raised by the intervenors.

#### Discussion

Initially, the Commission finds that participation in this proceeding by Reading and the Towns is in the public interest. Accordingly the petitions to intervene will be granted. The timely notice of intervention filed by the Massachusetts D.P.U. is sufficient to initiate its participation in this proceeding.

Inasmuch as Edison's submittal substantially complies with the Commission's filing requirements, the Towns' motion to reject the filing will be denied.<sup>4</sup> For the same reason, the Town's request that the Commission order Edison to file additional supporting materials will also be denied.

Our analysis reveals, as noted in the Towns' pleading, that Edison has included in its filing a 14% carrying charge on the unamortized portion of its

investment in the cancelled Pilgrim II unit. This treatment is essentially equivalent to including the unamortized investment in rate base and is contrary to well-established Commission precedent.<sup>5</sup> Accordingly, summary disposition will be ordered as to this issue. Because the revenue impact of this summary disposition is substantial in relation to the proposed rate increase, we shall require the company to refile its cost of service and rates to exclude all amounts attributable to the proposed carrying charge.

The remaining request by the towns for summary disposition will be denied. These issues as well as other matters raised by the intervenors present questions of law or fact more appropriately resolved on the basis of an evidentiary hearing.

Our preliminary review of Edison's submittal and the pleadings indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the rate schedules for filing, as modified by summary disposition, and we shall suspend their operation as directed below.

The Commission addressed its suspension policy in *West Texas Utilities Company*, Docket No. ER82-23-000 (February 26, 1982). In that order, we noted that rate filings would ordinarily be suspended for one day where preliminary review suggests that the proposed rates may be unjust and unreasonable but may not generate substantially excessive revenues, as defined in *West Texas*. In the instant proceeding, however, our preliminary examination indicates that the proposed contract demand rates and full requirements rates may yield substantially excessive revenues. Therefore, consistent with *West Texas*, we shall suspend Edison's proposed rates for five months to become effective, subject to refund, on January 25, 1983.

In accordance with the Commission's policy and procedures established in *Arkansas Power and Light Company*, Docket No. ER79-339 (August 6, 1979), we shall phase the price squeeze issue raised by the Towns. While the Towns have requested a departure from the customary phasing practice, nothing on the face of their pleading persuades us that we should grant their request at this

time. However, we note that the price squeeze procedures authorize the presiding judge to modify the established schedule for good cause.

#### The Commission Orders

(A) The Towns' motions to reject Edison's filing or to require the submittal of additional supporting material are hereby denied.

(B) Summary disposition is hereby ordered, as noted in the body of this order, with respect to Edison's inclusion in its filing of a 14% carrying charge on the unamortized balance of its investment in the cancelled Pilgrim Unit No. II. Within thirty (30) days of the date of this order, Edison shall refile its rates and cost of service data to reflect this determination.

(C) All other motions for summary disposition are hereby denied.

(D) Edison's proposed contract demand rates and full requirements rates are hereby accepted for filing, as modified by summary disposition, and are suspended for five months from sixty days after filing to become effective, subject to refund, on January 25, 1983.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of Edison's rates.

(F) The petitions to intervene in this proceeding are hereby granted subject to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act; *Provided, however*, the participation by such intervenors shall be limited to the matters set forth in their petitions to intervene; and *provided, further*, that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order of the Commission in this proceeding.

(G) The Commission staff shall serve top sheets in this proceeding within ten (10) days after issuance of the order accepting for filing Edison's compliance filing to reflect the ordered summary disposition.

(H) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen

<sup>4</sup> See *Municipal Light Boards of Reading and Wakefield, Massachusetts v. FPC*, 450 F. 2d 1341 (D.C. Cir. 1971).

<sup>5</sup> See, e.g., *New England Power Company*, Opinion No. 49, Dockets Nos. ER76-304, et. al. (July 19, 1979), *aff'd sub nom. NEPCO Municipal Rate Committee, et. al., v. FERC*, 668 F. 2d 1327 (D.C. Cir. 1981); *Northern States, Power Co.*, Opinion No. 134, 17 FERC ¶61,196 (December 3, 1981).

(15) days after service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The presiding administrative law judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(I) The Commission hereby orders the initiation of price squeeze proceedings and further orders that this docket be phased so that the price squeeze proceedings begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The presiding administrative law judge may order a departure from this schedule for good cause shown. The price squeeze claim shall be governed by § 2.17 of the Commission's regulations as it may be modified prior to the commencement of the price squeeze phase of the instant docket.

(J) The Secretary shall promptly publish this order in the **Federal Register**.

By the Commission.

**Kenneth F. Plumb,**  
Secretary.

**Attachment A**

Boston Edison Company, Docket No. ER82-625-000, rate schedule designations.

*Designation, Other Party, and Description*

- Supplement No. 9 to Rate Schedule FPC No. 47 (Supersedes Supplement No. 7), Town of Concord, Massachusetts, Rate S-7
- Supplement No. 8 to Rate Schedule FPC No. 48 (Supersedes Supplement No. 6), Town of Norwood, Massachusetts, Rate S-7
- Supplement No. 9 to Rate Schedule FPC No. 51 (Supersedes Supplement No. 7), Town of Wellesley, Massachusetts, Rate S-7
- Fifth Revised Sheet No. 1 and Fourth Revised Sheet Nos. 2 and 3 to Exhibit B of FPC Electric Tariff, Original Volume No. 1 (Supersedes Fourth Revised Sheet No. 1 and Third Revised Sheet Nos. 2 and 3), Town of Reading, Massachusetts, Contract Demand Rate

[FR Doc. 82-23721 Filed 8-27-82; 8:45 am]

**BILLING CODE 6717-01-M**

**[Project No. 6454-000]**

**David W. Eckert and Penelope Jennings Eckert; Exemption from Licensing**

August 25, 1982.

A notice of exemption from licensing of a small hydroelectric project known as Eckert Hydroelectric Project No. 6454, was filed on June 22, 1982, by David W. Eckert & Penelope Jennings Eckert. The proposed hydroelectric project would have an installed capacity of 1 kW and would be located on Bluff and Slate Creeks, in Humboldt County, California.

Pursuant to §§ 4.109(c) and 375.308(ss) of the Commission's regulations, and subject to the terms and conditions set forth in § 4.111 of the Commission's regulations, the Director, Office of

Electric Power Regulation, issues this notification that the above project is exempted from licensing as of July 22, 1982.

**Lawrence R. Anderson,**  
Director, Office of Electric Power Regulation.

[FR Doc. 82-23722 Filed 8-27-82; 8:45 am]

**BILLING CODE 6717-01-M**

**Office of Hearing and Appeals**

**Cases Filed; Week of July 30 Through August 6, 1982**

During the week of July 30 through August 6, 1982, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this notice (August 30, 1982) or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

**George B. Breznay,**  
Office of Hearings and Appeals.  
August 23, 1982.

**LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS**

[Week of July 30 through Aug. 6, 1982]

Date	Name and location of applicant	Case No.	Type of submission
Aug. 2, 1982	Atlantic Richfield Company, Washington, D.C.	HRZ-0080	Interlocutory Order. If granted: The Office of Special Counsel would be ordered to release to Atlantic Richfield Company documents identified in the Office of Special Counsel's July 9, 1982 privilege index that was prepared pursuant to <i>Atlantic Richfield Co., et al.</i> , 5 DOE ¶ 82,521 (1980).
Aug. 2, 1982	Gulf Oil Corporation, Washington, D.C.	HRZ-0081	Interlocutory Order. If granted: The Office of Special Counsel would be ordered to release to Gulf Oil Corporation documents identified in the Office of Special Counsel's July 9, 1982 privilege index that was prepared pursuant to <i>Atlantic Richfield Co. et al.</i> , 5 DOE ¶ 82,521 (1980).
Aug. 2, 1982	J. D. Strett Co., Inc., Washington, D.C.	HRD-0069, HRH-0069	Motion for Discovery and Evidentiary Hearing. If granted: An evidentiary hearing would be convened and discovery would be granted to J. D. Strett Co., Inc. in connection with the Statement of Objections submitted in response to the May 21, 1982, Proposed Remedial Order issued to that firm.
Aug. 2, 1982	Louisiana Land & Exploration Co., Washington, D.C.	HRZ-0084	Interlocutory Order. If granted: The Office of Special Counsel would be ordered to release to Louisiana Land & Exploration Co. documents identified in the Office of Special Counsel's July 9, 1982 privilege index that was prepared pursuant to <i>Atlantic Richfield Co., et al.</i> , 5 DOE ¶ 82,521 (1980).
Aug. 2, 1982	Marathon Oil Company, Washington, D.C.	HRZ-0082	Interlocutory Order. If granted: The Office of Special Counsel would be ordered to release to Marathon Oil Company documents identified in the Office of Special Counsel's July 9, 1982 privilege index that was prepared pursuant to <i>Atlantic Richfield Co., et al.</i> , 5 DOE ¶ 82,521 (1980).
Aug. 2, 1982	Office of Special Counsel/Atlantic Richfield Company, Washington, D.C.	HRZ-0079	Interlocutory Order. If granted: Atlantic Richfield Company would be compelled to provide additional discovery to the Office of Special Counsel pursuant to the November 19, 1981, Decision and Order issued to the Office of Special Counsel (Case No. BRD-0126).
Aug. 2, 1982	Standard Oil Company of Ohio, Washington, D.C.	HRZ-0083	Interlocutory Order. If granted: The Office of Special Counsel would be ordered to release to Standard Oil Company of Ohio documents identified in the Office of Special Counsel's July 9, 1982 privilege index that was prepared pursuant to <i>Atlantic Richfield Co. et al.</i> , 5 DOE ¶ 82,521 (1980).

## LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

[Week of July 30 through Aug. 6, 1982]

Date	Name and location of applicant	Case No.	Type of submission
Aug. 2, 1982	Texaco, Inc., Washington, D.C.	HRZ-0085	Interlocutory Order. If granted: The Office of Special Counsel would be ordered to release to Texaco, Inc. documents identified in the Office of Special Counsel's July 9, 1982 privilege index that was prepared pursuant to <i>Atlantic Richfield Co., et al.</i> , 5 DOE 182,521 (1980).
Aug. 3, 1982	Atlantic Richfield Company, Los Angeles, California	HRR-0032	Request for Modification/Rescission. If granted: The July 16, 1982, Decision and Order (Case No. HRZ-0034) issued to Atlantic Richfield Company by the Office of Hearings and Appeals would be modified regarding certain documents listed in a revised index.

## REFUND APPLICATIONS RECEIVED

[Week of July 30 through Aug. 6, 1982]

Date	Name of refund proceeding/name of refund applicant	Case No.
July 29, 1982	Tenneco/C. E. Nix & Son, Inc.	RF7-77

[FR Doc. 82-23684 Filed 8-27-82; 8:45 am]

BILLING CODE 6450-01-M

### Objection to Proposed Remedial Orders Filed; Week of July 12 Through July 16, 1982

During the week of July 12 through July 16, 1982, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 on or before September 20, 1982. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,  
Director, Office of Hearings and Appeals,  
August 19, 1982.

*Gil-MC Oil Corp., Lovington, New Mexico,*  
HRO-0076, crude oil

On July 14, 1982, Gil-MC Oil Corporation, Lovington, New Mexico filed a Notice of Objection to a Proposed Remedial Order which the DOE Region VI District Office of Enforcement issued to the firm on June 16, 1982. In the PRO the Sixth District found that Gil-MC Oil Corp. violated the DOE Mandatory Petroleum Price Regulations. According to the PRO the Gil-MC Oil Corp.

violation resulted in \$110,701.30 of overcharges.

*Mercury Production Co., Fort Worth, Texas,*  
HRO-0079, crude oil

On July 16, 1982, Mercury Production Co., 1212 Ridgela Bank Building, Fort Worth, Texas 76116 filed a Notice of Objection to a Proposed Remedial Order which the DOE Southwest District Office of Enforcement issued to the firm on June 16, 1982. In the PRO the Southwest District found that during the period September 1973 through August 1980, Mercury sold crude oil as stripper and newly discovered oil in violation of the crude oil pricing regulations. According to the PRO the Mercury Production Co. violation resulted in \$288,037.25 of overcharges.

*Shore Oil Co., Inc., Kilgore, Texas, HRO-*  
0077, motor gasoline

On July 14, 1982, Shore Oil Company, Inc., (Shore), 2204 N. Longview, Kilgore, Texas 75662 filed a Notice of Objection to a Proposed Remedial Order which the DOE's Economic Regulatory Administration issued to the firm on June 16, 1982. In the PRO the Economic Regulatory Administration found that during the period March 1, 1979 to December 31, 1979, Shore sold motor gasoline to its customers at prices in excess of those permitted by the applicable DOE price rule. According to the PRO the Shore Oil Company, Inc. violation resulted in \$852,755.51 of overcharges.

*Tipperary Corp., Midland, Texas, HRO-0078,*  
crude oil

On July 15, 1982, Tipperary Corp. of Midland, Texas filed a Notice of Objection to a Proposed Remedial Order which the DOE Dallas District Office of Enforcement issued to the firm on June 16, 1982. In the PRO the Dallas District Office found that during the period July 1977 to February 1979, Tipperary charged prices higher than those permitted by 10 CFR Part 212, Subpart D by requiring purchasers of crude oil to pay a "processing fee." According to the PRO the Tipperary violation resulted in \$87,322.06 of overcharges.

[FR Doc. 82-23683 Filed 8-27-82; 8:45 am]

BILLING CODE 6450-01-M

### Office of the Secretary

#### Conduct of Employees; Waiver for Wray Smith

Section 602(a) of the Department of Energy Organization Act (Pub. L. 95-91, hereinafter referred to as the "Act") prohibits a "supervisory employee" (defined in section 601(a) of the Act) of the Department from knowingly receiving compensation from, holding any official relation with, or having any pecuniary interest in any "energy concern" (defined in section 601(b) of the Act).

Section 602(c) of the Act authorizes the Secretary of Energy to waive the requirements of section 602(a) in cases of exceptional hardship or where the interest is a pension, insurance, or other similarly vested interest.

Dr. Wray Smith is the Director, Office of Energy Markets and End Use, Energy Information Administration. In that position, he is a "supervisory employee" of the Department. He has been offered a part-time teaching position by the University of Virginia. The University, because of the nature and extent of its contracts with and grants from the Department, has been determined to be an "energy concern."

It has been established to my satisfaction that requiring Dr. Smith to refuse such an offer from the University of Virginia would impose exceptional hardship on him within the meaning of section 602(c) of the Act. Accordingly, I have granted him a waiver, through June 30, 1985, of the requirements of section 602(a) of the Act with respect to the offer he has received, and any similar offers he may receive, from the University. Dr. Smith's acceptance of any such similar offers will be subject to the prior written approval of his Reviewing Official and the Counselor.

Dr. Smith's official duties as Director, Office of Energy Markets and End Use, Energy Information Administration, are not expected to require his involvement in matters relating to the University of Virginia. Nevertheless, he has been directed not to participate personally and substantially, as a Government employee, in any particular matter the outcome of which could have a direct and predictable effect upon the University unless his Reviewing Official and the Counselor agree that the financial interest in the particular matter is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect of him.

Dated: August 20, 1982.

James B. Edwards,  
Secretary.

[FR Doc. 82-23686 Filed 8-27-82; 8:45 am]

BILLING CODE 6450-01-M

### Western Area Power Administration

#### Falcon Project; Notice of Proposal to Confirm and Approve an Extension of a Power Rate on an Interim Basis

**AGENCY:** Western Area Power Administration, DOE.

**ACTION:** Notice of proposal of an extension of a power rate on an interim basis—Falcon Project, Texas.

**SUMMARY:** Notice is given of proposed Rate Order No. WAPA-16 of the Assistant Secretary for Conservation and Renewable Energy extending on an interim basis the rate for energy marketed by the Western Area Power Administration (Western) from the Falcon Project, Texas.

**DATE:** Written comments on the proposed order should be submitted to Mr. A. M. Gabiola, by September 30, 1982, at the address given below:

**ADDRESSES:** For further information contact:

Mr. A. M. Gabiola, Area Manager, Salt Lake City Area Office, Western Area Power Administration, P.O. Box 11606, Salt Lake City, UT 84147, (801) 524-5493

Mr. Conrad Miller, Chief, Rates and Statistics Branch, Western Area Power Administration, P.O. Box 3402, Golden, CO 80401, (303) 231-1535

Mr. James A. Braxdale, Office of Power Marketing Coordination, Department of Energy, CE-91, Federal Building, Washington, DC 20461, (202) 633-8338

**SUPPLEMENTARY INFORMATION:** On August 1, 1977, the Federal Power Commission, pursuant to the Falcon Dam Act of 1954, approved rates

contained within a contract between the Bureau of Reclamation (BuRec) and the Central Power and Light Company. That contract runs "until the date on which the Amistad Powerplant is ready to deliver power or December 31, 1982, whichever date occurs first." The rate for power in the contract is 14 mills per kilowatthour.

On August 12, 1977, the Federal Power Commission approved a rate formula contained in a contract between the BuRec and two cooperatives. The South Texas Electric Cooperative, Inc., and the Medina Electric Cooperative, Inc., agreed to purchase the output of the Falcon and Amistad Powerplants for a 50-year period, beginning when initial electric service is available from Amistad. The cooperatives agreed to take all Falcon and Amistad power and to pay the United States the following:

1. The amount necessary to amortize the remaining investment costs of the power facilities at Amistad over a 50-year period;
2. The amount necessary to amortize the remaining investment costs of the power facilities at Falcon; and
3. The annual projects' operation, maintenance, replacement costs, and the administrative costs of the International Boundary and Water Commission and BuRec.

Due to construction delays, the Amistad Powerplant will not be operational until approximately May 1983. Western is currently formulating a marketing plan for Falcon power between December 31, 1982, and such time as Amistad becomes available. However, no rate for this time period has been approved for Falcon power by either the Federal Power Commission or the Federal Energy Regulatory Commission (FERC).

By Delegation Order No. 0204-33, effective January 1, 1979 (43 FR 60636, December 28, 1978), the Secretary of Energy delegated to the Assistant Secretary for Resource Applications the authority to develop power and transmission rates, acting by and through the Administrator, and to confirm, approve, and place in effect such rates on an interim basis, and to FERC the authority to confirm and approve on a final basis or to disapprove rates developed by the Assistant Secretary under the delegation. Due to a Department of Energy organizational realignment, Delegation Order No. 0204-33 was amended, effective March 19, 1981 (46 FR 25426, May 7, 1981), to transfer the authority of the Assistant Secretary for Resource Applications to the Assistant Secretary for Conservation and Renewable Energy. Pursuant to

regulations promulgated to complement the delegation order, the Assistant Secretary for Conservation and Renewable Energy has the authority to extend, on an interim basis, rates "previously confirmed and approved by . . . the Federal Power Commission." (10 CFR 903.23 (1981)).

Western proposes that the current rate of 14 mills per kilowatthour for Falcon Project power should be extended until such time as the Falcon-Amistad system becomes operational. Rather than developing a rate schedule, Western proposes to extend the term of the contract previously filed with the Federal Power Commission. This will have the effect of extending the rate contained within the filed contract. After Amistad Powerplant comes on line, the rate formula contained within the contract with the cooperatives will assure repayment of the Federal investment in a timely manner. Therefore, Western proposes that the current rate be extended on an interim basis, subject to FERC confirmation and approval on a final basis.

#### Regulatory Flexibility Analysis

Pursuant to the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.), each agency, when required by 5 U.S.C. 553 to publish a proposed rule, is further required to prepare and make available for public comment an initial regulatory flexibility analysis to describe the impact of the proposed rule on small entities. In this instance, the proposed rate for Falcon Dam power relates to nonregulatory services provided by Western.

Under 5 U.S.C. 601(2), rates or services of particular applicability are not considered "rules" within the meaning of the act. Since the proposed extension of rate for Falcon Dam power is of limited applicability and is being set in accordance with specific legislation under particular circumstances, Western believes that no flexibility analysis is required.

#### Environmental Evaluation

In compliance with the National Environmental Policy Act of 1969 (NEPA) and the Department of Energy (DOE) regulations published in the Federal Register on February 23, 1982 (47 FR 7976), Western conducts environmental evaluations of certain rate and allocation actions. Under the DOE regulations, Western will make an evaluation and determination of the possible environmental impacts of the proposed rate extension. After an administrative determination is made of what level documentation under NEPA

is required, a memorandum will be prepared explaining the basis for that determination.

#### Determination Under Executive Order 12291

The Department of Energy has determined that this is not a major rule because it does not meet the criteria of section 1(b) of Executive Order 12291, 46 FR 13193 (February 19, 1981). Western has an exemption from sections 3, 4, and 7 of Executive Order 12291.

Issued in Golden, Colorado, August 20, 1982.

Robert L. McPhail,  
Administrator.

[FR Doc. 82-23720 Filed 8-27-82; 8:45 am]

BILLING CODE 6450-01-M

#### Final Power Marketing Plan for Excess Capacity and Call for Applications for Allocations; Loveland Fort-Collins Area

**AGENCY:** Western Area Power Administration, DOE.

**ACTION:** Final power marketing plan and call for applications for allocations—Loveland-Fort Collins Area

**SUMMARY:** The Loveland-Fort Collins Area Office of the Western Area Power Administration (Western) has developed a final plan for marketing excess capacity in the Pick-Sloan Missouri Basin Program-Western Division (P-SMBP-WD) hydroelectric power system.

Western is offering to sell 10 megawatts of excess capacity to firm power customers having sufficient P-SMBP-WD firm energy entitlements to support an additional allocation of capacity without energy.

Western will integrate the remainder of the excess capacity with surplus energy from non-Federal thermal generation plants by means of a resource Coordination Program (RCP) now being operated in the Loveland-Fort Collins area. The resulting capacity with energy will be offered for sale through the 1989 summer billing season.

The effective date of this marketing plan will be October 1, 1982.

Utilities seeking an allocation of the P-SMBP-WD capacity without energy or the RCP capacity with energy should submit applications for allocations by September 15, 1982.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Peter G. Ungerman, Area Manager,  
Loveland-Fort Collins Area Office,  
Western Area Power Administration,  
P.O. Box 2650, Fort Collins, CO 80522,  
Phone: (303) 224-7201

Mr. Harold E. Hood, Director, Division of Marketing and Rates, Western Area Power Administration, P.O. Box 3402, Golden, CO 80401, Phone: (303) 231-1545

#### SUPPLEMENTARY INFORMATION:

##### I. Regulatory Procedural Requirements

###### A. Statutory Basis of Marketing Plan

The marketing plan for the excess capacity has been developed by Western pursuant to the Department of Energy Organization Act (Pub. L. 95-91, 91 Stat. 565, 42 U.S.C. 7101, et seq.), and the Reclamation Act of 1902, (32 Stat. 388, 43 U.S.C. 372, et seq.), as amended and supplemented by subsequent enactments, particularly by section 9(c) of the Reclamation Project Act of 1939 (53 Stat. 1194, 43 U.S.C. 485h(c)).

###### B. Regulatory Flexibility Analysis

Pursuant to the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.), each agency, when required by 5 U.S.C. 553 to publish a final "rule," is further required to prepare and publish in the **Federal Register**, at the time of publication of the final rule, a final regulatory flexibility analysis. In this instance, the marketing plan for the P-SMBP-WD excess capacity relates to nonregulatory services provided by Western. Under 5 U.S.C. 601(2), rules of particular applicability relating to rates or services are not considered "rules" within the meaning of the Act; therefore, Western believes that no flexibility analysis is required.

###### Environmental Evaluation

In compliance with the National Environmental Policy Act of 1969 (NEPA) and the Department of Energy (DOE) regulations published in the **Federal Register** on February 23, 1982 (47 FR 7976), Western has made a determination based on environmental consideration of the proposed power marketing plan and allocation methods that this action is not a significant action in the context of NEPA and that it will not lead to any significant environmental impacts.

###### Determination Under Executive Order 12291

The DOE has determined that this is not a major rule because it does not meet the criteria of section 1(b) of Executive Order 12291, 46 FR 13193 (February 19, 1981). Western has an exemption from sections 3, 4, and 7 of Executive Order 12291.

##### II. Background

Western's Loveland-Fort Collins Area Office markets power generated at 16

hydroelectric powerplants in Colorado, Wyoming, and Montana to 56 customers in a 200,000-square-mile service area. Fifteen of these powerplants and associated transmission facilities comprise the P-SMBP-WD power system. The resource available for marketing through the 1989 summer billing season is 79 MW of excess P-SMBP-WD firm capacity in the summer season and 72 MW in the winter season, plus excess seasonal capacity, as available.

At a public information meeting held on January 19, 1982, Western presented four alternatives for marketing the excess capacity. On February 2, 1982, Western held a public comment forum at which interested parties were invited to comment on the four alternatives. Written comments were received through February 5, 1982.

Western evaluated the comments of area utilities made with reference to the four alternatives and on June 1, 1982, published a notice of a proposed marketing plan (47 FR 23892) which incorporated two of the four alternatives previously presented.

On June 24, 1982, another public comment forum was held at which interested parties commented on the proposed marketing plan. The second comment period closed on July 1, 1982.

##### III. Comments

Only three comments were received in response to the proposed marketing plan.

One commentator expressed appreciation for the proposed plan.

Another commentator expressed general approval of the plan, but objected to the restrictions placed on eligibility for the capacity without energy.

The third commentator also objected to the restrictions placed on eligibility for the capacity without energy.

###### A. Eligibility

One of the objecting commentators, a joint action agency representing municipalities served by Western, would have preferred that some of the excess capacity be reserved to permit the joint action agency to receive a consolidated rate of delivery equivalent to the sum of the contract rates of delivery of the municipalities.

The other commentator represents a municipality which is a P-SMBP-WD firm power customer. The municipality believes that it has a favorable contract for its supplemental energy needs. It would, therefore, prefer to receive an allocation of P-SMBP-WD capacity without energy and to return the associated energy through purchases

from its supplemental energy supplier. Under the proposed plan, however, the municipality would be ineligible for the offering of capacity without energy because that offering is limited to customers that are not now receiving their full P-SMBP-WD energy entitlement.

While Western is sympathetic to the special requests of these two customers, it is our policy to draft marketing plans to best meet the common needs of the preference entities in the Loveland-Fort Collins Area Office marketing area.

#### B. Allocation Method

When Western presented the four possible marketing alternatives in January 1982, we suggested that, if the long-term RCP firm capacity with energy were oversubscribed, sales would be apportioned based on the ratio of each eligible applicant's request to the total unallocated and marketable P-SMBP-WD capacity. A consultant pointed out that the suggested apportionment method was mathematically incorrect, and was susceptible to manipulation by applicants.

Western has corrected the apportionment method and is reserving the right to amend any request which, in Western's judgment, cannot be supported.

#### IV. Final Power Marketing Plan

##### A. Long-Term Capacity Without Energy to Existing P-SMBP-WD Customers

Western is offering 10 MW of long-term firm capacity without energy for sale on a two-session basis through the 1989 summer season.

To be eligible for an allocation, applicants must have existing P-SMBP-WD firm energy entitlements in each season sufficient to support the additional allocation of the capacity without energy. Successful applicants must have load patterns such that they are presently unable to utilize their full seasonal entitlement of up to 2,550 kilowatt hours per kilowatt of their existing P-SMBP-WD firm Contract Rate of Delivery (CROD). This firm capacity without energy will enable such P-SMBP-WD firm power customers to utilize a greater amount of their seasonal entitlement of energy, but will not increase such entitlement.

There is no provision for return of energy.

If the offering is oversubscribed, the capacity will be apportioned based on the ratio of each eligible applicant's existing P-SMBP-WD CROD to the total CROD of all eligible applicants. Any undersubscription, and any of this capacity allocated but not contracted for

within a reasonable time, will become available for use in the RCP.

The term of the contracts will be through the 1989 summer season. The price for this firm capacity without energy shall be the price for P-SMBP-WD peaking capacity given in rate schedule LM-FP2, or any superseding rate schedule, as of its effective date.

Transmission will be made to the same delivery points and under the same conditions as under the customer's existing contract for firm P-SMBP-WD power, unless revised by mutual agreement.

##### B. The RCP Offering

The RCP operationally integrates non-Federal thermal generation resources with Federal hydroelectric resources to maximize the availability of firm capacity with energy and nonfirm onpeak energy and thus to displace the use of oil- and gas-fired peaking generation resources. Further information about the RCP operating principles can be found at 47 FR 23893, June 1, 1982.

Western is dedicating 69 MW of excess P-SMBP-WD firm capacity in the summer season and 62 MW in the winter season, as well as any excess capacity without energy not allocated to existing P-SMBP-WD customers, together with seasonal excess capacity and surplus energy that might be available from time-to-time, for use in the RCP through the 1989 summer season.

The excess P-SMBP-WD capacity will be integrated, through the RCP, with surplus thermal generation such that the RCP participants will be able to market long-term firm capacity with energy, seasonal or monthly capacity with energy, and nonfirm energy.

The contracts for the long-term firm capacity with energy will be offered through the summer season of 1989. The amount of the energy entitlement that will be associated with the firm capacity will vary during the term of the contracts depending, in part, on commitments from energy suppliers, and the limits on the capability of Western's hydrosystem to shape offpeak energy to onpeak use.

The long-term firm capacity with energy and seasonal capacity with energy will first be offered to preference entities in the Loveland-Fort Collins Area Office marketing area.

If the offering is oversubscribed, sales will be apportioned based on the ratio of each eligible applicant's requested CROD to the total requested CRODs of all eligible applicants. For the purpose of apportionment, Western reserves the right to amend any request that, in

Western's judgment, cannot be supported.

Any undersubscription will be offered next to other preference entities and to nonpreference entities.

Any that is allocated but not contracted for within a reasonable time may be reallocated.

The long-term firm capacity with energy will be offered on a two-season basis. The summer season will be from the beginning of the April billing period through the end of the September billing period. The winter season shall be from the beginning of the October billing period through the March billing period.

#### V. Applications for Allocations

To be eligible for an allocation of long-term capacity without energy or long-term RCP capacity with energy under this final marketing plan, interested utilities must submit Applicant Profile Data (APD) to the Loveland-Fort Collins Area Manager on or before September 15, 1982.

When submitting the APD, applicants must, in item 8, specify their requested class of service and contract rate of delivery for each season.

Applicants which have previously submitted APD to Western's Loveland-Fort Collins Area Office may omit the information requested in items 1 through 7 of the APD when applying for services under this marketing plan.

The content and format of the APD is as follows:

##### Applicant Profile Data

1. *Eligibility.* A statement of eligibility as a preference customer under Reclamation Law and pertinent statutes, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)).

2. *Organization.* A brief description of the organization that will interact with Western on contracts and billing matters.

3. *Loads.* a. Number and type of customers served: residential, commercial, industrial, military base, and agricultural.

b. Monthly maximum demand and energy use for 1978, 1979, 1980, versus Contract Rate of Delivery (CROD).

c. Twenty-four-hour load curves for winter and summer peak days in 1978, 1979, 1980.

d. 1978-1980 average annual and monthly load factors for your total system. Projected load factors, if available, for the 1981-1994 period.

e. Projected monthly capacity and energy demand, 1981-1994. Indicate forecasting method and basic assumption.

4. **Resources.** a. List of operating generating resources, if any, capacity, location, and 1980 availability factor.

b. Percent of total supply received from Western, 1981-1989.

c. Status of power supply contracts with parties other than Western.

5. **Transmission.** a. Voltage of service required and possible delivery points.

b. A brief description of the type of transmission service being requested of Western, direct or wheeled.

6. **Renewable Resources and Cogeneration Projects.** a. List of future firm and planned resources, if any, capacity, location, scheduled operation date, and expected annual average lifetime capacity factor.

b. Estimated busbar cost (cent/kWh) of each project in 1980 dollars.

c. As appropriate, proposed plans for wheeling to Western's system.

7. The name, address, and telephone number (of a contact person) of the consulting firm used, if any.

8. Any other information the applicant desires to include.

9. The signature and title of an appropriate official who is able to attest to the validity of the data submitted and who is authorized to submit the application.

Issued in Golden, Colorado, August 20, 1982.

Robert L. McPhail,  
Administrator.

[FR Doc. 82-23719 Filed 8-27-82; 8:45 am]

BILLING CODE 6450-01-M

## ENVIRONMENTAL PROTECTION AGENCY

[AEN-FRL 2193-7]

### Motor Vehicle Recalls Under the Clean Air Act

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of final agency actions.

**SUMMARY:** This notice announces final EPA actions taken in conjunction with its motor vehicle recall program. Persons who disagree with these final actions may petition the United States Court of Appeals for the District of Columbia Circuit for review of these actions. Failure to petition for review of these actions within 60 days of August 30, 1982 will preclude a challenge later in an EPA enforcement action.

**ADDRESS:** Information pertaining to EPA's approval of GM's remedial plan for 1979 vehicles of Pontiac engine family 920S2E are available in EPA Public Docket EN-82-07, located in EPA's Central Docket Section (A-130),

Gallery I, 401 M Street, S.W., Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:** Donald E. Zinger, Manufacturers Operations Division (EN-340), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 382-2495.

**SUPPLEMENTARY INFORMATION:** Under section 307(b)(1) of the Clean Air Act, EPA has determined that these actions are of nationwide scope and effect. Accordingly, judicial review of any of these actions is available *only* by the filing of a petition for review in the United States Court of Appeals for the District of Columbia Circuit within 60 days of August 30, 1982. Under section 307(b)(2) of the Clean Air Act these final actions and the bases for them, which are the subject of today's notice, may not be challenged later in civil or criminal proceedings brought by EPA to enforce these actions.

The following EPA actions regarding the recall of motor vehicles under 40 CFR Part 85 for failure to meet applicable Federal emission standards have become final:

1. In a letter of November 12, 1981, Volkswagen of America, Inc. (VWOA) submitted a plan to remedy the oxides of nitrogen (NO<sub>x</sub>) and hydrocarbon (HC) nonconformities in 1977 model year VW vehicles of engine family 37. EPA approved this plan as a remedy for the NO<sub>x</sub> and HC nonconformities in these 1977 vehicles in a letter of November 19, 1981. Therefore, on November 19, 1981, EPA's approval of VWOA's remedial plan for the 1977 VW engine family 37 became final.

As a result of EPA's approval of VWOA's remedial plan, two administrative proceedings pertaining to these 1977 VW vehicles were dismissed as moot. The first proceeding, *In re Volkswagen of America, Inc., Manufacturer*, CAA (207) Docket No. 2, was requested by VWOA in order to contest the Administrator's finding of nonconformity in these 1977 VW vehicles and was dismissed by Administrative Law Judge Gerald Harwood on April 5, 1982. The second proceeding, *In re Volkswagen Aktiengesellschaft, Manufacturer*, CAA (207) Docket No. 3, was requested by Volkswagen Aktiengesellschaft (appearing specially) in order to contest the mode of service of the Administrator's notice of nonconformity for these 1977 VW vehicles and was dismissed on April 8, 1982.

2. In a letter of November 4, 1981, Chrysler Corporation (Chrysler) submitted a plan to remedy the carbon monoxide (CO) nonconformity in 1975

model year Chrysler vehicles with 360 and 400 cubic inch displacement (CID) engines. After subsequent changes to this plan were agreed upon by EPA and Chrysler, EPA approved a plan to remedy the CO nonconformity in these 1975 vehicles in a letter of December 3, 1981. Therefore, on December 3, 1981, EPA's approval of Chrysler's remedial plan for the 1975 Chrysler vehicles with 360 and 400 CID engines became final.

3. On May 10, 1982, the Administrator ordered the recall of 1978 model year General Motors Corporation (GM) vehicles of engine families 860J0U and 860J0 for their failure to comply with the applicable Federal emission standard for NO<sub>x</sub>. Under § 85.1807, a manufacturer who disagrees with the Administrator's finding of nonconformity may file a request for a public hearing with the Administrator within 45 days after the receipt of the Administrator's notification of nonconformity. GM has not made a request for a public hearing and, therefore, the recall order of May 10, 1982 is now final.

4. In a letter of July 2, 1982, GM submitted a plan to remedy the NO<sub>x</sub> nonconformity in 1979 model year vehicles of engine family 920S2E. EPA approved this plan as a remedy for the NO<sub>x</sub> nonconformity in these 1979 vehicles in a letter of July 29, 1982. Therefore, on July 29, 1982, EPA's approval of GM's remedial plan for the 1979 engine family 920S2E became final.

The remedial plan submitted by GM does not call for the recall and repair of the 1979 vehicles found to be in nonconformity by the Administrator, but instead "offsets" the excess emissions of the 1979 vehicles by producing certain future model year cars to a NO<sub>x</sub> emissions level more stringent than the statutory standard. This is the first time that EPA has approved such a remedial plan and, hence, a docket containing documents related to this final action has been established. This docket, EN-82-07, is located in EPA's Central Docket Section (A-130), Gallery I, 401 M Street, S.W., Washington, D.C. 20460.

Dated: August 16, 1982.

Richard D. Wilson,  
Director, Office of Mobile Sources.

[FR Doc. 82-23744 Filed 8-27-82; 8:45 am]

BILLING CODE 6560-50-M

[WH-FRL-2197-7]

### Municipal Wastewater Treatment Works; Correction

**AGENCY:** Environmental Protection Agency.

**ACTION:** Correction.

**SUMMARY:** The Office of Water recently announced in the *Federal Register* (Volume 47, Number 144, page 32473, Tuesday, July 27, 1982) the availability of a guidance document entitled "Construction Grants 1982 (CG-82)." The Environmental Protection Agency (EPA) will update the document (as "CG-83") to account for any changes in the construction grants regulations when they are promulgated in final form. For this reason, comments on CG-82 are encouraged, especially with respect to its applicability and usefulness. Specific comments are also requested on any missing subjects or areas in need of clarification or elaboration.

Our previous *Federal Register* announcement did not indicate the close of the comment period for CG-82. Therefore, to ensure comments are incorporated into CG-83, they must be received by EPA no later than September 20, 1982.

**ADDRESS:** Mr. James Wheeler, Municipal Technology Branch, Municipal Construction Division (WH-547), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:** Mr. James F. Wheeler, (202) 426-8976.

Dated: August 20, 1982.

Frederic A. Eidsness, Jr.,  
Assistant Administrator for Water.

[FR Doc. 82-23646 Filed 8-27-82; 8:45 am]

BILLING CODE 6560-50-M

## EXPORT-IMPORT BANK OF THE UNITED STATES

### Privacy Act of 1974; Systems of Records; Annual Publication

The Privacy Act of 1974, 5 U.S.C. 552a(e)(4) requires that each Agency publish in the *Federal Register* at least annually a notice of the Existing Systems of Records it maintains.

The Export-Import Bank of the United States last published the full text of its Systems of Records at 46 FR, pages 51285-51300, October 19, 1981.

The full text of the Export-Import Bank Systems of Records also appears in the Privacy Act Issuance 1980, Compilation Volume IV, page 222 through 234. The Rules appear on pages 235 and 236 of Volume IV, 1980.

The following minor changes have been made to our Systems of Records:

EIB-2 Retention and Disposal has been changed to "Statements are disposed of 6 years after the date they are filed by the individual. Disposal is by burning or shredding."

EIB-15 Under Categories of Individuals covered by the System, delete "except day laborers".

EIB-22 Under Security Classification change to "Secret".

EIB-24 Under Categories of Records in the System it should read "Letters of transmittal to OPM requesting investigation and memorandum to office and/or division heads regarding clearance".

EIB-25 Under Categories of Individuals Covered by the System change to "All Eximbank employees since 1970". Under Categories of Records in the System it should read "extensive current and historical payroll and personnel data"; Authority for Maintenance of the System is changed to read "Eximbank management practices"; and under Safeguards "accessed to" is changed to "accessible only to".

EIB-29 Under Safeguards change to "Steel file cabinet and in a building that has a GSA contractor guard".

Adrian B. Wainwright,  
Vice President, Administration.  
August 24, 1982.

### EIB-1

#### SYSTEM NAME:

EIB biographical sketches on Eximbank employees.

#### SECURITY CLASSIFICATION:

None.

#### SYSTEM LOCATION:

811 Vermont Avenue, NW.,  
Washington, D.C. 20571.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officers and professionals of the Eximbank.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Name, date of birth, place of birth, educational and work experience.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Eximbank personnel management practices.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By officials and personnel of the Eximbank for public appearance. By news media in connection with speeches, public appearance, newspapers, etc. By departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry

from the Congressional Office made at the request of that individual.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

##### STORAGE:

Maintained in binder books and file folders.

##### RETRIEVABILITY:

Alphabetically.

##### SAFEGUARDS:

Bookcases and desks and in a building that has a GSA contractor guard.

##### RETENTION AND DISPOSAL:

Retained while employed by the Eximbank or until appointment expires.

##### SYSTEM MANAGER(S) AND ADDRESS:

Personnel Office, 811 Vermont Avenue, NW., Washington, D.C. 20571.

##### NOTIFICATION PROCEDURE:

Vice President—Administration, 811 Vermont Avenue, NW., Room 1031, Washington, D.C. 20571.

##### RECORD ACCESS PROCEDURES:

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

##### RECORD SOURCE CATEGORIES:

Individual and miscellaneous personnel forms.

### EIB-2

#### SYSTEM NAME:

EIB Confidential Statement of Employment and Financial Interest.

#### SECURITY CLASSIFICATION:

None.

#### SYSTEM LOCATION:

811 Vermont Avenue, NW.,  
Washington, D.C. 20571.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Eximbank past and present employees above a certain grade level

unless exempted by the Ethics Committee.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name, title of position, date of appointment in present position, office or division, employment and financial interest, creditors, interests in real property and information requested of other persons, signature and date.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Required by Section 402 of Executive Order 11222 dated May 8, 1965.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Reviewed by members of the Ethics Committee regarding conflicts of interest. By officials and employees of the Eximbank in the performance of their official duties and by other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.**

**STORAGE:**

File folder.

**RETRIEVABILITY:**

Alphabetical.

**SAFEGUARDS:**

Locked cabinet and in a building that has a GSA contractor guard.

**RETENTION AND DISPOSAL:**

Statements are disposed of 6 years after the date they are filed by the individual. Disposal is burning or shredding.

**SYSTEM MANAGER(S) AND ADDRESS:**

General Counsel, 811 Vermont Avenue, N.W., Washington, D.C. 20571.

**NOTIFICATION PROCEDURE:**

Vice President—Administration, 811 Vermont Avenue, N.W., Room 1031, Washington, D.C. 20571

**RECORD ACCESS PROCEDURES:**

Same as Notification. A request for information as to whether a Systems of Record contain a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide

some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

**RECORD SOURCE CATEGORIES:**

Individual.

**EIB—3**

**SYSTEM NAME:**

EIB Driver's License file.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

811 Vermont Avenue, N.W., Washington, D.C. 20571.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

SF-46, U.S. Government Motor Vehicle Operator's Identification Card for issuance to those present and past employees authorized to drive an official Government car in the performance of their assigned duties.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name, card number, date issued, expiration date, signature of operator, sex, date of birth, color of hair, color of eyes, height, weight, birthplace, social security number, signature of issuing official, title, name and location of issuing unit.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

In accordance with FPM 930.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

By officials and employees of the Eximbank in the performance of their official duties. By the Department of Motor Vehicles, D.C. Police Department, Justice Department and insurance companies in the performance of their official duties. By other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.**

**STORAGE:**

File folder.

**RETRIEVABILITY:**

Numerically.

**SAFEGUARDS:**

Locked desk drawer and in a building that has a GSA contractor guard.

**RETENTION AND DISPOSAL:**

Retained indefinitely.

**SYSTEM MANAGER(S) AND ADDRESS:**

Vice President—Administration, 811 Vermont Avenue, N.W., Washington, D.C. 20571.

**NOTIFICATION PROCEDURE:**

Vice President—Administration, 811 Vermont Avenue, N.W., Room 1031, Washington, D.C. 20571.

**RECORD ACCESS PROCEDURES:**

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

**RECORD SOURCE CATEGORIES:**

Individual and the completion of EIB Form 74-2 and SF-47.

**EIB—4**

**SYSTEM NAME:**

EIB Earnings and Tax Statement.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

811 Vermont Avenue, N.W., Washington, D.C. 20571.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Eximbank past and present employees yearly earnings.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name, social security number, home address, gross earnings for the year, federal and state tax deductions for the year and marital status.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Internal Revenue Service.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Used at the end of the calendar year by the Payroll Unit. By officials and

employees of the Eximbank in the performance of their official duties. By representatives of the OPM, Comptroller General, Attorney General, Treasury and by officials and employees of other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.**

**STORAGE:**

File cabinet.

**RETRIEVABILITY:**

Alphabetical.

**SAFEGUARDS:**

Locked file cabinet and in a building that has a GSA contractor guard.

**RETENTION AND DISPOSAL:**

3 years.

**SYSTEM MANAGER(S) AND ADDRESS:**

Treasurer Controller, 811 Vermont Avenue, N.W., Washington, D.C. 20571.

**NOTIFICATION PROCEDURE:**

Vice President—Administration, 811 Vermont Avenue, N.W., Room 1031, Washington, D.C. 20571.

**RECORD ACCESS PROCEDURES:**

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

**RECORD SOURCE CATEGORIES:**

Individual and payroll records.

**EIB—5**

**SYSTEM NAME:**

EIB Employee Records (relocation site).

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

811 Vermont Avenue, N.W., Washington, D.C. 20571.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Current Eximbank employees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Service records cards, retirement deductions, bond balances, annual and sick leave balances.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Vital Records Act.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Records maintained for reference and backup for main records. By officials and employees of the Eximbank in the performance of their official duties. By employees and officials of other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.**

**STORAGE:**

Expandable envelope.

**RETRIEVABILITY:**

Alphabetically within the envelope.

**SAFEGUARDS:**

Locked safe file at relocations site.

**RETENTION AND DISPOSAL:**

Records are updated quarterly, and out-of-date records destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Vice President—Administration, 811 Vermont Avenue, N.W., Washington, D.C. 20571.

**NOTIFICATION PROCEDURE:**

Vice President—Administration, 811 Vermont Avenue, N.W., Room 1031, Washington, D.C. 20571.

**RECORD ACCESS PROCEDURES:**

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system

should direct their request to the Notification listed above.

**RECORD SOURCE CATEGORIES:**

Office of Personnel and Payroll Unit.

**EIB—6**

**SYSTEM NAME:**

EIB Equal Employment Opportunity, discrimination complaint.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

811 Vermont Avenue, N.W., Washington, D.C. 20571.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Eximbank employee filing a discrimination complaint.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name and type of complaint.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Executive Order 10590, Government Employment Policy.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

By persons of the Eximbank in the performance of their official duties. By Justice, EEOC, duly authorized representatives of the complainant in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.**

**STORAGE:**

File folders.

**RETRIEVABILITY:**

Alphabetical.

**SAFEGUARDS:**

Locked file cabinet and a building that has a GSA contractor guard.

**RETENTION AND DISPOSAL:**

2 years after the case has been resolved.

**SYSTEM MANAGER(S) AND ADDRESS:**

Vice President—Administration, 811 Vermont Avenue, N.W., Washington, D.C. 20571.

**NOTIFICATION PROCEDURE:**

Vice President—Administration, 811 Vermont Avenue, N.W., Room 1031, Washington, D.C. 20571.

**RECORD ACCESS PROCEDURES:**

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

**RECORD SOURCE CATEGORIES:**

Investigator, individual and employees of the division of office where the complainant was/is employed.

**EIB—7****SYSTEM NAME:**

EIB Financial Assistance Request for (under Federal Employee Training Act).

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

811 Vermont Avenue, N.W., Washington, D.C. 20571.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

EIB employees requesting financial assistance for training and text books.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Application for training.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Federal Employees Training Act.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Used as official authorization to justify payment for training expenses. By officials and employees of the Eximbank in the performance of their official duties and by GAO and other departments and agencies in the performance of their official duties. Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.****STORAGE:**

Folders.

**RETRIEVABILITY:**

Alphabetical by period.

**SAFEGUARDS:**

Locked file cabinet and in a building that has a GSA contractor guard.

**RETENTION AND DISPOSAL:**

3 years.

**SYSTEM MANAGER(S) AND ADDRESS:**

Treasurer Controller and Office Services, 811 Vermont Avenue, N.W., Washington, D.C. 20571.

**NOTIFICATION PROCEDURE:**

Vice President—Administration, 822 Vermont Avenue, N.W., Room 1031, Washington, D.C. 20571.

**RECORD ACCESS PROCEDURES:**

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request"—and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

**RECORD SOURCE CATEGORIES:**

Individual.

**EIB—8****SYSTEM NAME:**

EIB Financial Organization, Credit to Account (Checking).

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

811 Vermont Avenue, N.W., Washington, D.C. 20571.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

EIB employees complete when they want their salary check to be sent directly to a financial organization of their choice.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Employees application for deposit of salary check to the financial organization (checking) of their choice.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Treasury Department Fiscal Service.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Used by the Treasury Controller and his staff and officials and employees of the Eximbank in the performance of the official duties. By representatives of the OPM, Controller General, Treasury, financial institutions and by officials and employees of other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of the individual.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.****STORAGE:**

Filed in folders.

**RETRIEVABILITY:**

Alphabetical.

**SAFEGUARDS:**

Locked file cabinet and in a building that has a GSA contractor guard.

**RETENTION AND DISPOSAL:**

Until employee cancels.

**SYSTEM MANAGERS(S) AND ADDRESS:**

Treasurer Controller, 811 Vermont Avenue, N.W., Washington, D.C. 20571.

**NOTIFICATION PROCEDURE:**

Vice President—Administration, 811 Vermont Avenue, N.W., Room 1031, Washington, D.C. 20571.

**RECORD ACCESS PROCEDURES:**

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

**RECORD SOURCE CATEGORIES:**

Individual.

**EIB—9****SYSTEM NAME:**

EIB Financial Organization, Credit to Account (Savings).

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

811 Vermont Avenue, N.W.,  
Washington, D.C. 20571.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

EIB employees complete when they want their salary check or a portion to be sent to a savings financial organization of their choice.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Employees application for the deposit of salary check or a portion to be sent to a savings financial organization of their choice.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Department of the Treasury, Bureau of Accounts.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Used by the Treasurer Controller and his staff and officials and employees of the Eximbank in the performance of their official duties. By representatives of the OPM, Comptroller General, Treasury, financial institutions and by officials and employees of other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.****STORAGE:**

File folder.

**RETRIEVABILITY:**

Alphabetical.

**SAFEGUARDS:**

Locked combination safe and in a building that has a GSA contractor guard.

**RETENTION AND DISPOSAL:**

Until employee cancels.

**SYSTEM MANAGER(S) AND ADDRESS:**

Treasurer Controller, 811 Vermont Avenue, N.W., Washington, D.C. 20571.

**NOTIFICATION PROCEDURE:**

Vice President—Administration, 811 Vermont Avenue, N.W., Room 1031, Washington, D.C. 20571.

**RECORD ACCESS PROCEDURES:**

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

**RECORD SOURCE CATEGORIES:**

Individual.

**EIB—10****SYSTEM NAME:**

EIB Garage Space Application.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

811 Vermont Avenue, N.W.,  
Washington, D.C. 20571.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

EIB employees and other employees in federal agencies within the area holding parking spaces in the building.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name, address, license number, telephone number, make and license tag number of car, building location and room number and signature and date.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Eximbank management practices.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Maintained as the current list of current and potential garage space holders and alternates. By officials and employees of the Eximbank in the performance of their official duties. By representatives of the GSA and insurance companies in the performance of their official duties and by officials and employees of other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry

from the Congressional Office made at the request of that individual.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.****STORAGE:**

File folders.

**RETRIEVABILITY:**

Alphabetical.

**SAFEGUARDS:**

File cabinet and in a building that has a GSA contractor guard.

**RETENTION AND DISPOSAL:**

As changes occur.

**SYSTEM MANAGER(S) AND ADDRESS:**

Vice President—Administration, 811 Vermont Avenue, N.W., Washington, D.C. 20571.

**NOTIFICATION PROCEDURE:**

Vice President—Administration, 811 Vermont Avenue, N.W., Room 1031, Washington, D.C. 20571.

**RECORD ACCESS PROCEDURES:**

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

**RECORD SOURCE CATEGORIES:**

Individual.

**EIB—11****SYSTEM NAME:**

EIB immunization request.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

811 Vermont Avenue, N.W.,  
Washington, D.C. 20571.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Eximbank past and present employees who travel abroad on official business requiring immunization for such travel.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name and countries to be visited.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Eximbank management practices.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

By officials and employees of the Eximbank in the performance of their official duties. By State Department, Health, Education and Welfare, and private physicians in the performance of their official duties, and by officials and employees of other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.****STORAGE:**

File folder.

**RETRIEVABILITY:**

Chronologically.

**SAFEGUARDS:**

2 drawer unlocked file cabinet and in a building that has a GSA contractor guard.

**RETENTION AND DISPOSAL:**

Previous calendar year and present calendar year.

**SYSTEM MANAGER(S) AND ADDRESS:**

Vice President—Administration, 811 Vermont Avenue, N.W., Washington, D.C. 20571.

**NOTIFICATION PROCEDURE:**

Vice President—Administration, 811 Vermont Avenue, N.W., Room 1031, Washington, D.C. 20571.

**RECORD ACCESS PROCEDURES:**

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

**RECORD SOURCE CATEGORIES:**

Individual.

**EIB—12****SYSTEM NAME:**

EIB Passport request file.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

811 Vermont Avenue, N.W., Washington, D.C. 20571.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Eximbank past and present employees required to travel overseas in an official capacity who request an Official Passport.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name, title, approximate dates of travel, destination, purpose of travel and date of security clearance.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Eximbank management practices.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

By officials and employees of the Eximbank in the performance of their official duties. By State Department and embassies in the performance of their official duties and by officials and employees of other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.****STORAGE:**

File folder.

**RETRIEVABILITY:**

Chronologically.

**SAFEGUARDS:**

2 drawer unlocked file cabinet and in a building that has a GSA contractor guard.

**RETENTION AND DISPOSAL:**

Indefinitely.

**SYSTEM MANAGER(S) AND ADDRESS:**

Vice President—Administration, 811 Vermont Avenue, N.W., Washington, D.C. 20571.

**NOTIFICATION PROCEDURE:**

Vice President—Administration, 811 Vermont Avenue, N.W., Room 1031, Washington, D.C. 20571.

**RECORD ACCESS PROCEDURES:**

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individuals should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

**RECORD SOURCE CATEGORIES:**

Individual.

**EIB—13****SYSTEM NAME:**

EIB Payroll Certification.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

811 Vermont Avenue, N.W., Washington, D.C. 20571.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All present Eximbank employees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Payroll summary.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Treasury Department, Bureau of Accounts.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

By the Treasurer Controller and his staff and officials and employees of the Eximbank in the performance of their official duties. By representatives of the OPM, GAO, Justice in the performance of their official duties and by other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.****STORAGE:**

File folder.

**RETRIEVABILITY:**

Numerical.

**SAFEGUARDS:**

Combination safe and in a building that has a GSA contractor guard.

**RETENTION AND DISPOSAL:**

Retained 3 years.

**SYSTEM MANAGER(S) AND ADDRESS:**

Treasurer Controller, 811 Vermont Avenue, N.W., Washington, D.C. 20571.

**NOTIFICATION PROCEDURE:**

Vice President—Administration, 811 Vermont Avenue, N.W., Room 1031, Washington, D.C. 20571.

**RECORD ACCESS PROCEDURES:**

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

**RECORD SOURCE CATEGORIES:**

Time and attendance cards and personnel notification.

**EIB—14****SYSTEM NAME:**

EIB Payroll Change Slip, SF-1126.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

811 Vermont Avenue, N.W., Washington, D.C. 20571.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Eximbank present and past personnel.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Employee payroll summary showing notification of basic pay change, data on unpaid absence, payroll change data and remarks.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

U.S. Civil Service Commission.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

By the Treasurer Controller and his staff and officials and employees of the Eximbank in the performance of their official duties. By representatives of the OPM, GAO, Comptroller General,

Attorney General, Treasury and by officials and employees of other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.****STORAGE:**

File folders.

**RETRIEVABILITY:**

By date of changes.

**SAFEGUARDS:**

Combination safe and in a building that has a GSA contractor guard.

**RETENTION AND DISPOSAL:**

Maintained 2 years and then destroyed by burning.

**SYSTEM MANAGER(S) AND ADDRESS:**

Treasurer Controller, 811 Vermont Avenue, N.W., Washington, D.C. 20571.

**NOTIFICATION PROCEDURE:**

Vice President—Administration, 811 Vermont Avenue, N.W., Room 1031, Washington, D.C. 20571.

**RECORD ACCESS PROCEDURES:**

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

**RECORD SOURCE CATEGORIES:**

Office of Personnel and payroll records.

**EIB—15****SYSTEM NAME:**

EIB Payroll Coding Sheet, magnetic tape.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

811 Vermont Avenue, N.W., Washington, D.C. 20571.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All Eximbank past and present employees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Master payroll employee record.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Eximbank management practices.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

By officials and employees of the Eximbank in the performance of their official duties. By GSA, Justice, Treasury, GAO, Comptroller General and by officials and employees of other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.****STORAGE:**

Magnetic tape.

**RETRIEVABILITY:**

Pay period.

**SAFEGUARDS:**

Locked fire-proof safe and in a building that has a GSA contractor guard.

**RETENTION AND DISPOSAL:**

15 years.

**SYSTEM MANAGER(S) AND ADDRESS:**

Treasurer Controller, 811 Vermont Avenue, N.W., Washington, D.C. 20571.

**NOTIFICATION PROCEDURE:**

Vice President—Administration, 811 Vermont Avenue, N.W., Room 1031, Washington, D.C. 20571.

**RECORD ACCESS PROCEDURES:**

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system

should direct their request to the Notification listed above.

**RECORD SOURCE CATEGORIES:**

Payroll Unit and related personnel files.

**EIB—16**

**SYSTEM NAME:**

EIB Payroll Information Employee.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

811 Vermont Avenue, N.W.,  
Washington, D.C. 20571.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All present and past Eximbank employees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Employee payroll summary, i.e., name, social security number, marital status, grade and step, annual hourly and overtime rate, etc.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

GAO Policy and Procedures Manual for Guidance of Federal Agencies for controls over automated payroll system.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

By officials and employees of the Eximbank in the performance of their official duties. By OPM, GAO, IRS, HUD, Department of Labor and by officials and employees of other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.****STORAGE:**

Filed in binders.

**RETRIEVABILITY:**

Numerically.

**SAFEGUARDS:**

Locked cabinet and in a building that has a GSA contractor guard.

**RETENTION AND DISPOSAL:**

Retained 3 years.

**SYSTEM MANAGER(S) AND ADDRESS:**

Treasurer Controller, 811 Vermont Avenue, N.W., Washington, D.C. 20571.

**NOTIFICATION PROCEDURE:**

Vice President—Administration, 811 Vermont Avenue, N.W., Room 1031, Washington, D.C. 20571.

**RECORD ACCESS PROCEDURES:**

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individuals should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

**RECORD SOURCE CATEGORIES:**

Office of Personnel and individual.

**EIB—17**

**SYSTEM NAME:**

EIB Payroll Listing.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

811 Vermont Avenue, N.W.,  
Washington, D.C. 20571.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Eximbank past and present employees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name, net pay and check.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Treasury Department.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Used as a check list to distribute pay check to employees. By officials and employees of the Eximbank in the performance of their official duties. By Treasury, GAO, Comptroller General, OPM and by officials and employees of other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.****STORAGE:**

File folder.

**RETRIEVABILITY:**

By pay period.

**SAFEGUARDS:**

File cabinet in a building that has a GSA contractor guard.

**RETENTION AND DISPOSAL:**

Retained 2 years and then destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Treasurer Controller, 811 Vermont Avenue, N.W., Washington, D.C. 20571.

**NOTIFICATION PROCEDURE:**

Vice President—Administration, 811 Vermont Avenue, N.W., Room 1031, Washington, D.C. 20571.

**RECORD ACCESS PROCEDURES:**

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

**RECORD SOURCE CATEGORIES:**

Time and attendance cards and related personnel forms.

**EIB—18**

**SYSTEM NAME:**

EIB Payroll Master Record.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

811 Vermont Avenue, N.W.,  
Washington, D.C. 20571.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All new Eximbank employees and changes to old employees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Employee payroll summary, i.e., name, social security number, hourly rate, overtime rate, etc.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

GAO Policy and Procedures Manual for Guidance of Federal Agencies Title 6 for controls over automated payroll system.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Used to enter new employees and making any changes effecting old employees. By officials and employees of the Eximbank in the performance of their official duties. By Social Security, GAO, Comptroller General, IRS and by officials and employees of other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.**

**STORAGE:**

Binders.

**RETRIEVABILITY:**

Office or division.

**SAFEGUARDS:**

Locked cabinets in a building that has a GSA contractor guard.

**RETENTION AND DISPOSAL:**

Retained 3 years.

**SYSTEM MANAGER(S) AND ADDRESS:**

Treasurer Controller, 811 Vermont Avenue, N.W., Washington, D.C. 20571.

**NOTIFICATION PROCEDURE:**

Vice President—Administration, 811 Vermont Avenue, N.W., Room 1031, Washington, D.C. 20571.

**RECORD ACCESS PROCEDURES:**

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

**RECORD SOURCE CATEGORIES:**

Office of Personnel and individual.

**EIB—19**

**SYSTEM NAME:**

EIB Payroll Control Manual.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

811 Vermont Avenue, N.W., Washington, D.C. 20571.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All new employees and present and past employees making deductions and pay changes.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Control covering the biweekly payroll including such information as name, base pay and any deductions such as FICA, retirement, bond, insurance, health, charity, optional insurance and savings.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

GAO Policy and Procedures Manual for Guidance of Federal Agencies for controls over automated payroll system.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

By officials and employees of the Eximbank in the performance of their official duties. By OPM, Justice, IRS, Comptroller General and by officials and employees of other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.**

**STORAGE:**

File folder.

**RETRIEVABILITY:**

According to pay period.

**SAFEGUARDS:**

Locked cabinet and in a building that has a GSA contractor guard.

**RETENTION AND DISPOSAL:**

Retained 3 years.

**SYSTEM MANAGER(S) AND ADDRESS:**

Treasurer Controller, 811 Vermont Avenue, N.W., Washington, D.C. 20571.

**NOTIFICATION PROCEDURE:**

Vice President—Administration, 811 Vermont Avenue, N.W., Room 1031, Washington, D.C. 20571.

**RECORD ACCESS PROCEDURES:**

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in

writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

**CONTESTING RECORD PROCEDURES:**

Same as above.

**RECORD SOURCE CATEGORIES:**

Office of Personnel and individual.

**EIB—20**

**SYSTEM NAME:**

EIB Periodic Step Increase File.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

811 Vermont Avenue, N.W., Washington, D.C. 20571.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All current GS Eximbank employees who are not in the top step of their grade.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Contains name, social security number, current GS grade, current step of grade and date of next equivalent increase.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Eximbank management practices.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Used by Office of Personnel to insure all step increases are given at the correct time. By officials and employees of the Eximbank in the performance of their official duties. By OPM and by officials and employees of other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.**

**STORAGE:**

Cabinet.

**RETRIEVABILITY:**

Alphabetical by due dates.

**SAFEGUARDS:**

Locked cabinet and in a building that has a GSA contractor guard.

**RETENTION AND DISPOSAL:**

As long as employee is employed by the Eximbank.

**SYSTEM MANAGER(S) AND ADDRESS:**

Vice President—Administration, Office of Personnel, 811 Vermont Avenue, N.W., Washington, D.C. 20571.

**NOTIFICATION PROCEDURE:**

Vice President—Administration, 811 Vermont Avenue, N.W., Room 1031, Washington, D.C. 20571.

**RECORD ACCESS PROCEDURES:**

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

**RECORD SOURCE CATEGORIES:**

Based on information in the official personnel file of each Eximbank employee.

**EIB—21****SYSTEM NAME:**

EIB Personnel Listing.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

811 Vermont Avenue, N.W., Washington, D.C. 20571.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All current Eximbank employees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name, grade, title, salary and next salary change.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Eximbank management practices. Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used for staffing requirements, promotions and by officials and employees in the performance of their official duties. By other agencies and

departments in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.****STORAGE:**

Loose leaf binders or file folders.

**RETRIEVABILITY:**

Alphabetically by office.

**SAFEGUARDS:**

Locked cabinet or desk drawer in a building that has a GSA contractor guard.

**RETENTION AND DISPOSAL:**

Each time a new listing comes out the previous one is destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Vice President—Administration EDP Center, 811 Vermont Avenue, N.W., Washington, D.C. 20571.

**NOTIFICATION PROCEDURE:**

Vice President—Administration, 811 Vermont Avenue, N.W., Room 1031, Washington, D.C. 20571.

**RECORD ACCESS PROCEDURES:**

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

**RECORD SOURCE CATEGORIES:**

Eximbank Data Processing Center and payroll records.

**EIB—22****SYSTEM NAME:**

EIB Personnel Security Records.

**SECURITY CLASSIFICATION:**

Secret.

**SYSTEM LOCATION:**

811 Vermont Avenue, N.W., Washington, D.C. 20571.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Eximbank employees, applicants, and consultants.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Personnel investigations of current employees including actual investigations, summary investigations from other Federal agencies, security forms and correspondence relating to security.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Executive Order 10450.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Personnel security records are maintained in order to determine the level of clearance Eximbank employees permitted regarding access to classified materials and meetings in accordance with Executive Order 10450. By officials and employees of the Eximbank in the performance of their official duties. By OPM, FBI and by officials and employees of other departments and agencies in the performance of their official duties.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.****STORAGE:**

File folder.

**RETRIEVABILITY:**

Alphabetical.

**SAFEGUARDS:**

Combination security locked file cabinet and in a building that has a GSA contractor guard.

**RETENTION AND DISPOSAL:**

Investigative files destroyed:

1. If applicant declines employment;
2. upon employee's departure;
3. upon consultant's completion of services.

**SYSTEM MANAGER(S) AND ADDRESS:**

Vice President—Administration, 811 Vermont Avenue, NW., Washington, D.C. 20571.

**NOTIFICATION PROCEDURE:**

Vice President—Administration, 811 Vermont Avenue, NW., Room 1031, Washington, D.C. 20571.

**RECORD ACCESS PROCEDURES:**

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope

clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

**RECORD SOURCE CATEGORIES:**

Investigations received from Federal investigative agencies and correspondence generated by other departments and agencies containing information from employers, references, schools, neighbors, police, credit agencies and other Federal investigative agencies.

**EIB—23**

**SYSTEM NAME:**

EIB Personnel Roster.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

811 Vermont Avenue, NW., Washington, D.C. 20571.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All present and past Eximbank employees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Alphabetical listing of employees by name, home address and telephone number.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Eximbank management practices.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Used by officials and employees of the Eximbank in the performance of their official duties. By officials and employees of other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.**

**STORAGE:**

File folder.

**RETRIEVABILITY:**

Alphabetical.

**SAFEGUARDS:**

Locked cabinet and in a building that has a GSA contractor guard.

**RETENTION AND DISPOSAL:**

Each calendar year.

**SYSTEM MANAGER(S) AND ADDRESS:**

Vice President—Administration, Office of Personnel, 811 Vermont Avenue, NW., Washington, D.C. 20571.

**NOTIFICATION PROCEDURE:**

Vice President—Administration, 811 Vermont Avenue, NW., Room 1031, Washington, D.C. 20571.

**RECORD ACCESS PROCEDURES:**

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individuals should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

**RECORD SOURCE CATEGORIES:**

Employee official personnel file and individual.

**EIB—24**

**SYSTEM NAME:**

EIB Personnel Security Correspondence.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

811 Vermont Avenue, NW., Washington, D.C. 20571.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Present Eximbank employees, applicants and terminated or transferred employees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Letters of transmittal to OPM requesting investigation and memorandum to office and/or division heads regarding clearances.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Eximbank management practices.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

By officials and employees of the Eximbank in the performance of their official duties and by officials and employees of other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.**

**STORAGE:**

File folder.

**RETRIEVABILITY:**

Chronologically.

**SAFEGUARDS:**

Combination locked security cabinet and in a building that has a GSA contractor guard.

**RETENTION AND DISPOSAL:**

2 years, destroyed by burning.

**SYSTEM MANAGER(S) AND ADDRESS:**

Vice President—Administration, 811 Vermont Avenue, N.W., Washington, D.C. 20571.

**NOTIFICATION PROCEDURE:**

Vice President—Administration, 811 Vermont Avenue, N.W., Room 1031, Washington, D.C. 20571.

**RECORD ACCESS PROCEDURES:**

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

**RECORD SOURCE CATEGORIES:**

Individual and various personnel forms.

**EIB—25**

**SYSTEM NAME:**

EIB Computerized Payroll/Personnel Systems.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**811 Vermont Avenue, N.W.,  
Washington, D.C. 20571.**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All Eximbank employees since 1970.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Extensive current and historical payroll and personnel data.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Eximbank management practices.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

By officials and employees of the Eximbank in the performance of their official duties. By OMB, GAO, and by officials and employees of other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

Access is limited to authorized recipients of computer generated reports and computer personnel.

**STORAGE:**

Magnetic Media.

**RETRIEVABILITY:**

By any element maintained on the file.

**SAFEGUARDS:**

The cabinets in area accessible only to authorized personnel and in a building that has a GSA contractor guard.

**RETENTION AND DISPOSAL:**

Maintained for historical data.

**SYSTEM MANAGER(S) AND ADDRESS:**

Vice President—Administration EPD Center, 811 Vermont Avenue, N.W., Washington, D.C. 20571.

**NOTIFICATION PROCEDURE:**

Vice President—Administration, 811 Vermont Avenue, N.W., Room 1031, Washington, D.C. 20571.

**RECORD ACCESS PROCEDURES:**

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of

individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

**RECORD SOURCE CATEGORIES:**

Various payroll records.

**EIB—26****SYSTEM NAME:**

EIB Retirement Record Cards.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**811 Vermont Avenue, N.W.,  
Washington, D.C. 20571.**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Record maintained on every Eximbank employee paid by the computer system.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name, date of birth, social security number and pay rates during employment by the Eximbank. Primary record is cumulative retirement deductions.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

OPM requirement of all Federal agencies.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Updated for each salary change and yearly total of retirement deductions: Original sent to OPM when employees leave Eximbank. By officials and employees of the Eximbank in the performance of their official duties and by OPM and other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.****STORAGE:**

Steel file cabinet.

**RETRIEVABILITY:**

Alphabetical.

**SAFEGUARDS:**

Steel file cabinet with combination lock and in a building that has a GSA contractor guard.

**RETENTION AND DISPOSAL:**

Retained until the employee leaves the Eximbank either by transfer to another agency, retirement or resignation.

**SYSTEM MANAGER(S) AND ADDRESS:**

Treasurer Controller, Payroll Unit, 811 Vermont Avenue, N.W., Washington, D.C. 20571.

**NOTIFICATION PROCEDURE:**

Vice President—Administration, 811 Vermont Avenue, N.W., Room 1031, Washington, D.C. 20571.

**RECORD ACCESS PROCEDURES:**

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individuals should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

**RECORD SOURCE CATEGORIES:**

SF-50 and payroll computer printout.

**EIB—27****SYSTEM NAME:**

EIB Savings Bond Authorization.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**811 Vermont Avenue, N.W.,  
Washington, D.C. 20571.**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Employees of Eximbank who have signed up to purchase bonds.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Application for the purchase of savings bonds.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Treasury Dept., Bureau of Accounts.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

For ordering bonds, changing inscription, allotment and beneficiary. Used by officials and employees of the Eximbank in the performance of their official duties. By Treasury, IRS, OPM, GAO, Controller General and other

departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.**

**STORAGE:**

File cabinet.

**RETRIEVABILITY:**

According to bond subscriber number.

**SAFEGUARDS:**

2 drawer horizontal file cabinet and in a building that has a GSA contractor guard.

**RETENTION AND DISPOSAL:**

Maintained 1 year after termination.

**SYSTEM MANAGER(S) AND ADDRESS:**

Treasurer Controller, Payroll Unit, 811 Vermont Avenue, N.W., Washington, D.C. 20571.

**NOTIFICATION PROCEDURE:**

Vice President—Administration, 811 Vermont Avenue, N.W., Room 1031, Washington, D.C. 20571.

**RECORD ACCESS PROCEDURES:**

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

**RECORD SOURCE CATEGORIES:**

Employee complete SF-1192.

**EIB-28**

**SYSTEM NAME:**

EIB Savings Bond File.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

811 Vermont Avenue, N.W., Washington, D.C. 20571.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Eximbank present and past employees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Employee name, amount of bond and bond serial number.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Eximbank management practices.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Used as a check list to distribute bonds to employees. By officials and employees of the Eximbank in the performance of their official duties. By IRS, Treasury, GAO, Comptroller General and other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.**

**STORAGE:**

File folder.

**RETRIEVABILITY:**

By pay period.

**SAFEGUARDS:**

File cabinet and in a building that has a GSA contractor guard.

**RETENTION AND DISPOSAL:**

3 years and destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Treasurer Controller, Cash Control Unit, 811 Vermont Avenue, N.W., Washington, D.C. 20571.

**NOTIFICATION PROCEDURE:**

Vice President—Administration, 811 Vermont Avenue, N.W., Room 1031, Washington, D.C. 20571.

**RECORD ACCESS PROCEDURES:**

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

**RECORD SOURCE CATEGORIES:**

Payroll Unit.

**EIB-29**

**SYSTEM NAME:**

EIB Tax Exemption Certificate.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

811 Vermont Avenue, N.W., Washington, D.C. 20571.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Maintained on each present and past employee of the Eximbank.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name, address, social security number and the number of withholding exemptions an employee claims on his/her taxes.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

IRS regulations.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Used when a new employee enters employment or when a present employee wishes to make a change. By officials and employees of the Eximbank in the performance of their official duties. By OPM, Treasury, IRS, GAO, state governments and by other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.**

**STORAGE:**

File cabinet.

**RETRIEVABILITY:**

Alphabetically.

**SAFEGUARDS:**

Steel file cabinet and in a building that has a GSA contractor guard.

**RETENTION AND DISPOSAL:**

1 year after employee transfers, retires or resigns.

**SYSTEM MANAGER(S) AND ADDRESS:**

Treasurer Controller, Payroll Unit, 811 Vermont Avenue, N.W., Washington, D.C. 20571.

**NOTIFICATION PROCEDURE:**

Vice President—Administration, 811 Vermont Avenue, N.W., Room 1031, Washington, D.C. 20571.

**RECORD ACCESS PROCEDURES:**

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

**RECORD SOURCE CATEGORIES:**

Individual.

**EIB—30****SYSTEM NAME:**

EIB Time and Attendance Card.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

811 Vermont Avenue, N.W.,  
Washington, D.C. 20571.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All Eximbank present and past employees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Number of hours worked, i.e., regular, overtime, compensatory time, holiday, night differential, leave taken, annual, sick, compensatory time, LWOP and other.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

GAO Policy and Procedures Manual for Guidance of Federal Agencies, Title 6.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Used to determine payment to all Eximbank employees on duty. By officials and employees of the Eximbank in the performance of their official duties. By OPM, GAO, Treasury, Justice, agent of an employee in connection with a grievance and by other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.****STORAGE:**

File folder.

**RETRIEVABILITY:**

Alphabetical by division.

**SAFEGUARDS:**

Steel file cabinet and in a building that has a GSA contractor guard.

**RETENTION AND DISPOSAL:**

3 years.

**SYSTEM MANAGER(S) AND ADDRESS:**

Treasurer Controller, Payroll Unit, 811 Vermont Avenue, N.W., Washington, D.C. 20571.

**NOTIFICATION PROCEDURE:**

Vice President—Administration, 811 Vermont Avenue, N.W., Room 1031, Washington, D.C. 20571.

**RECORD ACCESS PROCEDURES:**

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

**RECORD SOURCE CATEGORIES:**

Time and attendance files.

**EIB—31****SYSTEM NAME:**

EIB Travel Advance Application.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

811 Vermont Avenue, N.W.,  
Washington, D.C. 20571.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Eximbank employee travelling on official business requesting travel advance.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name, agency, bureau/division, office, authorization number, date, address to where check should be mailed, signature of applicant, amount applied for, balance due on previous advance,

signature of approving officer and date, appropriation number and any remarks.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

General Accounting Office.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Travelers making a request for an advance. By officials and employees of the Eximbank in the performance of their official duties. By GAO, Comptroller General, Attorney General, Treasury and by officials and employees of other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.****STORAGE:**

Cards.

**RETRIEVABILITY:**

Alphabetical.

**SAFEGUARDS:**

File box and in a building that has a GSA contractor guard.

**RETENTION AND DISPOSAL:**

4 years.

**SYSTEM MANAGER(S) AND ADDRESS:**

Treasurer Controller, Travel and Administrative Expense Unit, 811 Vermont Avenue, N.W., Washington, D.C. 20571.

**NOTIFICATION PROCEDURE:**

Vice President—Administration, 811 Vermont Avenue, N.W., Room 1031, Washington, D.C. 20571.

**RECORD ACCESS PROCEDURES:**

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

**RECORD SOURCE CATEGORIES:**

Individual.

**EIB—32****SYSTEM NAME:**

EIB Travel Ledger.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

811 Vermont Avenue, N.W.,  
Washington, D.C. 20571.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons travelling on official business for the Eximbank.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Travelers name, travel order number, place travelling to, voucher number, accruals of expenses, payments broken into 2 parts (P.D. and carrier), and the balance of accruals for particular trip.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Eximbank management practices.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

To control accounting of travel expenses. By officials and employees of the Eximbank in the performance of their official duties and by GAO, and other departments and agencies in the performance of their official duties.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.****STORAGE:**

Ledger.

**RETRIEVABILITY:**

Period basis.

**SAFEGUARDS:**

Cabinet and in a building that has a GSA contractor guard.

**RETENTION AND DISPOSAL:**

Unit audited.

**SYSTEM MANAGER(S) AND ADDRESS:**

Treasurer Controller, Travel and Administrative Expense Unit, 811 Vermont Avenue, N.W., Washington, D.C. 20571.

**NOTIFICATION PROCEDURE:**

Vice President—Administration, 811 Vermont Avenue, N.W., Room 1031, Washington, D.C. 20571.

**RECORD ACCESS PROCEDURES:**

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

**RECORD SOURCE CATEGORIES:**

Disbursement vouchers and related travel forms.

**EIB—33****SYSTEM NAME:**

EIB Visa Request File.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

811 Vermont Avenue, N.W.,  
Washington, D.C. 20571.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Eximbank employees, past and present, who travel on official business and to countries that require a visa to be applied to their Official Passport.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name, title, passport number and approximate dates of travel.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

State Department and regulations of foreign countries.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Used by officials and employees of the Eximbank in the performance of their official duties and by State Department, embassies and by other departments and agencies in the performance of their official duties.

Disclosure may be to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

File folder.

**RETRIEVABILITY:**

Chronological.

**SAFEGUARDS:**

2 drawer unlocked cabinet and in a building that has a GSA contractor guard.

**RETENTION AND DISPOSAL:**

Previous calendar year and present calendar year.

**SYSTEM MANAGER(S) AND ADDRESS:**

Vice President—Administration, 811 Vermont Avenue, N.W., Washington, D.C. 20571.

**NOTIFICATION PROCEDURE:**

Vice President—Administration, 811 Vermont Avenue, N.W., Room 1031, Washington, D.C. 20571.

**RECORD ACCESS PROCEDURES:**

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individual should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

**RECORD SOURCE CATEGORIES:**

Individual.

**EIB—34****SYSTEM NAME:**

EIB Service Cards (SF-7).

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

811 Vermont Avenue, N.W.,  
Washington, D.C. 20571.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Past and present employees of Eximbank.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name, date of birth, social security number, date of appointment or transfer, organization to which assigned, position title, position number, grade/step/salary, and date of separation.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

OPM.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Used by personnel clerical employees in the processing of official personnel actions.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.**

**STORAGE:**

Active in Kardex; inactive in boxes.

**RETRIEVABILITY:**

By organization for current employees, alphabetically for former employees.

**SAFEGUARDS:**

Locked cabinet and in a building that has a GSA contractor guard.

**RETENTION AND DISPOSAL:**

Retained indefinitely.

**SYSTEM MANAGER(S) AND ADDRESS:**

Vice President—Administration, Personnel Office, 811 Vermont Avenue, N.W., Washington, D.C. 20571.

**NOTIFICATION PROCEDURE:**

Vice President—Administration, 811 Vermont Avenue, N.W., Room 1031, Washington, D.C. 20571.

**RECORD ACCESS PROCEDURES:**

Same as Notification. A request for information as to whether a Systems of Record contains a record pertaining to an individual and all requests for access to a record from the system shall be in writing with the letter and envelope clearly marked "Privacy Act Request" and stating full name and address of individual. For personal visits the individuals should be able to provide some acceptable identification, i.e., driver's license, identification card, etc. Individuals desiring to contest or amend information maintained in the system should direct their request to the Notification listed above.

**RECORD SOURCE CATEGORIES:**

Official Personnel Folder.

[FR Doc. 82-23627 Filed 8-27-82; 8:45 am]

BILLING CODE 6890-01-M

**FEDERAL RESERVE SYSTEM**

**Citicorp; Proposed Acquisition of Fidelity Savings and Loan Association of San Francisco; Change of Date for Informal Hearings**

The Board has published notice previously of two informal hearings regarding the application of Citicorp, New York, New York, to acquire all of the voting shares of Fidelity Federal Savings and Loan Association of San Francisco, San Francisco, California. These informal hearings were scheduled for September 2, 1982, in Washington, D.C. and September 4, 1982, in San Francisco, California. In view of the substantial interest in this application and the receipt of a number of requests for additional time, these informal hearings have been rescheduled in order to afford a full opportunity for public participation in this proceeding consistent with the emergency situation presented by the application. The hearing in Washington, D.C., now will be held on September 8, 1982, at the Lecture Hall, National Academy of Sciences, 2101 Constitution Avenue, N.W., Washington, D.C., commencing at 9:00 a.m. The San Francisco hearing will be held on September 9, 1982, at the Federal Reserve Bank of San Francisco, 400 Sansome Street, San Francisco, California, commencing at 9:00 a.m.

In addition, the time within which written comments on the application may be filed has been extended from September 2, 1982 to September 8, 1982. All written comments on the application should be submitted to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, and should comply with the procedures described in the original notice (47 FR 36018).

The procedures outlined in the previous Federal Register notices regarding this application (47 FR 36018; 47 FR 37692) are not changed otherwise. A person wishing to present evidence at either of these informal hearings should file with the Secretary of the Board a request to appear, indicating at which hearing the person wishes to appear. The request to present evidence should be received at the Secretary's office in Washington, D.C., 20551, no later than August 31, 1982, and should specify the names of the persons who desire to present evidence, the interest of those persons in the proceeding, and the matters concerning which those persons desire to present evidence.

The application may be inspected at the offices of the Board of Governors in Washington, D.C., or at the Federal Reserve Banks of New York or San Francisco.

Board of Governors of the Federal Reserve System, August 26, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-23684 Filed 8-27-82; 9:18 am]

BILLING CODE 6210-01-M

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Health Resources Administration**

**National Advisory Council on Nurse Training; Meeting**

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of September 1982:

Name: National Advisory Council on Nurse Training

Date and Time: September 15-17, 1982, 9:00 a.m.

Place: Conference Room G-20, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782

Open September 15, 9:00 a.m.-12:15 p.m.

Closed September 15, 1:00 p.m. for remainder of meeting

Purpose: The Council advises the Secretary and Administrator, Health Resources Administration, concerning general regulations and policy matters arising in the administration of the Nurse Training Act of 1975. The Council also performs final review of grant applications for Federal assistance, and makes recommendations to the Administrator, HRA.

Agenda: Agenda items for open portion of meeting will cover announcements; consideration of minutes of previous meeting; reports by the Acting Administrator, the Director, Bureau of Health Professions (BHP), the Financial Management Officer, BHP, the Director, Division of Nursing, and staff reports. The meeting will be closed to the public on September 15, 1982, at 1:00 p.m., for the remainder of the meeting for the review of grant applications for advanced nurse training grants, nurse practitioner grants, special project grants, and research project grants. The closing is in accordance with the provision set forth in section 552b(c)(6), Title 5, U.S. Code, and the Determination by the Acting Administrator, Health Resources Administration, pursuant to section 10(d) of Pub. L. 92-463.

Anyone wishing to obtain a roster of members, minutes of meeting, or other relevant information should write to or contact Dr. Mary S. Hill, Bureau of Health Professions, Health Resources

Administration, Room 3-50, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone (301) 436-6681.

Agenda items are subject to change as priorities dictate.

Dated: August 23, 1982.

Jackie E. Nylen,

Advisory Committee Management Officer,  
Health Resources Administration.

[FR Doc. 82-23715 Filed 8-27-82; 8:45 am]

BILLING CODE 4160-15-M

## Office of Human Development Services

[Program Announcement No. 13634-821]

### Administration on Aging; National Impact Activities Program; Availability of Funds

**AGENCY:** Office of Human Development Services, HHS.

**SUBJECT:** Announcement of availability of funds for the National Impact Activities Program.

**SUMMARY:** The Administration on Aging (AoA) announces that applications are being accepted for grants or cooperative agreements with the AoA for the National Impact Activities Program. This program is authorized by Section 425 of the Older Americans Act of 1965, as amended (42 USC Sec. 2001, et. seq.).

**DATE:** Closing date for receipt of applications is October 1, 1982.

#### Program Purpose

The purpose of the National Impact Activities Program (NIAP) is: (1) To carry out innovative and developmental projects and activities of national significance with promise of substantial impact on the improvement of supportive services, nutrition services, multipurpose senior centers; or (2) to otherwise promote on a national level, in a significant way, the well-being of older individuals with emphasis on those with greatest social or economic need.

The (NIAP) differs from the general demonstration program in at least two principal ways. First, though innovative efforts are encouraged, consideration also is given to developmental projects. Developmental activities may be the continuation of highly successful national efforts previously conducted by the same or different organizations or entities. The renewal of such activities is contingent upon successful competition against the same goals and objectives cited below. Secondly, projects funded under NIAP must be of national significance. They must address critical national issues and be

planned and implemented in a way that directly produces national impact without need of replication.

#### Goal and Objectives

The goal of the Program is to impact nationally on the well-being of older people; consideration will be given only to those applications proposing models or demonstrations which promise a national impact on their well-being. More specifically, proposals may have one or more of the following objectives:

1. To promote the development of cost-effective alternatives to publicly-financed social services; and to promote greater assumption of responsibility by the private sector for meeting the needs of older persons.

These two objectives are combined for emphasis. One of the major goals of this Administration is to reduce the role of the Federal government in the provision of routine services to those who may need or desire such services. Proposals addressing this objective may propose major efforts to increase or improve the capacity of private providers, to leverage larger portions of their budgets for services to the aged, or to develop new service mechanisms which are more cost effective or more efficient. Proposals may also seek to develop new "providers" such as utilities workers, mail deliverers, employers, labor unions, etc., in ways not used before.

2. To promote the use of older persons' capabilities and resources, including increased participation in the labor force.

The older person is one of our greatest national resources. Older persons have developed skills, understanding and technical know-how useful in many aspects of our daily lives. The number of persons aged sixty and over continue to increase and more of them live to be 75 and older; most also enjoy relatively good mental and physical health and can be contributing members of society if provided the opportunity. Research has shown the negative effects of changing roles, loss of role, and the loss of power and sense of responsibility which today's elders too often experience. Efforts are sought which propose to combat, ameliorate or stem this tide. Such efforts may include but are not limited to creating appropriate volunteer and employment opportunities, appreciation in business, industry and by the public for the potential contributions of older persons.

3. To increase self-sufficiency, quality of management and monitoring, and appropriateness of State and local aging services programs.

Improvements may be achieved through formal, automated or manual systems or they may be the result of instituting a more systematic process. As more services are planned and managed at State and local levels, the capacity and capabilities at these levels must improve to accommodate or otherwise respond to the need.

4. To promote intergenerational programming.

Proposals are sought which recognize the current state of knowledge and practice and the interdependence of the generations, and which promote national efforts to engage them in meaningful and mutually beneficial services and other activities. Proposed activities may focus on the caretaker role of the modified extended family, or on other mutually beneficial interaction between: (1) Older and younger persons, (2) older persons and children, and (3) older and middle aged persons, with and without families. These activities may range from younger persons helping the elderly with special problems or enriching their lives, to giving persons opportunities for service to children and youth—whether remunerated or gratis.

5. To promote the development of housing and living arrangements for older people.

Adequate housing is one of the major needs of older persons, nationwide. Some break-throughs have been made in the development of living arrangements and shared homes programs; more work needs to be done in these areas on a broader and more systematic basis. In addition, further attention is warranted on the relationship between design, construction and suitability of housing for the elderly and its private and public funding. Systematic strategies need to be developed which involve the housing industry, realty industry, urban planners, architects, developers, financiers and other professionals in efforts to deal more effectively with these problems.

6. To carry out special activities on behalf of older persons in greatest economic and social need.

Past limitations in the economic, social and natural environment have added to the current vicissitudes facing many elderly. Proposals for more efficient and effective ways to deal with their special problems are sought. Proposals focusing well defined solutions on precisely defined problems will be favored.

#### Eligible Applicants

Private non-profit or public organizations and other entities are eligible to apply for this program. While

they need not be national organizations, entities which are national in scope and/or membership are believed to be most capable of mounting nationally significant efforts.

#### Available Funds and Number of Projects

The Administration on Aging expects to make up to fifteen (15) awards to organizations/agencies both in and outside of the field of aging. It is expected that up to \$1.5 million will be available for the first year. These awards will average approximately \$100,000 per year. The project period may be 12 months or more, but may not exceed 17 months.

#### Method of Support

Support of all National Impact Activities in this Program will be awarded using grants or cooperative agreements. Cooperative agreements are a form of financial assistance, similar to grants, but which differ from grants in that substantial involvement is anticipated between the Administration on Aging, its Regional Offices and the recipient during the development of the project workplan and performance of project activities. The level and type of AoA involvement is discussed prior to the award and expressed in a formal agreement.

#### Grantee Share of Project

Grantees are expected to provide at least 10 percent of total project cost or 50 percent of indirect cost, whichever is greater. The grantee share must be project related and allowable under the Department's applicable cost principles in 45 CFR Part 74.

#### The Application

##### Application Forms

An application for a grant under the AoA National Impact Activities Program must be on standard form 424 and other forms provided for this purpose. Application kits which include the prescribed forms and instructions may be obtained by writing: AoA National Impact Activities Program, Model Projects Division, Room 4553, DHHS North Building, 330 Independence Avenue, S.E., Washington, D.C. 20201. Telephone: (202) 245-0995.

##### Application Submission

One (1) signed original and two (2) copies of the application including all attachments must be submitted to the address indicated in the application instructions which is: Office of Human Development Services/DHHS, Grants and Contracts Division, HHS North Building, Room 1740, 330 Independence Avenue SW., Washington, D.C. 20201.

An additional three copies would help expedite processing of the application.

#### Application Consideration

The Commissioner on Aging will make the final decision on each application for this program. Unsuccessful applicants will be notified in writing. Successful applicants will be invited to enter into negotiations with the Administration on Aging for final workplans and budgets. The actual award will be made through issuance of a Notice of Financial Assistance Awarded from the Office of Human Development Services. This Notice sets forth the amount of funds awarded, the terms and conditions of the grant or cooperative agreement, the budget period for which support is given, the total recipient share expected, and the period for which project support is given.

#### A-95 Notification Process

As these are projects of national scope, clearances required by OMB Circular A-95 are necessary only if the proposed activity affects State, areawide or local planning or programs. Applicants should contact the appropriate State clearinghouse (list at 42 FR 2210, January 10, 1977) for information on how they can meet the A-95 requirements. If the application is for a statewide project which does not affect areawide or other local planning and programs, only the State clearinghouse need be notified.

#### Review Criteria

Applications are reviewed to determine that the application is related to the objectives of the National Impact Activities Program, to assure that the elements required for a complete review are included, and that the application complies with all pertinent Federal statutes and regulations. Competing applications must have all pages of the application numbered. The major sections of the narrative portion of the proposal are required to be presented in the order of the review criteria cited below. Competing applications will be evaluated against the following criteria:

##### A. Knowledge and Understanding of Problem (15 points).

Application includes review of relevant literature on the subject, describes the problem clearly and identifies its dimensions. Statement of the problem is appropriately linked to project objectives and approaches.

##### B. Organizational Qualifications (20 points).

Applicant presents unique organizational or institutional qualifications which testify to: its ability

to produce a relevant, high quality and useful project; demonstrated experience in the field of aging; adequate facilities and qualified experienced staff; and relevancy of viewpoint to current AoA and Department of Health and Human Services policies.

##### C. Project Objectives (10 points).

Project objectives are clearly and succinctly stated in a format which identifies expected outcomes. Project objectives identify achievement of the specific objectives set forth in this Announcement. Objectives are realistic and verifiable by objective criteria.

##### D. Approach, Conceptualization and Methodology (15 points).

The program to be demonstrated is well conceptualized. The approach follows from the problem, project objectives, and objectives stated in this Announcement. The method selected is feasible, realistic, and achievable.

##### E. Procedures and Work Plan (10 points).

Proposed procedures (scientific or otherwise) and work plans are well defined; if well executed they will achieve intended results.

##### F. Budget and Costs (10 points).

The estimated cost to the government is reasonable, given the project objectives, approach, work plan, personnel and anticipated results.

##### G. Continuance, Dissemination and Replication (10 points).

The application reveals a commitment and adequate planning to assure that the project will be continued at the end of government funding, where appropriate. Dissemination plans reflect appropriate translation and packaging of information for special uses and groups, as well as the targeting of information to sub-groups of the aging network through a variety of mechanisms. Proper attention is paid to developing generic information and materials that have high potential for replication or adaptation by others.

##### H. Special Populations (10 points).

The application indicates that the special needs of minorities, the physically and mentally impaired, the low income, the limited English-speaking and the rural elderly will be responded to as appropriate. For those proposals not specifically addressing special populations, the 10 points for this category will be distributed among the remaining criteria.

#### Closing Date for Receipt of Applications

The closing date for receipt of applications under this announcement is October 1, 1982.

Hand delivered applications will be accepted Monday through Friday

(except Federal holidays) from 9:00 a.m. to 5:00 p.m. through October 1, 1982. A mailed application received after the closing date will be accepted only if it is postmarked by the U.S. Postal Service or shows a U.S. Postal Service mail receipt of no later than the established closing date of October 1, 1982; applications not received ready for processing by October 7 may not be considered.

(Catalog of Federal Domestic Assistance Number 13.634, Model Projects on Aging)

Dated: July 21, 1982.

Approved: August 25, 1982.

**Lennie-Marie P. Tolliver,**  
*Commissioner on Aging.*

**Dorcas R. Hardy,**  
*Assistant Secretary for Human Development Services.*

[FR Doc. 82-23703 Filed 8-27-82; 8:45 am]

BILLING CODE 4130-01-M

## National Institutes of Health

### Board of Scientific Counselors, Division of Cancer Biology and Diagnosis; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, DCBD, National Cancer Institute, October 20, 1982. This meeting will be open to the public in Building 31, Conference Room 10, National Institutes of Health, Bethesda, Maryland 20205, from 9:00 A.M. to adjournment. The agenda will consist of an overview of the Divisional programs, as well as the budget and funding plans for the Institute and Division.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Ihor J. Masnyk, Associate Director, Extramural Research Program, Division of Cancer Biology and Diagnosis, National Cancer Institute, Building 31, Room 3A-04, National Institutes of Health, Bethesda, Maryland 20205 (301/496-4345) will furnish substantive program information.

August 18 1982.

**Betty J. Beveridge,**  
*Committee Management Officer, National Institutes of Health.*

[FR Doc. 82-23648 Filed 8-27-82; 8:45 am]

BILLING CODE 4140-01-M

### Cancer Research Manpower Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Research Manpower Review Committee, National Cancer Institute, September 16-17, 1982, Caribbean Room, The Tropics—Town and Country Inn, 225 Aurora Avenue North, Seattle, Washington 98109. This meeting will be open to the public on September 16 from 8:30 a.m. to 9:00 a.m. to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on September 16, from 9:00 a.m. to adjournment and on September 17, from 8:30 a.m. to adjournment, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Leon J. Niemiec, Executive Secretary, Cancer Research Manpower Review Committee, National Cancer Institute, Westwood Building, Room 809, National Institutes of Health, Bethesda, Maryland 20205 (301/496-7978) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Number 13.398, project grants in cancer research manpower, National Institutes of Health)

(NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of the Circular)

Dated: August 17, 1982.

**Betty J. Beveridge,**  
*Committee Management Officer, National Institutes of Health.*

[FR Doc. 82-23649 Filed 8-27-82; 8:45 am]

BILLING CODE 4140-01-M

### National Advisory Allergy and Infectious Diseases Council, Allergy and Immunology Subcommittee, Microbiology and Infectious Diseases Subcommittee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Allergy and Infectious Diseases Council, National Institute of Allergy and Infectious Diseases, and its subcommittees on September 23-24, 1982, at the National Institutes of Health, Building 1, Wilson Hall, Bethesda, Maryland 20205.

The meeting will be open to the public on September 23 from approximately 9:00 a.m. to 9:30 a.m. for opening remarks of the Institute Director and again from 1:00 p.m. to approximately 5:00 p.m. for discussion of procedural matters, Council business, and a report from the Institute Director which will include a discussion of budgetary matters. The primary discussion will be on International Health and Tropical Medicine. On September 24 the meeting will be open to the public from approximately 9:00 a.m. to 10:00 a.m. for the report of the director of the Immunology, Allergic and Immunologic Diseases Program. Attendance by the public at all open sessions will be limited to space available. It is requested that those planning to attend notify Mrs. Margery Grubb prior to September 17 at the National Institutes of Health, Westwood Building, Room 705, Bethesda, Maryland 20205, telephone 301/496-7601.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and section 10(d) of Pub. L. 92-463, the meetings of the NAAIDC Allergy and Immunology subcommittee and of the NAAIDC Microbiology and Infectious Diseases Subcommittee will be closed to the public for approximately three hours for the review, evaluation, and discussion of individual grant applications. It is anticipated that this will occur from 9:30 a.m. until approximately 12:30 p.m. on September 23, 1982. The meeting of the full Council will be closed from approximately 10:00 a.m. until adjournment on September 24 for the review, evaluation, and discussion of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A32, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496-5717, will provide summaries of the meetings and rosters of the Council members as requested.

Dr. Luz A. Froehlich, Acting Director, Extramural Activities Program, NIAID, NIH, Westwood Building, Room 703, telephone (301) 496-7291, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.855, Pharmacological Sciences; 13.856, Microbiology and Infectious Diseases Research, National Institutes of Health)

NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in Section 8(b) (4) and (5) of that Circular.

Dated: August 18, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82-23650 Filed 8-27-82; 8:45 am]

BILLING CODE 4140-01-M

#### National Institute of Neurological and Communicative Disorders and Stroke; Neurological Disorders Program Project Review A Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Neurological Disorders Program Project Review A Committee, National Institutes of Health, October 14, 15 and 16, 1982 at The Shoreham Hotel, Connecticut and Calvert Streets, Washington, DC.

The meeting will be open to the public from 8:00 p.m. until 9:00 p.m. on October 14, 1982 to discuss program planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(4), and 522b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 8:00 a.m. on October 15 to adjournment on October 16, 1982 for the review, discussion and evaluation of individual grant applications. The applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Sylvia Shaffer, Chief, Office of Scientific and Health Reports, Building

31, Room 8A03, NIH, NINCDS, Bethesda, MD 20205 (Tel. No. 301/496-5751) will furnish summaries of the meeting and roster of committee members.

Dr. Leon Jack Greenbaum, Jr., Executive Secretary, Federal Building, Room 9C14, Bethesda, MD 20205 (Tel. No. 301/496-9223) will furnish substantive program information.

Dated: August 18, 1982.

(Catalog of Federal Domestic Assistance Program No. 13.852, Neurological Disorders Program, National Institutes of Health)

NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82-23651 Filed 8-27-82; 8:45 am]

BILLING CODE 4140-01-M

#### Public Health Service

#### National Toxicology Program Board of Scientific Counselors; Meeting

Pursuant to Pub. L. 92-943, notice is hereby given of the meeting of the National Toxicology Program Board of Scientific Counselors, U.S. Public Health Service, in the Conference Center, Building 101, South Campus, National Institute of Environmental Health Sciences, Research Triangle Park, North Carolina, on September 22, 23 and 24, 1982.

The meeting on September 22 will be open to the public from 9:00 a.m. until adjournment for the purpose of completing peer reviews on draft technical reports of toxicology and carcinogenesis bioassays from the National Toxicology Program (NTP). In addition, one bioassay (FD&C Green No. 3) submitted to the Bureau of Foods, Food and Drug Administration (FDA), will be peer reviewed. Reviews will be conducted by the Technical Reports Review Subcommittee of the Board in conjunction with an *ad hoc* panel of experts.

Draft technical reports on the following chemicals listed alphabetically (with Chemical Abstract Service registry numbers and routes of administration) will be peer reviewed September 22. Also listed are the NTP chemical managers for each bioassay.

Chemical (CAS registry No.)	Route	Chemical manager (telephone No.)
Allyl isovalerate (2835-39-4)	Gavage.....	Dr. J. Huff (919-541-3780)
Asbestos, amosite (12172-73-5)	Feed.....	Dr. E. McConnell (919-541-3440)
1,3-Dichlorobenzene (95-50-1)	Gavage.....	Dr. J. Goldstein (919-541-4495)

Chemical (CAS registry No.)	Route	Chemical manager (telephone No.)
FD&C Green No. 3 (2353-45-9)	Feed.....	Dr. K. Falci (FDA) (202-472-5741)
Geranyl acetate (105-87-3)	Gavage.....	Dr. K. Abdo (919-541-7819)
Dichloromethane (methylene chloride) (75-09-2)	Gavage.....	Dr. J. Mennear (919-541-4178)
Sodium (2-ethylhexyl) alcohol sulfate (126-92-1)	Feed.....	Dr. R. Irwin (919-541-3340)
Toluene diisocyanate (TDI) (584-84-9)	Gavage.....	Dr. M. Dieter (919-541-3368)
Tremolite (14567-73-8)	Feed.....	Dr. E. McConnell (919-541-3440)
Trichloroethylene (without epichlorohydrin) (79-01-6)	Gavage.....	Dr. J. Mennear (919-541-4178)
2,6-Xylydene (87-62-7)	Feed.....	Dr. M. Komreich (301-496-1152) Dr. C. Montgomery (919-541-4857)

The meeting on September 23 will be open to the public from 9:45 a.m. until adjournment. The preliminary agenda with approximate times is as follows:

8:45 a.m.-9:45 a.m.—Overview of NTP Programs

10:00 a.m.-11:00 a.m.—Status Report on Proposed Modifications of Pathology Requirements for Chronic Bioassays

11:00 a.m.-12:30 p.m.—Historical Control Tumor Data Base

1:15 p.m.-2:45 p.m.—Proposal for Combining Organ Site Tumors for Interpretation of Pathology Results

3:00 p.m.-5:00 p.m.—NIH/NTP Cellular and Genetic Toxicology Program—Concept Reviews

The meeting on September 24 will be open to the public from 9:00 a.m. until adjournment. The preliminary agenda with approximate time is as follows:

9:00 a.m.-12:00 noon—Peer Review and Priority Ranking of Chemicals Nominated for NTP Testing. (Thirty one chemical nominations will be reviewed and are listed in the *Federal Register*, Volume 47, pp. 7758-7759, February 22, 1982, and Volume 47, pp. 14960-14961, April 7, 1982.)

The Executive Secretary, Dr. Larry G. Hart, Office of the Director, National Toxicology Program, P.O. Box 12233, Research Triangle Park, North Carolina 27709, telephone (919) 541-3971, FTS 629-3971, will furnish rosters of Board and Panel members and other program information prior to the meeting, and summary minutes subsequent to the meeting.

Dated: August 13, 1982.

David P. Rall,

Director, National Toxicology Program.

[FR Doc. 82-23652 Filed 8-27-82; 8:45 am]

BILLING CODE 4140-01-M

### Availability of Cancer Bioassay Report on Vinylidene Chloride; National Toxicology Program

The HHS' National Toxicology Program today announces the availability of a Technical Report on a carcinogenesis bioassay of vinylidene chloride, a chemical intermediate in the production of 1,1,1-trichloroethane and as a monomer in the production of copolymers mainly for use in food contact articles such as packages and coatings.

Under the conditions of this bioassay, vinylidene chloride administered by gavage was not carcinogenic for rats or mice of either sex. However, since the use of a maximum tolerated dose in this study has not been clearly demonstrated and since previously reported studies have shown that carcinogenicity is associated with inhalation exposure to vinylidene chloride, this study should not be taken as proof that the chemical is not a carcinogen.

Copies of this report—*Carcinogenesis Bioassay of Vinylidene Chloride* (T.R. 228)—are available without charge by writing to the NTP Public Information Office, MD B2-04, P.O. Box 12233, Research Triangle Park, NC 27709. Telephone: (919) 541-3991, FTS 629-3991.

Dated: August 16, 1982.

David P. Rall,

Director, National Toxicology Program.

[FR Doc. 82-23653 Filed 8-27-82; 8:45 am]

BILLING CODE 4140-01-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### Colorado and Wyoming Green River-Hams Fork; Regional Coal Team Meeting

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Regional Coal Team meeting.

**SUMMARY:** The Green River-Hams Fork Regional Coal Team will meet to discuss and develop recommendations to the Secretary of the Interior on initial leasing levels pursuant to 43 CFR 3420.2, 47 FR 33137, of July 30, 1982. The Team will also review tract delineations and profiles developed since the last RCT meeting.

**DATE:** The Regional Coal Team will meet at 9:00 a.m. on October 13, 1982.

**ADDRESS:** Travelodge—Denver North, 200 West 48th Avenue, Denver, Colorado 80216, Phone (303) 893-8811.

**SUPPLEMENTARY INFORMATION:** A draft paper setting forth a broadly stated

range of initial leasing levels for the coal region has been prepared at the direction of the Colorado State Director, BLM. The paper sets forth several different methodologies for establishing the demand for coal reserves in the Green River-Hams Fort Coal Region. This paper is available for public comment prior to or during the Regional Coal Team meeting and will be discussed at that meeting.

**FOR FURTHER INFORMATION CONTACT:** Bureau of Land Management, Colorado State Office, 1037 20th Street, Denver, Co 80202, Attn.: Ken Smith, Phone: (303) 837-3008.

George C. Francis,  
State Director.

[FR Doc. 82-23711 Filed 8-27-82; 8:45 am]

BILLING CODE 4310-84-M

### Minerals Management Service

#### Exxon Co.; U.S.A.; 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 Exxon Company, U.S.A. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 3065, Block A-90, Mustang Island Area, offshore Texas.

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: August 23, 1982.

John L. Rankin,

Acting Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-23714 Filed 8-27-82; 8:45 am]

BILLING CODE 4310-31-M

### National Park Service

#### Intention to Negotiate Concession Permit; Great Smoky Mountains National Park

Pursuant to the provisions of Section 5 of the Act of October 9, 1965, (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that sixty (60) days after August 30, 1982 (the date of publication of this notice), the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession permit with Smokemont Riding Stables, Inc., authorizing it to continue to provide saddle horse livery and guide services at Great Smoky Mountains National Park for a period of four (4) years from January 1, 1983, through December 31, 1986.

This permit renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing permit 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 permit and in the negotiation of a new permit. This provision, in effect, grants Smokemont Riding Stables, Inc., the opportunity to meet the terms and conditions of any other proposal submitted in response to this Notice which the Secretary may consider better than the proposal submitted by Smokemont Riding Stables, Inc. If Smokemont Riding Stables, Inc., amends its proposal and the amended proposal is substantially equal to the better offer, then the proposed new permit will be negotiated with Smokemont Riding Stables, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposals, including that of the existing concessioner, must be postmarked or hand delivered on or before October 29, 1982 to be considered and evaluated.

Interested parties should contact the Regional Director, Southeast Region, National Park Service, 75 Spring Street, SW, Atlanta, Georgia 30303, for information as to the requirements of the proposed permit.

Dated: August 19, 1982.

C. W. Ogle,

*Acting Regional Director, Southeast Region.*

[FR Doc. 82-23695 Filed 8-27-82; 8:45 am]

BILLING CODE 4310-70-M

#### Intention to Negotiate Concession Permit; Great Smoky Mountains National Park

Pursuant to the provisions of Section 5 of the Act of October 9, 1965, (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that sixty (60) days after August 30, 1982 (the date of publication of this notice), the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession permit with Smoky Mountain Riding Stables, Inc., authorizing it to continue to provide saddle horse livery and guide services at Great Smoky Mountains National Park for a period of four (4) years from January 1, 1983, through December 31, 1986.

This permit renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing permit 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 permit and in the negotiation of a new permit. This provision, in effect, grants Smoky Mountain Riding Stables, Inc., the opportunity to meet the terms and conditions of any other proposal submitted in response to this Notice which the Secretary may consider better than the proposal submitted by Smoky Mountain Riding Stables, Inc. If Smoky Mountain Riding Stables, Inc., amends its proposal and the amended proposal is substantially equal to the better offer, then the proposed new permit will be negotiated with Smoky Mountain Riding Stables, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposals, including that of the existing concessioner, must be postmarked or hand delivered on or before October 29, 1982 to be considered and evaluated.

Interested parties should contact the Regional Director, Southeast Region, National Park Service, 75 Spring Street, SW, Atlanta, Georgia 30303, for information as to the requirements of the proposed permit.

Dated: August 19, 1982.

C. W. Ogle,

*Acting Regional Director, Southeast Region.*

[FR Doc. 82-23694 Filed 8-27-82; 8:45 am]

BILLING CODE 4310-70-M

#### Intention To Negotiate Concession Contract; Shiloh National Military Park, Tenn.

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that sixty (60) days after August 30, 1982 (the date of publication of this notice) the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Mrs. Ernestine Shaw and Mr. A. B. Phillips, Partners, authorizing them to continue to provide refreshment and souvenir facilities and services for the public at Shiloh National Military Park, Tennessee, for a period of five (5) years from January 1, 1983, through December 31, 1987.

This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act and no environmental document will be prepared.

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 Mr. Ernestine Shaw and Mr. A. B. Phillips, Partners, the opportunity to meet the terms and conditions of any other proposal submitted in response to this Notice which the Secretary may consider better than the proposal submitted by Mrs. Ernestine Shaw and Mr. A. B. Phillips, Partners. If Mrs. Ernestine Shaw and Mr. A. B. Phillips, Partners, amend their proposal and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Mrs. Ernestine Shaw and Mr. A. B. Phillips, Partners.

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 October 29, 1982 to be considered and evaluated. Interested parties should contact the Regional Director, Southeast Region, National Park Service, 75 Spring Street, S.W., Atlanta, Georgia 30303, for information as to the requirements of the proposed contract.

Dated: August 19, 1982.

C. W. Ogle,

*Acting Regional Director, Southeast Region.*

[FR Doc. 82-23693 Filed 8-27-82; 8:45 am]

BILLING CODE 4310-70-M

#### INTERNATIONAL COMMUNICATION AGENCY

##### Performance Review Board Members

**AGENCY:** International Communication Agency.

**ACTION:** Notice.

**SUMMARY:** This notice is issued to revise the membership of the International Communication Agency (USICA) Performance Review Board.

**DATE:** August 30, 1982.

##### FOR FURTHER INFORMATION CONTACT:

Mr. Alvin H. Cohen, Special Assistant the Director, Office of Personnel, International Communication Agency, 1776 Pennsylvania Avenue NW., Washington, D.C. 20547, (202) 724-9633.

**SUPPLEMENTARY INFORMATION:** In accordance with section 4314(c) (1) through (5) of the Civil Service Reform Act of 1978 (Pub. L. 95454), the following list amends the International Communication Agency Notice (46 FR 51654, October 21, 1981) effective October 21, 1981:

Chairperson: Associate Director for Management—James T. Hackett  
Career SES:

Chief, Operations Division, Office of Engineering and Technical Operations, Associate Directorate for Broadcasting—Rober J. Kent  
Deputy Director, TV/Film Service, Associate Directorate for Broadcasting—John H. Deviney  
Executive Director, Associate Directorate for Educational and Cultural Affairs—Thomas G. Leydon

Foreign Service Officer: Deputy Associate Director Associate Directorate for Programs—Gifford D. Malone

Executive Secretary: Special Assistant to the Director, Office of Personnel—Alvin H. Cohen

This supercedes the previous International Communication Agency Notice (46 FR 51654, October 21, 1981).

Dated: August 24, 1982.

Gilbert A. Robinson,  
Acting Director, International  
Communication Agency.

[FR Doc. 82-23644 Filed 8-27-82; 8:45 am]

BILLING CODE 8230-01-M

## INTERSTATE COMMERCE COMMISSION

### Motor Carriers; 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 protestant 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 applicants seek authority to operate as a common carrier over irregular routes except as otherwise noted.

### Motor Carriers of Property

#### Notice No. F-196

The following applications were filed in Region I: Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 152318 (Sub-1-3TA), filed August 13, 1982. Applicant: ATLANTIC TRUCK LINES, INC., 168 Town Line Road, P.O.

Box 696, Kings Park, NY 11754. Applicant's Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. *Contract carrier: irregular routes: General commodities (except Classes A and B explosives, household goods and commodities in bulk) between points in AL, AR, LA, CT, DE, GA, IL, IN, IA, KY, MD, MA, ME, FL, WV, NH, VT, MI, MN, MS, MO, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VA and WI, under continuing contract(s) with Ford Motor Company of Dearborn, MI. Supporting shipper(s): Ford Motor Company, One Parkland Blvd., Parkland Towers East, Suite 200, Dearborn, MI 48126.*

MC 149030 (Sub-1-3TA), filed August 19, 1982. Applicant: COUSINS LEASING CORPORATION, One Arnold Drive, Huntington, NY 11743. Applicant's Representative: George Carl Pezold, Esq., Augello, Pezold & Hirschmann, P.C., 120 Main Street, Huntington, NY 11743. *Contract carrier: irregular routes: (1) Corrugated containers, raw materials, equipment and supplies used in the manufacture, sale and distribution thereof; (2) Dry plastic materials, except in bulk, and materials, equipment and supplies used in the manufacture, sale and distribution thereof between points in the U.S. under continuing contract(s) with Georgia Pacific Corp., Farmingdale, NY, and Charter Oak Container Co., Torrington, CT. Supporting shipper: Georgia Pacific Corp., 100 Adams Blvd., Farmingdale, NY 11735; Charter Oak Container Co., Torrington, CT 06790.*

MC 147812 (Sub-1-2 TA), filed August 19, 1982. Applicant: ANTHONY W. DAUITO d.b.a., 3526 Northwest Boulevard, Vineland, NJ 08360. Applicant's Representative: Wilmer B. Hill, Suite 366, 1030 Fifteenth Street NW., Washington, D.C. 20005. *General commodities (except Classes A and B explosives, commodities in bulk, and household goods), Between Philadelphia, PA, on the one hand, and, on the other, points in CT, DE, MD, MA, NJ, NY, PA, RI, and VA. Supporting shipper: Part IV Associates, Inc., 580 Germantown Pike, Plymouth Meeting, PA 19462.*

MC 148560 (Sub-1-10 TA), filed August 13, 1982. Applicant: GOLD STAR, INC., 130 Davidson Avenue Somerset, NJ 08873. Applicant's Representative: A. David Millner, 7 Becker Farm Road, P.O. Box 7, Roseland, NJ 07068. *Contract carrier: irregular routes: Liquid sugar, invert sugar, syrups, carbonated beverages, containers and packaging materials, between Arlington, TX, on the one hand, and, on the other, points in the U.S.*

(except AK and HI), under continuing contract(s) with the Pepsi Cola Company of Purchase, NY. Supporting shipper: Pepsi Cola Company, Anderson Hill Road, Purchase, NY 10577.

MC 116858 (Sub-1-2 TA), filed August 18, 1982. Applicant: J & M CARRIERS CORP., Suite 118 West, North Shore Atrium, 6800 Jericho Turpike, Syosset, NY 11791. Applicant's Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048. *Contract carrier: irregular routes: Rubber and plastic products, pulp, paper and related products, and restaurant supplies between points in the U.S. (except AK and HI) under continuing contract(s) with Nyman Manufacturing Co., East Providence, RI. Supporting shipper: Nyman Manufacturing Co., P.O. Box 4857, East Providence, RI 02916.*

MC 110287 (Sub-1-1 TA), filed August 16, 1982. Applicant: SARLO TRUCKING SERVICE, INC., 820 Jersey Avenue, Gloucester City, NJ 08030. Applicant's Representative: Alan Kahn, Esq., 1430 Land Title Building, Philadelphia, PA 19110. *General commodities except Classes A and B explosives, household goods and commodities in bulk, in trailers or containers and having a prior or subsequent movement by water, between Philadelphia, PA and Jacksonville, FL, on the one hand, and, on the other, points in ME, NH, MA, CT, RI, NY, NJ, PA, DE, MD, VA, NC, SC, GA and FL. Supporting shipper: Trailer Marine Transport, Inc., P.O. Box 2110 Jacksonville, FL 32203.*

MC 148867 (Sub-1-3 TA), filed August 17, 1982. Applicant: TRANS-ADVO, INC., 239 Service Road, West, Hartford, CT 06101. Applicant's Representative: Frank M. Cushman, 36 South Main Street, Sharon, MA 02067. *Contract carrier: irregular routes: Printed matter, between all points in the U.S. (except AK and HI), under continuing contract with Montgomery Ward and Co., Inc., Chicago, IL. Supporting shipper: Montgomery Ward and Company, Inc., Montgomery Ward Plaza, Chicago, IL 60671.*

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 150511 (Sub-II-11TA), filed August 18, 1982. Applicant: BETTER HOME DELIVERIES, INC., 3700 Park East Dr., Cleveland, OH 44122. Representative: Thomas B. Hill, 1010 Jorie Blvd., Suite 200, Oak Brook, IL 60521. *Contract, irregular: Mattresses, box springs and frames, between points in CA and NV, under continuing contract(s) with Sealey Mattress Co. of Northern California, for*

270 days. Supporting shipper: Sealey Mattress Co. of Northern California, 1130 Seventh St., Richmond, CA 94801.

MC 78040 (Sub-2-1TA), filed August 12, 1982. Applicant: CMX, INC., 150 Penrod Ct., Section JKL, Glen Burnie, MD 21061. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St. NW., Washington, DC 20005. *Furniture and materials and supplies* used in the manufacture of furniture, between Baltimore, MD, and points in its commercial zone, on the one hand, and on the other, points in North Carolina, for 270 days. An underlying eta seeks 120 days authority. Supporting shipper: Madison Square Furniture, Inc., Hanover, PA 17331.

MC 163459 (Sub-II-1TA), filed August 18, 1982. Applicant: Naaman L. Eberly, d.b.a. G & E TRUCKING, R.D. 1, Box 105A, Kinzers, PA 17535. Representative: John W. Metzger, 49 N. Duke St., Lancaster, PA 17602. (1) *pulverized agricultural limestone and crushed stone* from points in Lancaster and York Counties, PA to pts. in DE, MD, VA, NJ, NY and OH, and from Viola and Laurel, DE, to pts. in MD and VA; (2) *sand* between pts. in MD and pts. in Lancaster County, PA, for 270 days. Supporting shipper: Martin Limestone, Inc., Box 155, Blue Ball, PA 17506.

MC 107012 (Sub-II-233TA), filed August 17, 1982. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko (same as applicant). Contract, irregular: *General commodities (except classes A & B explosives, commodities in bulk, and household goods as defined by the Commission)* between points in the U.S., under continuing contract(s) with Lily Tulip Company, Toledo, OH, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Lily Tulip Company, P.O. Box 1040, Toledo, OH 43697.

MC 163418 (Sub-II-1TA), filed August 16, 1982. Applicant: V. J. SCHELL & SONS, INC., 226 Beaumont Avenue, Catonsville, MD 21228. Representative: Edward N. Button, Button & McDowell, P.A., 635 Oak Hill Avenue, Hagerstown, MD 21740. *Plastic containers, equipment, materials and supplies used in the manufacturing and distribution thereof* between the facilities used by Hoover Universal located at or near New Castle, DE; Dundee, MI; Columbus, OH; Franklin, IN; Lexena, KA; Denver, CO; and Rancho Cucamonga, CA; on the one hand, and, on the other, all points in the U.S. (except AK & HI) for 270 days. Supporting shipper(s): Hoover Universal,

Inc., Route 4, State Road 29, Nicholasville, KY 40356.

The following applications were filed in Region 3. Send protests to: ICC, Regional Authority Center, Room 300, 1776 Peachtree Street, N.W., Atlanta, GA 30309.

MC 162900 (Sub-3-2TA), filed August 18, 1982. Applicant: BEN R. COX d.b.a. COX TRUCKING COMPANY, 414 South Rd., High Point, NC 27260. Representative: Jack L. Schiller, 123-60 83rd Ave., Kew Gardens, NY 11415. Contract, irregular: *plastics and plastic related products* between Thomasville and Reidsville, NC, on the one hand, and, on the other, points in FL Augusta and Atlanta, GA, and Belvidere, NJ, under account with Gilmore Associates, Inc. of Thomasville, NC. Supporting shipper: Gilmore Associates, Inc. 111 Sedgemoor Dr. Thomasville, NC 27360.

MC 152620 (Sub-3-5TA), filed August 18, 1982. Applicant: CUSTOMIZED TRANSPORTATION, INC. P.O. Box 40083, Jacksonville, FL 32203. Representative: John Carter (Same address as applicant). Contract carrier: irregular; *Pneumatic Tires, tubes and automotive products* between facilities of The Firestone Tire & Rubber Company in AR, CO, IL, IA, KY, KS, MO, NE, NM, OK, TN, and TX under a continuing contract(s) with The Firestone Tire & Rubber Company Supporting shipper: The Firestone Tire & Rubber Company, 1200 Firestone Parkway, Akron, OH 44317.

MC 163260, (Sub-3-1TA), filed August 18, 1982. Applicant: DOWLING EGG FARM, N. Main St. P.O. Box 902, High Springs, FL 32643. Representative: James L. Dowling, Sr. (Same as above). *Foam cartons and containers and other foam related products*, from Sebring, FL to LaGrange and Blackshear, GA and Wilson, NC. Supporting shipper: Florida Containers, Inc., P.O. Box 1149, Sebring, FL 33870.

MC 161598 (Sub-3-1TA), filed August 18, 1982. Applicant: EAST SIDE DISTRIBUTOR'S, INC., 2950 Highway 98, N., Lakeland, FL 33805. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *Frozen foodstuffs and related products*, between Marion County, FL on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Gold Bond Ice Cream Co., of FL, Inc., 701 S.W. 33rd Ave., Ocala, FL 32674.

MC 156944 (Sub-3-5TA), filed August 18, 1982. Applicant: Larry E. 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 carrier, irregular routes; *Sugar, liquid and granulated*, from Savannah, GA to points in NC, SC, VA, TN and KY, under continuing contract(s) with Flav-O-Rich, Inc., Biltmore Dairy Farms, Inc., Arcadia Dairy Farms, Inc. and Pine State Creamery Company. Supporting shippers: Flav-O-Rich, Inc., 315 Erin Drive, P.O. Box 10607, Knoxville, TN 27919; Biltmore Dairy Farms, Inc., 1 Vandebilt Road, Asheville, NC 28813; Arcadia Dairy Farms, Inc., P.O. Box 631, Arden, NC 28704 and Pine State Creamery Company, P.O. Box 6508, 500 Glenwood Ave., Raleigh, NC 28628.

MC 146035 (Sub-3-4TA), filed August 18, 1982. Applicant: SOUTHERN DRAYAGE, INC., 4223 Space Center Dr., P.O. Box 1983, Jackson, MS 39205. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. *Covered copper wire, fluorescent lamp ballasts and equipment, materials and supplies used in the manufacture and distribution of covered copper wire and fluorescent lamp ballasts* between points in Simpson and Copiah Counties, MS; Mississippi County, AR and Passaic County, NJ, on the one hand, and, on the other, points in AR, CA, FL, GA, IN, MS, NC, OH, PA and TX. Supporting shipper: Universal Manufacturing Corporation, P.O. Box 3028, Paterson, NJ 07509.

MC 148540 (Sub-3-3TA), filed August 20, 1982. Applicant: DIXIE GAS, INC., P.O. Box 40, Marks, MS 38646. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. *Liquefied petroleum gases, in bulk, in tank vehicles*, from the facilities of Warren Petroleum Co., at or near Greenville, MS to England, Dermott, Eudora, and West Helena, AR. Supporting shipper: Union Texas Petroleum Corp., P.O. Box 2120, Houston, TX 77001.

MC 163479 (Sub-3-1TA), filed August 20, 1982. Applicant: ACE TANK LINES, INC., 6351 Belhaven Blvd., Charlotte, NC 28216. Representative: Terrell Price, 800 Briar Creek Road, Suite DD-504, Charlotte, NC 28205. (1) *Vegetable oil* between Maxton and Charlotte, NC, and points in the U.S. east of the Mississippi River and TX; (2) *animal fats and blends* from Gaffney, SC, to Fayetteville, and Greensboro, NC, Gainesville and Athens, GA, Knoxville and Chattanooga, TN, and Chicago, IL; (3) *chemicals* between Doe Run, KY, McIntosh, AL, Beaumont, TX; Wilmington, and Charlotte, NC, (on shipments having a prior or subsequent movement via water); Springfield, MA,

Blue Island and Chicago, IL, Houston, TX, Muscatine, IA, Moundsville, WV, Baltimore, MD, Philadelphia, PA, Brunswick, GA; Charleston, SC, (on shipments having a prior or subsequent move via water); and points in VA, MD, SC, GA, TN, and NC. There are five supporting shippers and their statements may be examined at the Regional Office in Atlanta, GA.

MC 163478 (Sub-3-1TA), filed August 20, 1982. Applicant: MULTI-MODAL TRANSPORTS, INC., 3215 Tulane, Memphis, TN 38116. Representative: Warren A. Goff, 109 Madison Avenue, Memphis, TN 38103. *General commodities (except Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk) between points in AL, AR, KY, LA, MS, TN and Butler, Cape Girardeau, Dunklin, Mississippi, New Madrid, Peniscott, Scott and Stoddard Counties, MO, restricted to the transportation of shipments having a prior or subsequent movement by rail or water. Applicant intends to interline with other carriers at Birmingham, Decatur and Mobile, AL; Little Rock and Pine Bluff, AR; Louisville, KY; Baton Rouge and New Orleans, LA; Jackson, Gulfport and Tupelo, MS; Chattanooga, Jackson, Memphis, Nashville, Knoxville and Bristol, TN. Supporting shippers: There are 18 statements in support of this application which may be examined in the I.C.C. Regional Office, Atlanta, GA.*

MC 115654 (Sub-3-34TA), filed August 17, 1982. Applicant: TENNESSEE CARTAGE CO., INC., 1238 Antioch Pike, Nashville, TN 37202. Representative: Henry E. Seaton, 1024 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004. *Transportation equipment, between the facilities of ABEX Corp., a subsidiary of IC Industries, at or near Salisbury, NC, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper(s): ABEX Corp., A Subsidiary of IC Industries, 530 5th Ave., New York, NY 10036.*

MC 163430 (Sub-3-1TA), filed August 17, 1982. Applicant: L. C. WORLEY TRANSFER, INC., 1286 Milledge Street, East Point, GA 30344. Representative: Archie B. Culbreth, Suite 570, 2200 Century Parkway, Atlanta, GA 30345. *Foodstuffs, in vehicles equipped with mechanical refrigeration, and Materials, equipment and supplies used in the manufacture and distribution thereof, between Lithonia, GA, and Chattanooga, TN. Supporting shipper: Pet Incorporated, Frozen Foods Division, 400 South Fourth Street, St. Louis, MO 63102.*

MC 145190 (Sub-3-4TA), filed August 20, 1982. Applicant: D.A.D. TRANSPORT

CORP., P.O. Box 2056, New Cummings Road, Chattanooga, TN 37409. Representative: Daniel O. Hands, 104 S. Michigan Avenue, Chicago, IL 60603. Such commodities as are dealt in or used by bakeries, soy processing facilities and animal feed facilities, between the facilities of Ralston Purina Company, at or near Louisville, KY on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Ralston Purina Company, Bremner Division, 1001 Standaford Lane, Louisville, KY 40233.

MC 159964 (Sub-3-3TA), filed August 17, 1982. Applicant: VARALLO FOODS, INC. d.b.a. VARALLO TRANSPORT, P.O. Box 40424, Nashville, TN 37204. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *Contract carrier: irregular: General commodities (except Classes A and B explosives, commodities in bulk, and household goods as defined by the Commission from Smyrna, GA and its commercial zone to Nashville, TN and its commercial zone. Under continuing contract(s) with Drumtop Atlanta Shippers Association, Inc. Supporting shipper: Drumtop Atlanta Shippers Association, Inc., 4830 Martin Court SE, South Cobb Industrial Park, Smyrna, GA 30080.*

MC 163441 (Sub-3-1TA), filed August 17, 1982. Applicant: PRESTIGE DELIVERY INC., Route 8, Box 432, Statesville, NC 28677. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. *New furniture, uncrated, from points in Caldwell, Catawba, Cleveland, Davie, Forsyth, Guilford and Iredell counties, NC to points in FL, GA, and SC, restricted to home delivery service. There are six supporting shippers whose statements may be examined at the I.C.C. Regional Offices in Atlanta, GA.*

MC 145635 (Sub-3-2TA), filed August 18, 1982. Applicant: THOMAS R. REED d.b.a. RANDLE REED TRUCKING, Rt. 4, Box 50C, Louisville, MS 39339. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Bricks and related articles. 1. from AL, GA, MS & TX to points in LA 2. from Brickyard, AL and Macon, Indianola, and Shuqualak, MS to the AR Counties of Independence, Jackson, Faulkner, White, Woodruff, Cross, Perry, Pulaski, Lonoke, Prairie, Monroe, St. Francis, Lee, Garland, Saline, Phillips, Hot Springs, Grant, Jefferson, Arkansas, Clark, Dallas, Cleveland, Lincoln, Desha, Quachita, Calhoun, Bradley, Drew, Union, Ashley and Chicot. Supporting shippers: There are 6 statements of support., which may be*

examined at the ICC Regional Office, Atlanta, GA.

MC 126542 (Sub-3-10TA), filed August 19, 1982. Applicant: B. R. WILLIAMS TRUCKING, INC., P.O. Box 3310, Oxford AL 36201. Representative: John W. Cooper, Attorney at Law, P.O. Box 162, Mentone, AL 35984. *Contract carrier, irregular routes; Plastic articles and materials, parts, equipment and supplies used or utilized in the manufacture and shipping thereof between all points in the U.S. except AK and HI. Supporting shipper: Filam National Plastic, Inc. 13984 So. Orange Avenue, Paramount, CA 90723.*

MC 154795 (Sub-3-2TA) filed August 20, 1982. Applicant: MMR INC., 3528 Whippoorwill Rd., Louisville, KY 40213. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. *Contact irregular: such commodities as dealt in or used by manufacturers and distributors of automotive aftermarket products, between the facilities of Automotive and Consumer Group, Locktite Corporation at Louisville, KY, on the one hand, and, on the other, points in the U.S., under continuing contract(s) with Automotive & Consumer Group. Supporting shipper(s): Automotive & Consumer Group, Locktite Corp., 8185 National Turnpike, Louisville, KY 40214.*

MC 145190 (Sub-3-3TA), filed August 19, 1982. Applicant: D.A.D. TRANSPORT CORP., P.O. Box 2056, New Cummings Road, Chattanooga, TN 37409. Representative: Daniel O. Hands, Wiczer & Nakon, Ltd., 104 S. Michigan Avenue, Chicago, IL 60603. *Confectionery (except in bulk), from the facilities of Spangler Candy Company at or near Bryan, OH to the facilities of K-Mart Stores at point in the U.S. (except AK and HI). Supporting shipper: Spangler Candy Company, 400 N. Portland Street, Bryan, OH 43506*

MC 163464 (Sub-3-1TA), filed August 18, 1982. Applicant: TRANS SET CORP., P.O. Box 250, Smiths, AL 36877. Representative: W.P. Leffler, P.O. Box 298, Smiths, AL 36877. *Mobile homes, modular structures, mobile office, and portable buildings, between AL and GA. Supporting Shipper: Southeastern All Purpose Buildings, DBA Southeastern Custom Structures, Inc., P.O. Box 12143, Columbus, GA 31907.*

The following applications were filed in region 4: Send protests to ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 126771 (Sub-4-2TA), filed August 16, 1982. Applicant: WALT'S DRIVE-A-WAY SERVICE, INC., 1103 East Franklin Street, Evansville, IN 47711.

Representative: Warren C. Moberly, Harrison & Moberly, 777 Chamber of Commerce Building, Indianapolis, IN 46204. *Contract*, irregular: *Glass and materials, equipment and supplies used in the manufacture of fabrication of glass and glass products*, between points in Vanderburgh County, IN (facilities of PPG Industries, Inc.), on the one hand, and on the other, points in and east of ND, SD, NE, KS, OK, and TX. Supporting shipper: PPG Industries, Inc., No. 1, Gateway Center, Pittsburgh, PA 15222.

MC 140729 (Sub-4-2TA), filed August 13, 1982. Applicant: RUSS EDIGER d.b.a. RUSS EDIGER TRUCKING, INC., 4001 Martindale Rd., Sioux Falls, SD 57107. Representative: Thomas J. Simmons, P.O. Box 480, Sioux Falls, SD 57101. *Empty cartons and containers* from Kansas City, MO to Rapid City, SD and Sioux Falls, SD. Supporting shippers: Terrace Park Dairy, 1501 West 10th Street, Sioux Falls, SD 57101; Brown Swiss Milk Company, P.O. Box 860, 1699 Sedivy Lane, Rapid City, SD 57709.

MC 140820 (Sub-4-4TA), filed August 16, 1982. Applicant: A & R TRANSPORT, INC., 2996 N. Illinois 71, R.R. No. 3, Ottawa, IL 61350. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. *Contract* irregular: *Propylene* between points in IA, IL, IN, KY, MI, MN, MO, OH and WI, under continuing contract with BTU Contracts, Inc., Lincolnwood, IL. Supporting shipper: BTU Contracts, Inc., Lincolnwood, IL 60659.

MC 149406 (Sub-4-4TA), filed August 16, 1982. Applicant: E. W. WYLIE, INC., P.O. Box 1188, Fargo, ND 58107. Representative: Robert D. Gisvold, 1600 TCF Tower, Minneapolis, MN 55402. *Contract* irregular: *Coke, hydrated lime and magnesium oxide in bulk and bags* from Duluth, MN, Milwaukee, WI and Manistee, MI to Wahpeton, ND. Supporting shipper: Minn-Dak Farmers' Cooperative, Wahpeton, ND 58075.

MC 151960 (Sub-4-2TA), filed August 13, 1982. Applicant: BERTRAND MOLTER, Route 1, Box 299, Eau Claire, MI 49111. Representative: Daniel O. Hands, Wiczer & Nakon, Ltd., 104 S. Michigan Ave., Chicago, IL 60603. (1) *Fruit juice concentrate in drums* from Chicago, IL and points in its commercial zone to the facilities of Warner Vineyards at or near Paw Paw, MI and (2) *canned pie filling and materials and supplies used in the canning and distribution of canned pie filling* between the facilities of Wilderness Foods at or near Sodus, MI, OTOH and OTO Chicago, IL and points in its commercial zone. Supporting shippers: Warner Vineyards, Inc., 706 South

Kalamazoo Street, Paw Paw, MI 49079 and Wilderness Foods, 4125 Pipestone Road, Sodus, MI 49126.

MC 154127 (Sub-4-11TA), filed August 11, 1982. Applicant: A. LUURTSEMA PRODUCE, INC., 5367 School Street, P.O. Box 67, Hudsonville, MI 49426. Representative: Michael D. McCormick, Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *Contract*, irregular: *Such commodities as are dealt in or used by retail grocery stores*, from points in IL, IN, KY, OH, and WI, to Grand Rapids and Plymouth, MI, restricted to a contract with Spartan Stores, Incorporated, Grand Rapids, MI. An underlying ETA seeks 120 days authority. Supporting shipper: Spartan Stores, Incorporated, 850 76th Street, S.W., Grand Rapids, MI 49508.

MC 156347 (Sub-4-2TA), filed August 16, 1982. Applicant: TOOTSIE ROLL EXPRESS, INC., 7401 South Cicero Ave., Chicago, IL 60629. Representative: Edward G. Bazelon, 29 South LaSalle St., Chicago, IL 60603. *Contract—Irregular—Food and Related Products* Between Marion County, OH, and Jeffersonville, IN, on the one hand, and, on the other, points in Cook, DuPage, Lake, McHenry and Will Counties, IL, and Lake, LaPorte and Porter Counties, IN, under continuing contract(s) with Popped-Right and its subsidiary Wyandot Popcorn Co. Supporting shipper: Popped-Right and its subsidiary Wyandot Popcorn Co., 135 Wyandote St., Marion, OH 43302.

MC 159794 (Sub-4-2TA), filed August 13, 1982. Applicant: WILSON'S TRUCKAWAY, INCORPORATED, 120 W. Madison St., Suite 14N, Chicago, IL 60602. Representative: Dorsey Wilson, 120 W. Madison St., Suite 14N, Chicago, IL 60602. *Contract*, Irregular: *Self-propelled vehicles in driveaway service*, between Chicago, IL and its commercial zone and points in IN, IA, MI, MN, OH, PA and WI. Supporting shipper: Midwest Used Truck Center & Parts, 79th & Joliet Rd., I55 & Route 83, Hinsdale, IL 60521.

MC 159823 (Sub-4-1), filed August 12, 1982. Applicant: WESTEXPRESS, INC., 421 West Erie St., Chicago, IL 60610. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440. *Textiles and fabrics* between Lenexa, KS, Omaha, NE and Chicago, IL and its commercial zone on the one hand, and, on the other, points in the U.S. (except AK and HI). There are four supporting shippers.

MC 159346 (Sub-4-1), filed August 16, 1982. Applicant: DON LINMAN, dba. LINMAN TRUCKING, Monmouth, IL 61462. Representative: Michael W.

O'Hara, 300 Reisch Bldg., Springfield, IL 62701. *Contract*, irregular: *Beverages, liquors and beer*, from St. Louis and Warrenton, MO, St. Paul, MN, Ft. Wayne, IN, Louisville, KY and Memphis, TN to Galesburg, IL. Restricted to traffic moving under continuing contract with G&M Distributors, Inc. Supporting shipper: G&M Distributors, Inc., P.O. Box 509, Galesburg, IL 61409.

MC 163130 (Sub-4-1TA), filed August 16, 1982. Applicant: B&B TRUCKING, 213 Pell Ave., Romeoville, IL 60441. Representative: S. James Boudouris, 213 Pell Ave., Romeoville, IL 60441. *Metal products, pulp, paper and related products* between points in IL, WI and IN. Supporting shippers: Heinco Metals Inc., 1701 Lake Ave., Glenview, IL 60625, Revelations Inc., 2450 Elmhurst Road, Elk Grove Village, IL 60007.

MC 163395 (Sub-4-1), filed August 13, 1982. Applicant: DAVID A. McFARLAND d.b.a. BLACK HAWK TRANSPORT, Hereford Route, Sturgis, SD 57785. Representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, SD 57701. (a) *Lumber and timbers* from points in SD west of the Missouri River and WY to points in CO, IL, IN, IA, KS, KY, LA, MI, MN, MO, NY, ND, OH, OK, PA, SD, TN, TX, WV and WI; and (b) *Steel pipe* from points in CA, CO, IL, IN, MO, OH, PA and UT to points in CA, CO, IL, MO, MT, NE, NM, ND, SD, UT and WY. An ETA application has been filed for 120 days. There are five supporting shippers.

MC 163410 (Sub-4-1TA), filed August 13, 1982. Applicant: MAYO TRUCKING, LTD., 4415 W. Harrison St., Hillside, IL 60182. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. *China and houseware items* between Chicago, IL Commercial Zone, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: John Haviland China Corp., 2200 S. Mt. Prospect Rd., Des Plaines, IL 60016.

MC 163411 (Sub-4-1TA), filed August 16, 1982. Applicant: MARK ASHLEY, d.b.a. AB CARTAGE, 823 N. 2nd Street, Apt. 602, Milwaukee, WI 53203. Representative: Richard D. Howe, Myers, Knox & Hart, 600 Hubbell Bldg., Des Moines, IA 50309. *Steel sucker rods*, from Milwaukee, WI, to Houston, TX. Supporting shipper: Del-Tex of Wisconsin, 3240 E. Van Norman, Cudahy, WI 53110.

MC 15317 (Sub-4-1TA), filed August 18, 1982. Applicant: CROWN TRANSIT LINES, INC., 1650 North 14th Street, Springfield, IL 62702. Representative: Edward D. McNamara, Jr., Leslieann G. Maxey, Attorneys at Law, 907 South

Fourth Street, Springfield, IL 62703. *Passengers, together with their baggage, and small packages incidental thereto* beginning at Jacksonville, IL, thence over the public streets of Jacksonville, IL to U.S. Route 36 to Springfield, IL and thence over the public streets of Springfield, IL to Union Bus Terminal, 110 North Ninth Street, Springfield, IL and return. Supporting shippers: MacMurray College, 425 East College, Jacksonville, IL 62650, Illinois College, 1101 W. College Ave., Jacksonville, IL 62650.

MC 118612 (Sub-4-11TA), filed August 18, 1982. Applicant: COLUMBIA TRUCKING, INC., 700-131st Place, Hammond, IN 46320. Representative: Richard A. Kerwin, 180 North La Salle Street, Chicago, IL 60601. *Roofing pitch in bulk, in tank vehicles* from Cicero, IL to Denver, CO. Supporting shipper: Koppers Company, Inc., 850 Koppers Building, Pittsburgh, PA 15219.

MC 144455 (Sub-4-1TA), filed August 20, 1982. Applicant: GAYLORD HAUSSERMAN d.b.a. HAUSSERMAN TRUCKING SERVICE, 33 Lovell Ct., Ionia, MI 48846. Representative: Jack L. Schiller, 123-60 83rd Ave., Kew Gardens, NY 11415. *Contract, irregular: pharmaceutical products and health and beauty aids* between the facilities of L. Perrigo Company located at or near Allegan, MI, to points in CT, DE, MA, MD, NJ, NY, PA, RI and DC. under continuing contract(s) with L. Perrigo Company of Allegan, MI for 270 days. An underlying ETA seeks 30 days authority. Supporting shippers: L. Perrigo Company, 117 Water St., Allegan, MI 49010.

MC 150050 (Sub-4-4TA), filed August 17, 1982. Applicant: FLEET ROAD SERVICE, INC., 538 W. 20th Pl., Chicago, IL 60616. Representative: Gilbert J. Green, 5957 S. Rutherford Ave., Chicago, IL 60638. *Contract, irregular: Rovings or Yarn, Glass Fibre; Strand, Glass Fibre; Non-metallic Electrical Junction Boxes; Ground Clay; Automotive Parts equipment and supplies; Radio Sets and parts thereof; and Tools, hand, power or pneumatic:* between Bryan, OH and Broadview, IL on the one hand, and on the other, points and places in the states of GA, IL, MO, MN, and TN, under continuing contract with Allied Moulded Products, Inc. of Bryan, OH, and Robert Bosch Sales Corporation of Broadview, IL.

MC 162697 (Sub-4-1TA), filed August 20, 1982. Applicant: REED H. WILSON and CURTIS C. MORKEN, d.b.a. CURREE CARRIERS, 1625 15th Ave. S., Fargo, ND 58103. Representative: Robert N. Maxwell, POB 2471, Fargo, ND 58108. *Frozen potato products*, from the

facilities of Chef Reddy Foods Corp. at or near Park Rapids, MN and Chef Reddy Foods Corp.-Midwest at or near Clark, SD, to points in the U.S. (except AK and HI). Supporting shippers: Chef Reddy Foods Corp., POB 552, Park Rapids, MN 56470; Chef Reddy Foods Corp.-Midwest, POB 100, Clark, SD 57225.

MC 162831 (Sub-4-3TA), filed August 17, 1982. Applicant: POINTER CARRIER, INC., 5906 Driftwood Ave., Madison, WI 53705. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719. *Shoes and related equipment* between Dane County, WI, on the one hand and, on the other hand, points in CO, IL, IN, MN, MO, NE, NY, OK and Washington, D.C. Restriction: restricted to shipments not exceeding 20,000 pounds. Supporting shipper: Wohl Shoe Co., d.b.a. Famous Footwear, Inc., 1501 South Stoughton Road, Madison, WI 53716.

MC 163355 (Sub-4-1TA), filed August 17, 1982. Applicant: ABBOTT-NORTHWESTERN HOSPITAL d.b.a. MINNEAPOLIS MEDICAL CENTER AND DISTRIBUTION AND TRUCKING, 1170 Eagan Industrial Rd., Eagan, MN 55121. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. *Contract irregular such commodities as are dealt in by manufacturers and distributors of pharmaceuticals, medical supplies and food and related products used by the health care industry* between Minneapolis, MN and points in its commercial zone on the one hand, and, on the other points in IA, NE, ND, SD, and WI under continuing contracts with Travenol Laboratories, Inc., 6301 Lincoln Ave., Morton Grove, IL and Fairview Community Hospitals, 9240 Grand Ave. South, Bloomington, MN. Supporting shippers: Travenol Laboratories, Inc., 6301 Lincoln Ave., Morton Grove, IL 60053, Fairview Community Hospitals, 9240 Grand Ave. South, Bloomington, MN 55420.

MC 163356 (Sub-4-1TA), filed August 18, 1982. Applicant: CARBERRY TRANSFER, LTD., P.O. Box 308, Carberry, Manitoba, Canada R0K 0H0. Representative: Robert D. Grisvold, 1600 TCF Tower, 121 S. 8th St., Minneapolis, MN 55402. *Fertilizer in bulk*, between points on the U.S.-Canadian border in ID, MT and ND on the one hand, and, on the other, Pocatello, ID. Supporting shipper: Simplot SoilBuilders, Box 700, Carberry, Manitoba R0K 0H0.

MC 163414 (Sub-4-1TA), filed August 18, 1982. Applicant: G. E. PERRY d.b.a. PERRY RIGGING AND STORAGE, 21055 West Road, Trenton, NJ 48183. Representative: James Robert Evans, 145

W. Wisconsin Ave., Neenah, WI 54956. *Machinery* between Detroit, MI, and its commercial zone, on the one hand, and, on the other, points in IL, IN, NJ, NY, OH and PA. Supporting shippers are: Globe Trading Co., 1801 Atwater St., Detroit, MI; Power Press Sales, 1560 E. Milwaukee, Detroit, MI; Consolidated Equipment Company, 8650 Mount Elliot, Detroit, MI and Roberts Machinery Sales, LTD, 930 E. Drayton, Ferndale, MI.

MC 163443 (Sub-4-1), filed August 17, 1982. Applicant: G. L. TRUCKING, a division of G. L. RENTAL & ENGINEERING, INC., Rural Route 1, Box 97H, Williston, ND 58801. Representative: Charles E. Johnson, P.O. Box 2056, Bismarck, ND 58502-2056. *Mercer commodities (except in bulk)* between points in Divide, Burke, Williams, Mountrail, McKenzie, Mercer, Billings, Golden Valley, Dunn, Stark, Slope, Bowman, Hettinger, Adams Renville and Ward Counties, ND, and Daniels, Sheridan, Roosevelt, Richland, McCone, Dawson, Prairie, Wilboux, Custer, Fallon, Carter and Powder River Counties, MT. Supporting shippers: There are seven supporting shippers.

MC 163444 (Sub-4-1TA), filed August 17, 1982. Applicant: HUDSON BAY TRANSPORT CO., LTD., Box 97, Hudson Bay, Saskatchewan, Canada S0E 0Y0. Representative: Charles E. Johnson, Box 2056, Bismarck, ND 58502-2056. *Contract, irregular, wafer board* from the ports of entry on the international boundary line between the U.S. and Canada in ND and MT, to points in CO under contract with McMillian, Bloedel, Ltd., Hudson Bay, Sask., Can. Underlying ETA seeks 120-day authority. Supporting shipper: McMillian, Bloedel, Ltd., Hudson Bay, Sask., Can.

MC 163471 (Sub-4-1TA), filed August 19, 1982. Applicant: PATTI DELIVERY, INC., 5758 West Dakin Street, Chicago, IL 60634. Representative: Edward G. Finnegan, Ltd., 134 North La Salle Street, Suite 1016, Chicago, IL 60602. *Commodities are paper, printed matter, empty skids, graphic art and supplies* between points in IL, WI, MN, MI, IN, IA and MO. Supporting shippers: Sorg Printing, Inc., 650 West Washington Street, Chicago, Illinois 60606, Chicago Litho Products Company, 218 North Clinton, Chicago, Illinois 60606.

MC 163482 (Sub-4-1TA), filed August 20, 1982. Applicant: ANDERSON BROS. STORAGE AND MOVING CO., 3141 North Sheffield Ave., Chicago, IL 60657. Representative: Robert J. Gallagher, Esq., 1000 Connecticut Ave. NW., Suite 1200, Washington, D.C. 20036.

*Household Goods*, Between points in IL, on the one hand, and, on the other, points in WI, MN, IA, MO, KY, IN, OH, MI, AR, OK, LA, TX, and KS. Supporting shippers: Sidney & Austin, 1 First National Plaza, Chicago, Illinois; Rain, Harrell, Emery, Young & Drake, 9639 Cove Meadow, Dallas, TX; and American Medical Assn., 535 North Dearborn, Chicago, Illinois.

MC 163483 (Sub-4-1TA), filed August 20, 1982. Applicant: R & M TRANSPORT (a partnership), RONALD J. WOODWORTH and MARGARET A. WOODWORTH, 227 East Main, Arcola, IL 61910. Representative: Michael W. O'Hara, Attorney at Law, 300 Reisch Bldg., Springfield, IL 62701. *Contract*, irregular routes, *Potatoe chips and snack foods* from Terre Haute, IN to Arcola and Decatur, IL for the account of Chrisu Distributing, Inc. Supporting shipper: Chrisu Distributing, Inc., 637 Poplar, Arcola, IL 61910.

MC 163484 (Sub-4-1TA), filed August 20, 1982. Applicant: NORTHERN TRANSPORT, LTD., P.O. Box 471, West Fargo, ND 58078. Representative: Richard P. Anderson, P.O. Box 2581, Fargo, ND 58108. *Such commodities as are dealt in or used by wholesale beverage distributors* between points in Shelby County, TN; Milwaukee County, WI; Harrison County, TX Orange County, FL; and points in the Minneapolis, MN commercial zone, on the one hand, and, on the other, points in Richland County, ND, under contract(s) with Heine Richels Beverages, Inc. of Wahpeton, ND. Supporting shipper: Heine Richels Beverages, Inc., 505 South 6th St. Wahpeton, ND 58075.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 79658 (Sub-5-4TA), filed August 17, 1982. Applicant: ATLAS VAN LINES, INC., 1212 St. George Road, Evansville, IN 47711. Representative: Robert C. Mills, Michael L. Harvey, 1212 St. George Road, Evansville, IN 47711. *Contract irregular. Household goods* between all points in the U.S. (except AK and HI), under continuing contract(s) with Standard Oil Company (Indiana), Chicago, IL.

MC 126421 (Sub-5-2TA), filed August 16, 1982. Applicant: GYPSUM TRANSPORT, INC., P.O. Drawer 2679, Abilene, TX 79604. Representative: Jerry E. Matthews (same as applicant). *Lumber and wood products, poles and piling and building materials* from AL, AR, LA and MS to TX. Supporting shippers: Crown Zellerbach

Corporation, Bogalusa, LA, International Paper, Mobile, AL.

MC 151714 (Sub-5-2TA), filed August 17, 1982. Applicant: CENTRAL ARKANSAS CARTAGE, INC., 6816 Englewood, Raytown, MO 64133. Representative: Don Harvey, 6816 Englewood, Raytown, MO 64133. *Contract irregular. Paper bags, plastic bags, paper products and plastic and related products and materials equipment and supplies used in the manufacture and distribution of the commodities* from Yulee, Nassau County, FL, Elizabeth, Union County, NJ; Plainfield, Will County, IL; Remington, Fauquier County, VA on the one hand, and on the other, to points and places in the U.S. Supporting shipper: Trinity Paper & Plastics Corporation, 529 5th Avenue, New York, NY 10017.

MC 152674 (Sub-5-6TA), filed August 16, 1982. Applicant: MIDWEST EXPRESS, INC., P.O. Box 550, Miami, OK 74354. Representative: James B. Hovland, 525 Lumber Exchange Bldg., 10 South Fifth St., Minneapolis, MN 55402. *Yogurt*, between the facilities of Yoplait, USA, Inc. at or near Carson, CA and Reed City, MI, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Yoplait, USA, Inc., 400 S. Cty. Rd. 18, Suite 605, Minneapolis, MN 55426.

MC 160663 (Sub-5-3TA), filed August 16, 1982. Applicant: ALL-WAYS INTERSTATE TRUCKING CO., P.O. Box 2564, Iowa City, IA 52244. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *Contract, irregular; Plastic Products and Materials, Equipment and Supplies used in the manufacture thereof*; Between points in CA, DE and IL on the one hand, and, on the other, points in the U.S. (Except AK & HI) under continuing contract(s) with Free-Flow Packaging Corporation of Redwood City, CA. *Food and Related Products*; Between points in CA, CO, GA, ID, IL, IA, KS, KY, LA, MD, MN, MI, MO, MT, NE, NY, OH, PA, TX, UT, WI and WY on the one hand, and, on the other, points in the U.S. under continuing contract(s) with International Distributing Corporation of St. Louis, MO. *Metal Products and Lumber and Wood Products*; Between points in IA and WI on the one hand, and, on the other, points in AZ, CA, CO and NV under continuing contract(s) with Minton Company of Mountain View, CA. *Food and Related Products and Plastic Products*; Between points in AZ, CA, CO, KS, OR, UT and DC on the one hand, and, on the other, points in the U.S. under continuing contract(s) with Safe-T-Pacific Co., of Redwood City, CA. *Food and Related Products*;

Between points in the U.S. (Except AK and HI) under continuing contract(s) with Sethness Products Co., of Chicago, IL.

MC 163437 (Sub-5-1TA), filed August 17, 1982. Applicant: JAMES A. HARNEY, d.b.a. HARNEY TRANSPORT, R.R. #1, Parnell, IA 52325. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Metal products*, between Clinton County, IA, on the one hand, and, on the other, points in CO, IL, IN, KS, LA, MN, MO, ND, NE, OK, SD, and TX. Supporting shipper: Central Steel Tube Co., Box 551, Clinton, IA 52732.

MC 129135 (Sub-5-2TA), filed August 20, 1982. Applicant: KATUIN BROS., INC., P.O. Box 1127, Dubuque, IA 52001. Representative: Carl E. Munson, P.O. Box 796, Dubuque, IA 52001. (1) *Salt and salt products*, between points in IL, IN, IA, MN, MO, and WI; and (2) *Sand and sand products*, between points in Green Lake, Jackson and Mariette Counties, WI, on the one hand, and, on the other, points in IL, IN, IA, MI, MN, MO and NE. Supporting shippers: Domtar Industries Inc., Sifto Salt Division, Schiller Park, IL 60176; Badger Mining Corporation, Fairwater, WI 53931.

MC 135909 (Sub-5-1TA), filed August 18, 1982. Applicant: WALTER V. BAKER and ELLIS D. W. BAKER, d.b.a. BAKER BROS., P.O. Box 40, Ellington, MO 63638. Representative: Bill R. Davis, Suite 101, Emerson Center, 2814 New Spring Road, Atlanta, GA 30339. *Mining machinery, equipment and supplies*, from Natrona County, WY; McKinley County, NM; and Wayne County, IN to Schuyler County, NY. Supporting shipper: Teton Exploration and Drilling, Inc., P.O. Drawer A-1, Casper, WY 82602.

MC 144015 (Sub-5-1TA), filed August 20, 1982. Applicant: LARRY'S TRUCKING SERVICE, INC., P.O. Box 1520, Eunice, LA 70535. Representative: Larry J. Gotreaux, 303 North Second St., Eunice, LA 70535. *Common, Irregular. Machinery, equipment, material, and supplies used in or in connection with discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products* between points in the States of LA, TX, OK, AR, AL, and MS. Supporting shippers: twenty-three (23).

MC 146668 (Sub-5-3TA), filed August 20, 1982. Applicant: MICHAEL BENNETT TRUCKING, INC., 16 E. Amador, Seneca, KS 66538. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Pet food*, Between Kansas City, Muncie and

Dodge City, KS; McGregor, TX; Enid, Chickasha and Afton, OK; Gothenberg and Fremont, NE; Eagle Grove, Cedar Rapids, Ida Grove and Sergeant Bluff, IA; Centralia and St. Joseph, MO; VanBuren, AR; Cheraw, Ault and Fruita, CO; Brandon and Huron, SD; Mankato, MN on the one hand and points and places in KS, TX, OK, NE, IA, MO, AR, CO, SD, MN and WY, on the other hand. Supporting shipper: Farmland Industries, Inc., 3315 N. Oak Trafficway, Kansas City, MO 64116.

MC 150440 (Sub-5-7TA), filed August 20, 1982. Applicant: UNIVERSAL EXPRESS, LTD., 3820 University Avenue, West Des Moines, IA 50265. Representative: Richard S. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Household and commercial laundry and kitchen appliances and parts and materials used in the repair or manufacture of such appliances (except commodities in bulk)*, between Newton, Fairfield, and Hampton, IA; Cleveland, TN; and Indianapolis, IN, on the one hand, and, on the other, points in AZ, CA, ID, MN, MT, ND, NM, NV, OR, SD, UT, WA, and WY. Supporting shipper: The Maytag Company, Newton, Iowa 50268.

MC 158682 (Sub-5-3TA), filed August 20, 1982. Applicant: H.I.S. CO., P.O. Box 1868, Council Bluffs, IA 51501. Representative: James M. Hodge, 3730 Ingersoll Avenue, Des Moines, IA 50312. *Christmas tree ornaments*, From Gastonia, NC to points in the US in and east of ND, SD, NE, KS, OK and TX. Supporting shipper(s): Rauch Industries, Inc., P.O. Box 609, Gastonia, NC 28053.

MC 158682 (Sub-5-4TA), filed August 20, 1982. Applicant: H.I.S. Company, P.O. Box 1868, Council Bluffs, IA 51501. Representative: James M. Hodge, 3730 Ingersoll Avenue, Des Moines, IA 50312. *Contract, irregular; Meat, meat products, meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carriers Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk)*, From Omaha, NE to points in AL, AR, FL, GA, KY, LA, MO, MS, NC, SC, and TN, under continuing contract(s) with Coast Packing Co. of Omaha, Inc. Supporting shipper(s): Coast Packing Co. of Omaha, Inc., P.O. Box 37525, Omaha, NE 68137.

MC 163291 (Sub-5-1TA), filed August 20, 1982. Applicant: LAGNIAPPE TRUCKING, INC., 8470 Morrison Rd., New Orleans, LA 70186. Representative: Edward A. Winter, 235 Rosewood Dr., Metairie, LA 70005. *General Commodities, having a prior or subsequent movement by rail between*

points in AL, AR, FL, GA, LA, MS, TN, and TX. Supporting shipper(s): 6.

MC 163310 (Sub-5-1TA), filed August 20, 1982. Applicant: DOUG SNEDKER, d.b.a., ALTON TRUCK LINE, P.O. Box 26, Rt. 1, Alton, KS 67623. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Furniture and Bedding and Equipment, Articles, Materials and Supplies Used in the Manufacture, Sale and Distribution of Furniture and Bedding*, Between the Commercial zones of Albuquerque, NM and Rush County, KS, on the one hand and points in the US (except AK and HI), on the other hand. Supporting shipper: LaCrosse Furniture Co., 1215 Oak St., P.O. Box 99, LaCrosse, KS 67548.

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 163423 (Sub-6-1TA), filed August 16, 1982. Applicant: GAGE TRANSPORTATION, Rural Route #3, Albion, IN 46701. Representative: James E. Wallingford, P.O. Box 2647, Spokane, WA 99220. *Electrical machinery and parts thereof, Petroleum products, Transportation equipment*, between points in CA, GA, IN, MI, IL, WI, OK, OR, and TX for 270 days. Supporting shippers: There are 6; their statements may be examined at the regional office above.

MC 153134 (Sub-6-8TA), filed August 16, 1982. Applicant: HI COUNTRY CARRIER'S, INC., P.O. Box 1354, Englewood, CO 80150. Representative: C.L. Kimball, 1600 Sherman, #665 Capitol Life Center, Denver, CO 82030. *Contract carrier, Irregular routes; Paper products*, from the facilities of Georgia Pacific, Inc., at Burlington, IA to Denver, CO; Salt Lake City, UT; Fresno, CA; Centralia, WA; San Antonio, TX; Little Rock, AR; Nashville and Memphis, TN, and points in their commercial zones, for account of Georgia Pacific, Inc., for 270 days. Supporting shipper: Georgia Pacific, Inc., P.O. Box 279, Burlington, IA 52601

MC 163446 (Sub-6-1TA); filed August 18, 1982. Applicant: LYNDON TRUCKING, INC., P.O. Box 163, Commerce City, CO 80037. Representative: Robert W. Wright, Jr., 5711 Ammons St., Arvada, CO 80002. *Contract carrier, irregular routes: General commodities (except class A and B explosives, household goods and commodities in bulk)* between Denver, CO on the one hand and on the other Brownsville, TX, Fairview, NJ, Chicago,

IL, Los Angeles, CA and St Louis, MO, under continuing contract with Star Industrial Supplies, Inc. and Denver Waste Materials, Inc. for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Star Industrial Supplies, Inc., 2363 Larimer, Denver, CO 80205 and Denver Waste Materials, Inc. 2363 Larimer, Denver, CO 80205.

MC 148341 (Sub-6-7TA) filed August 16, 1982. Applicant: MASS TRANSIT, INC., 2450 Orange Ave., Signal Hill, CA 90806. Representative: Milton W. Flack, 8484 Wilshire Blvd., #840, Beverly Hills, CA 90211. *Contract Carrier, Irregular routes: metal products*, from Worcester, MA and Hanover, PA, to points in Phoenix and Tucson, AZ, and Contra Costa, Los Angeles, Orange, San Francisco and Riverside Counties, CA, under continuing contract(s) with Flynn & Enslow, Inc., of Signal Hill, CA, for 270 days. Supporting shipper: Flynn & Enslow, Inc., 1166 E. 23rd St., Signal Hill, CA 90806.

MC 162724 (Sub-6-2TA), filed August 16, 1982. Applicant: MOUNTAIN OIL TRANSPORT, INC., P.O. Box 2216, Walla Walla, WA 99362. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 239, Renton, WA 98055. *Roofing and insulation materials* from Waukesha, WI, to points in ID, Or and WA, for 270 days. Supporting shipper(s): Northwest Sealant, Inc., 1601 Center St., Walla Walla, WA 99362.

MC 163422 (Sub-6-1TA), filed August 16, 1982. Applicant: MUDANZAS TYMSA MOVING SVC., 3522 Union Pacific Ave., Los Angeles, CA 90023. Representative: Jesse Lopez Del Haro (same as applicant). *Household goods*, between points in OR, CA, NV, AZ, NM, TX and ports of entry on the U.S.-Mexico international border line, for 270 days. There are (9) shippers. Their statements may be examined at the regional office listed above.

MC 163421 (Sub-6-1TA), filed August 16, 1982. Applicant: PHIL NAIL TRUCKING, 6108 Briargate Lane, Glendora, CA 91740. Representative: Phil Nail (same as applicant). *General Commodities, excluding: Commodities in bulk, in tank vehicles, Class A and B explosives, Used household goods, and shipments of hazardous waste materials*, between points and places in AZ, CA, and NV, for 270 days. Supporting shipper(s): There are (7) seven supporting shippers. These statements may be examined at the regional office listed.

MC 34227 (Sub-6-7TA), filed August 16, 1982. Applicant: PACIFIC INLAND TRANSPORTATION COMPANY, 15910

E. Colfax Ave., Aurora, CO 80011.  
 Representative: Steven K. Kuhlmann,  
 717 17th St., Suite 2600, Denver, CO  
 80202-3357. *Contract carrier*, irregular  
 routes: *General commodities* (except  
 classes A and B explosives, household  
 goods as defined by the Commission,  
 and commodities in bulk), between  
 points in the U.S. (except AK and HI),  
 restricted to a transportation service to  
 be provided under contract(s) with  
 Simon Marketing, Inc., for 270 days.  
 Supporting shipper: Simon Marketing,  
 Inc., 1379 Logan Circle, NW, Atlanta,  
 GA 30318.

MC 163435 (Sub-6-1TA), filed August  
 12, 1982. Applicant: RYSDAM LOGGING  
 COMPANY, Rt. 2 Box 30 AB, Elgin, OR  
 97827. Applicant's representative:  
 Kathleen L. Rysdam, Box 519, Elgin, OR,  
 97827. *Lumber products, farm products,  
 building materials, rubber & plastic  
 products, Machinery, pulp, paper and  
 related products, Metal products, Waste  
 & Scrap material, forest products*,  
 between points of OR, WA, ID, MT, WY,  
 NV, UT, CO, CA. for 270 days.  
 Supporting shipper: Pope & Talbot, Inc.  
 P.O. B. 8171, Portland, OR. 97207.

MC 154328 (Sub-6-2TA); filed August  
 18, 1982. Applicant: SMOKEY POINT  
 DISTRIBUTING INC., POB 189,  
 Arlington, WA 96223. Applicant's  
 representative: Matt Berry (same as  
 Applicant). *Contract carrier*, irregular  
 routes: *Sand, bulk and packaged;  
 refractory and precast waste burners  
 and heat recovery units*, from  
 Bellingham, WA to points in WY, OR,  
 LA, VA, ME and WI and points of entry  
 at US/CN boundary line in MI, for 270  
 days. Supporting shipper: Olivine Corp.,  
 1015 Hilton, Bellingham, WA 98225.

MC 155389 (Sub-6-3TA), filed August  
 16, 1982. Applicant: WITS TRANSPORT,  
 INC., P.O. B. 3805, Seattle, WA 98121.  
 Applicant's Representative: James T  
 Johnson, 1610 IBM Bldg., Seattle, WA  
 98101. *General commodities* (except  
 Classes A and B explosives, hazardous  
 waste materials, household goods and  
 commodities in bulk) between points in  
 MN, on the one hand, and, on the other  
 hand, points in the U.S. (except AK and  
 HI), for 270 days. Supporting shippers:  
 (1) CPT Corporation, 8100 Mitchell Rd.,  
 Eden Prairie, MN; (2) Solkin & Linoff,  
 Inc., 7400 Excelsior Blvd., Minneapolis,  
 MN; (3) Bachmann's, Inc., 6010 Lyndale,  
 Minneapolis, MN (4) Minnetonka, Inc.,  
 P.O. B. 1A, Minnetonka, MN.  
 Agatha L. Mergenovich,  
 Secretary.

[FR Doc. 82-23633 filed 8-27-82; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30014]

**Rail Carriers; Carolina and  
 Northwestern Railway Co. Trackage  
 Rights—Norfolk and Western Railway  
 Co. Exemption**

August 24, 1982.

The Carolina and Northwestern  
 Railway Company (C&NW) has filed  
 notice of exemption concerning its  
 agreement to operate over  
 approximately 1 mile of track of the  
 Norfolk and Western Railway Company  
 (NW). C&NW and NW are wholly-  
 owned subsidiaries of the Norfolk  
 Southern Corporation. See, *Norfolk  
 Southern Corp.—Control—Norfolk & W.  
 Ry. Co.*, 366 I.C.C. 173 (1982).

In order to allow C&NW to maintain  
 service to the Berkley Yard near  
 Norfolk, VA, NW will grant C&NW  
 trackage rights from milepost V-4.92 on  
 NW's Sewells Point Branch line to  
 milepost N-2.5 on NW's Lambert's Point  
 Branch line and then over the existing  
 connection to milepost S-1.5 at NS  
 Junction.

This is a transaction within a  
 corporate family which is exempt  
 because it does not result in adverse  
 changes in service levels, significant  
 operational changes, or a change in the  
 competitive balance with carriers  
 outside the corporate family (49 CFR  
 1111.2(d)(3)). As a condition to use of the  
 exemption, any employee affected by  
 this transaction shall be protected  
 pursuant to *Norfolk and Western Ry.  
 Co.—Trackage Rights—CN*, 354 I.C.C.  
 605 (1978), as modified by *Mendocino  
 Coast Ry., Inc.—Lease and Operate*, 360  
 I.C.C. 653 (1980). This will satisfy the  
 statutory requirements of 49 U.S.C.  
 10505(g)(2).

By the Commission, Heber P. Hardy,  
 Director, Office of Proceedings.  
 Agatha L. Mergenovich,  
 Secretary.

[FR Doc. 82-23632 Filed 8-27-82; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29988]

**Rail Carrier; Chesapeake and Ohio  
 Railway Co., Exemption—  
 Abandonment in Newport News, VA**

**AGENCY:** Interstate Commerce  
 Commission.

**ACTION:** Notice of Exemption.

**SUMMARY:** The Interstate Commerce  
 Commission exempts the abandonment  
 by the Chesapeake and Ohio Railway  
 Company of 0.51 miles of railroad in  
 Newport News, VA, subject to  
 conditions for protection of employees.

**DATES:** The exemption is effective on  
 September 27, 1982. Petitions for  
 reconsideration must be filed by  
 September 16, 1982; petitions for stay  
 must be filed by September 7, 1982.

**ADDRESSES:** Send pleadings to: (1)  
 Section of Finance, Room 5349,  
 Interstate Commerce Commission,  
 Washington, DC 20423 and (2)  
 Petitioners representative: Rene J.  
 Gunning, Suite 2204, 100 W. Charles  
 Street, Baltimore, MD 21201. Pleadings  
 should refer to Finance Docket No.  
 29988.

**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 T.S.  
 Info Systems, Room 2227, Interstate  
 Commerce Commission, Washington,  
 DC 20423 or call 289-4357 (D.C.  
 Metropolitan Area) or toll free (800) 424-  
 4357.

Decided: August 24, 1982.

By the Commission, Chairman Taylor, Vice  
 Chairman Gilliam, Commissioners Sterrett,  
 Andre, Simmons, and Gradison.  
 Agatha L. Mergenovich,  
 Secretary.

[FR Doc. 82-23631 Filed 8-27-82; 8:45 am]

BILLING CODE 7035-01-M

[I.C.C. Order No. P-42, Service Date, August  
 26, 1982]

**Rail Carriers; Norfolk and Western  
 Railway Co., Passenger Train  
 Operation**

To: Norfolk and Western Railway  
 Company: *It appearing*, That the  
 National Railroad Passenger  
 Corporation (Amtrak) has established  
 through passenger train service between  
 Chicago, Illinois, and Kansas City,  
 Missouri. The operation of these trains  
 requires the use of the tracks and other  
 facilities of The Atchison, Topeka and  
 Santa Fe Railway Company (ATSF). A  
 portion of the ATSF tracks between  
 Camden and Kansas City, Missouri, are  
 temporarily out of service because of a  
 washout. An alternate route is available  
 via Norfolk and Western Railway  
 Company (NW) between CA Junction  
 and Birmingham, Missouri.

It is the opinion of the Commission  
 that the use of such alternate route is  
 necessary in the interest of the public  
 and the commerce of the people; that  
 notice and public procedure herein are  
 impracticable in contrary to the public  
 interest; and that good cause exists for  
 making this order effective upon less  
 than thirty days' notice.

*It is ordered,* (a) Pursuant to the authority vested in me by order of the Commission decided April 29, 1982, and of the authority vested in the Commission by Section 402(c) of the Rail Passenger Service Act of 1970 (45 USC 562(c)), Norfolk and Western Railway Company (NW) is directed to operate trains of the National Railroad Passenger Corporation (Amtrak) between CA Junction and Birmingham, Missouri, in order to connect with Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) at Birmingham, Missouri, and thence the ATSF at Kansas City, Missouri.

(b) In executing the provisions of this order, the common carriers involved shall proceed even though no agreements or arrangements now exist between them with reference to the compensation terms and conditions applicable to said transportation. The compensation terms and conditions shall be, during the time this order remains in force, those which are voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, the compensation terms of conditions shall be as hereafter fixed by the Commission upon petition of any or all of the said carriers in accordance with pertinent authority conferred upon it by the Interstate Commerce Act and by the Rail Passenger Service Act of 1970, as amended.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(d) *Effective date.* This order shall become effective at 1:15 a.m., August 14, 1982.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., August 16, 1982, unless otherwise modified, amended, or vacated by order of this Commission.

This order shall be served upon Norfolk and Western Railway Company (NW) and upon the National Railroad Passenger Corporation (Amtrak), and a copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 14, 1982.

Interstate Commerce Commission.

John H. O'Brien,  
Agent.

[FR Doc. 82-23630 Filed 8-27-82; 8:45 am]

BILLING CODE 7035-01-M

## INTERNATIONAL TRADE COMMISSION

[Investigation No. TA-406-8]

### Certain Ceramic Kitchenware and Tableware From the People's Republic of China

#### Determination

On the basis of information developed in the course of investigation No. TA-406-8, the Commission (Commissioner Frank dissenting) has determined with respect to imports of ceramic household articles chiefly used for preparing, serving, or storing food or beverages, or food or beverage ingredients, provided for in items 533.15, 533.22, 533.24, 533.30, 533.32, 533.34, 533.39, 533.62, 533.74, 533.76, 533.78, and 533.79 of the Tariff Schedules of the United States, which are the product of the People's Republic of China, that market disruption does not exist with respect to an article produced by a domestic industry.

#### Background

This report is being furnished pursuant to section 406(a)(3) of the Trade Act of 1974 (19 U.S.C. 2436(a)(3)) and is based on an investigation conducted under section 406(a)(1) of the Trade Act. The Commission instituted the investigation on May 24, 1982, following receipt of a petition filed on May 14, 1982, by the American Dinnerware Emergency Committee.

Notice of the institution of the Commission's investigation and of a public hearing was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the *Federal Register* of June 3, 1982 (47 FR 24231).

A public hearing in this proceeding was held in the Hearing Room of the U.S. International Trade Commission Building in Washington, D.C., on July 19, 1982. All interested parties were given an opportunity to be present, to present evidence, and to be heard.

The information in this report was obtained from field work, questionnaires sent to domestic producers and importers, the Commission's files, other Government agencies, testimony presented at the hearing, briefs filed by interested parties, and other sources.

#### Views of Chairman Alfred E. Eckes and Commissioners Paula Stern, Michael J. Calhoun, and Veronica A. Haggart

On the basis of the information developed in the course of this investigation, we determine that market disruption as defined in section 406 of the Trade Act of 1974 (Trade Act) does

not exist with respect to imports of certain ceramic kitchenware and tableware from the People's Republic of China (China) which are the subject of this investigation. More specifically, we find that even though these imports are increasing and that the domestic industry is experiencing some injury, these increasing imports are not a significant cause of material injury or the threat thereof.

Section 406(a)(1) of the Trade Act directs that upon the filing of a petition the Commission "shall promptly make an investigation to determine, with respect to imports of an article which is the product of a Communist country, whether market disruption exists with respect to an article produced by a domestic industry."<sup>1</sup> Section 406(e)(2) defines market disruption as follows:

Market disruption exists within a domestic industry whenever imports of an article, like or directly competitive with an article produced by such domestic industry, are increasing rapidly, either absolutely or relatively, so as to be a significant cause of material injury, or threat thereof, to such domestic industry.

Section 406 thus requires that the Commission find the following three criteria satisfied in order to determine that market disruption exists:

- (1) Imports of an article like or directly competitive with an article produced by a domestic industry are increasing rapidly, either absolutely or relatively;
- (2) A domestic industry is materially injured or threatened with material injury; and
- (3) Such rapidly increasing imports are a significant cause of the material injury, or threat thereof, to such domestic industry.

All three criteria must be satisfied if we are to make an affirmative determination. When any one of the criteria is not met, we must make a negative determination. In the present case, we have based our negative determination on the fact that the third criterion, causal link, is not satisfied.

#### Domestic Industry

We must first determine what constitutes the domestic industry against which the impact of any rapidly increasing imports must be assessed. Section 406 defines the domestic industry in terms of domestic facilities producing articles "like or directly competitive" with the imported articles.

<sup>1</sup> The Report of the Senate Finance Committee defines "communist country" as any country dominated or controlled by communism." S. Rep. No. 93-1298, 93rd Cong., 2d Sess. 213 (1974). The People's Republic of China is a country "dominated or controlled by communism." See Presidential Proclamation No. 2935, 3 CFR 121 (1949-53 compilation) (1951).

The imported ceramic kitchenware and tableware articles under investigation consist of household dinnerware, mugs, and certain other articles chiefly used for preparing, serving, or storing food or beverages or food or beverage ingredients. They are made of fine-grained earthenware,<sup>2</sup> stoneware,<sup>3</sup> chinaware, or subporcelain.<sup>4</sup> Of the total imports of ceramicware<sup>5</sup> from China under investigation, chinaware accounted for over 90 percent during most of the period under consideration.<sup>6</sup>

We conclude that the domestic industry producing articles like or directly competitive with these imported articles, and against which the impact of any rapidly increasing imports is to be assessed, consists of the domestic facilities producing earthenware.<sup>7</sup> The vast majority of ceramicware produced in the United States is earthenware. There is virtually no domestic production<sup>8</sup> of household chinaware like or directly competitive with the chinaware under investigation.<sup>9</sup>

<sup>2</sup> Earthenware is ware that has an opaque, fired clay body that will absorb more than 3 percent of its weight in water. Fine-grained, as distinguished from coarse-grained, earthenware is made from refined materials that produce a higher quality, smoother body. For the full definition of "earthenware" as set forth in the Tariff Schedules of the United States (TSUS), see Report at A-64.

<sup>3</sup> Stoneware is ware that has an opaque, fired clay body that will absorb not more than 3 percent of its weight in water. For the full definition of "stoneware" as provided in the TSUS, see Report at A-64. To facilitate discussion, earthenware and stoneware will be referred to as "earthenware."

<sup>4</sup> Chinaware (or porcelain) is a white body ware that will not absorb more than 0.5 percent of its weight in water. Subporcelain has the same characteristics as chinaware except that it will absorb more than 0.5 but less than 3 percent of its weight in water. For the full definition of chinaware and subporcelain as provided in the TSUS, see Report at A-64. To facilitate discussion, chinaware and subporcelain will be referred to as "chinaware."

<sup>5</sup> Bone chinaware, which is chinaware containing 25 percent or more of calcined bone, is not included in this investigation. Report at A-4.

<sup>6</sup> To facilitate discussion, earthenware and chinaware combined will be referred to as "ceramicware."

<sup>7</sup> Report at A-7-8.

<sup>8</sup> There are approximately 14 domestic firms that produce earthenware. It has been estimated that the seven firms that are members of the American Dinnerware Emergency Committee (ADEC), the petitioner, account for over 90 percent of U.S. earthenware production. Report at A-17-18.

<sup>9</sup> There is only one domestic producer of low-value household chinaware. It accounts for a very small percentage of the total domestic production of the ceramicware under investigation. Report at A-17 and A-32.

<sup>10</sup> The chinaware under investigation consists of low-value household dinnerware (TSUS item 533.62), low-value nondinnerware (TSUS item 533.79), chinaware mugs, steins and miscellaneous pieces ("mugs") (TSUS items 533.74 and 533.76), and high-value nondinnerware (TSUS item 533.78). High-value china dinnerware (TSUS item 533.64) is not

Therefore, our determination applies only to domestic producers of earthenware.

Domestic earthenware firms are producing earthenware which is "like" the earthenware imported from China and "directly competitive," to a limited extent, with the chinaware from China under investigation.<sup>10</sup> "Like" articles are articles which are "substantially identical in inherent or intrinsic characteristics (i.e., materials from which made, appearance, quality, texture, etc.)."<sup>11</sup> "Directly competitive" articles, on the other hand, are those which, "although not substantially identical in their inherent or intrinsic characteristics, are substantially equivalent for commercial purposes, that is, are adapted to the same uses and are essentially interchangeable therefor."<sup>12</sup>

The importers in this case agree that earthenware imports from China are "like or directly competitive" with domestically produced earthenware,<sup>13</sup> but maintain that most of the chinaware under investigation is not "like or directly competitive" with domestically produced earthenware.<sup>14</sup> Domestic producers agree, on the other hand, that they are not competing with "fine" or higher priced<sup>15</sup> chinaware from China, but maintain that this higher priced chinaware is not included under this investigation.<sup>16</sup>

Chinaware is different in characteristics,<sup>17</sup> and typically different in appearance<sup>18</sup> and uses<sup>19</sup> from earthenware. Therefore, chinaware is not "like" earthenware. However, the

included in this investigation. Of the total ceramicware under investigation, low-value china dinnerware accounts for 46 percent, followed by low-value china dinnerware (40 percent), chinaware mugs (3 percent), and high-value nondinnerware (1 percent). Report at A-7. For the definitions of "dinnerware" and "nondinnerware," see n. 20 *infra*. For a full description of these TSUS items, see Report at A-65-66 and A-5-6.

Low-value china dinnerware is defined in the TSUS as having a value of \$56 or less per 77-piece norm. This translates into approximate values of less than \$37 (f.o.b.) per 45-piece set and less than \$16 (f.o.b.) per 20-piece set. High-value china dinnerware (TSUS item 533.64) is defined in the TSUS as having a value of over \$56 per 77 piece norm. This translates into an approximate value over \$37 (f.o.b.) per 45-piece set (Tr. at 323) and over \$16 (f.o.b.) per 20-piece set.

<sup>10</sup> See discussion at 7-8 *infra*.

<sup>11</sup> S., Rep. No. 93-1298, *supra* n. 1 at 122.

<sup>12</sup> *Id.*

<sup>13</sup> CIAA posthearing brief at 1.

<sup>14</sup> CIAA posthearing brief at 2.

<sup>15</sup> Tr. at 15. Petitioner stated at the hearing that it is "not complaining about" chinaware in 45-piece sets with a retail value of \$70 or more and in 20-piece sets with a retail value of \$39 or more. *Id.*

<sup>16</sup> Tr. at 11.

<sup>17</sup> See Report at A-3-5.

<sup>18</sup> *Id.* at A-4-6.

<sup>19</sup> *Id.* at A-5.

question of whether chinaware is "directly competitive" with domestic earthenware is more difficult.

Our investigation has revealed that much of the china dinnerware<sup>20</sup> under investigation, which in 1981 accounted for approximately 40 percent of the ceramicware imports from China under investigation, is different in appearance<sup>21</sup> and function<sup>22</sup> and is sold at retail prices considerably higher than those of comparable sets of domestic earthenware.<sup>23</sup> Therefore, much of the under chinaware investigation is not substantially equivalent for commercial purposes to domestic earthenware (i.e., directly competitive).

Nevertheless, chinaware mugs, low-value nondinnerware, and some of the china dinnerware under investigation are similar in price and use, and are sold through the same channels of distribution as is the domestic earthenware product.<sup>24</sup> Thus, it may be that the imports of chinaware under investigation and domestic earthenware are "directly competitive", albeit to a limited extent.<sup>25</sup> We conclude, for

<sup>20</sup> The term "dinnerware" as used in this investigation, refers to the technical definition set forth in the TSUS which covers tableware patterns that are sold or available for sale in sets that include certain "completer" items such as serving dishes. Typically, dinnerware is sold in 45-piece sets. The term "nondinnerware," as used in this investigation, refers to the TSUS classification that covers: (1) tableware patterns that are not sold or available for sale in sets that include completer items, and (2) coffee pots and tea sets. Typically, nondinnerware is sold in 20-piece sets.

<sup>21</sup> See n. 18 *supra*.

<sup>22</sup> See n. 19 *supra*.

<sup>23</sup> Analysis of the questionnaire data in light of testimony presented at the hearing (Tr. at 317-18) reveals that nearly half of the imports on which the Commission has received data are china dinnerware (i.e., 45-piece sets that are at the "high end" of the low-value china dinnerware under investigation. See Report at A-53 (Table 20). According to the information available, these sets retail at prices that are anywhere from 30 to 100 percent higher than the retail price of the bulk of the domestically produced earthenware. This implies that these sets of chinaware sell for more than \$70 per 45-piece set. Thus, they are above the price level that is the focus of petitioner's complaint (Tr. at 15). The information available to the Commission indicates that this "high end" portion of the low-value china dinnerware from China is increasing and is likely to continue to increase in the future.

<sup>24</sup> See e.g. Report at A-50 (Table 18) (prices of 20-piece domestic earthenware sets) and A-53 (Table 20) (prices of 20-piece chinaware sets from China); Tr. at 19-20, and 47.

<sup>25</sup> See also Summary of Trade and Tariff Information: Ceramic Table and Kitchen Articles, USITC Pub. No. 841 at 18 (Nov. 1981). Our position concerning the domestic industry and appropriate like or directly competitive products is similar to that which the Commission took in investigation No. TEA-1-22, *Ceramic Table and Kitchen Articles, Including Dinnerware* (TC Publication 466, February 1972), conducted under section 301(b) of the Trade Expansion Act of 1962 (76 Stat. 872), the predecessor provision of section 201 of the Trade Act of 1974 (19 U.S.C. 2251). In that case the

purposes of our discussion, that the imports under investigation are "like or directly competitive" with domestically produced earthenware.<sup>26</sup>

#### Rapidly Increasing Imports

The first criterion requires a finding that imports "are increasing rapidly, either absolutely or relatively." The Senate Finance Committee Report on the Trade Act of 1974 explains the rationale behind the "increasing rapidly" requirement as follows:

The Committee recognizes that a communist country, through control of the distribution process and the price at which articles are sold, could disrupt the domestic markets of its trading partners and thereby injure producers in those countries. In particular, exports from communist countries could be directed so as to flood domestic markets within a shorter period of time than could occur under free market conditions \* \* \*<sup>27</sup> (Emphasis supplied.)

However, the Committee was also careful to note that "[a] reasonable quantity" of imports would not cause market disruption.<sup>28</sup>

The Senate report further notes that "the increase in imports required by the market disruption criteria must have occurred during a recent period of time, as determined by the Commission taking into account any historical trade levels which may have existed" (emphasis supplied).<sup>29</sup> The Commission has construed the term "increasing rapidly" to mean that Congress intended the statute to apply to abnormal increases in imports.<sup>30</sup>

Imports of earthenware from China increased from 108,812 dozen pieces in 1979 to 209,762 dozen pieces in 1980<sup>31</sup> and to 470,615 dozen pieces in 1981, but decreased by 7.8 percent in January-March 1982 relative to the corresponding period in 1981.<sup>32</sup> The ratio of such

Commission found that domestic earthenware was like or directly competitive with imported earthenware and some imported chinaware.

<sup>26</sup> The issue of what is directly competitive is addressed further in our discussion of significant cause of material injury at n. 74 and accompanying text *infra*.

<sup>27</sup> S. Rep. No. 93-1298, *supra* n. 1 at 210.

<sup>28</sup> *Id.* at 211.

<sup>29</sup> *Id.* at 212.

<sup>30</sup> Statement of Reasons of Commissioners Bill Alberger and Daniel Minchew (concurring) in *Clothespins from the People's Republic of China, the Polish People's Republic, and the Socialist Republic of Romania*, Report to the President on Inv. Nos. TA-406-2 through 4, USITC Pub. No. 902 at 18 (August 1978). Statement of Reasons of Commissioners Paula Stern and Bill Alberger (dissenting) in *Anhydrous Ammonia from the U.S.S.R.*, Report to the President on Inv. No. TA-406-5, USITC Pub. No. 1006 at 22 (October 1979) at 22.

<sup>31</sup> The People's Republic of China received most-favored-nation status on February 1, 1980.

<sup>32</sup> Report at A-22 (Table 6). There are some exceptions to this general trend. Of the six TSUS

imports to apparent domestic consumption also increased, from 0.3 percent in 1979 to 0.6 percent in 1980 and to 1.4 percent in 1981. The ratio for January-March 1982 was 1.6 percent compared with 1.3 percent for the corresponding period of 1981.<sup>33</sup> Such imports, though small, have nevertheless increased in both absolute and relative terms.<sup>34</sup>

Imports of chinaware from China increased from 730,018 dozen pieces in 1979 to 2.2 million dozen pieces in 1980 and to 4.4 million dozen pieces in 1981.<sup>35</sup> In January-March 1982, imports increased to 1.5 million dozen pieces as compared with 752,754 dozen pieces in the corresponding period in 1981. The ratio of imports of chinaware from China to apparent domestic consumption also increased, from 11.4 percent in 1979 to 41.7 percent in 1981 and to 55.7 percent in January-March 1982 compared with 38.4 percent in the corresponding period of 1981.<sup>36</sup> Thus, imports of chinaware are rising in both absolute and relative terms.

Combined imports of the ceramicware under investigation increased steadily from 838,830 dozen pieces in 1979 to 2.4 million dozen pieces in 1980, and to 4.9 million dozen pieces in 1981.<sup>37</sup> Imports rose to 1.6 million dozen pieces in January-March 1982 compared with 874,205 dozen pieces in the corresponding period of 1981.<sup>38</sup> The ratio of such imports from China to apparent domestic consumption increased from 2.1 percent in 1979 to 9.9 percent in 1981 and to 14.1 percent in January-March 1982 compared with 9.2 percent in the corresponding period of 1981.<sup>39</sup> Although

items covering the earthenware under investigation, imports of Rockinghamware (TSUS item 533.15), high-value earthen dinnerware (TSUS item 533.24), and high-value nondinnerware (TSUS item 533.34) all decreased from 1979 through January-March 1982. However, these items did not account for more than 2 percent of the total ceramicware under investigation during the period under consideration. Report at A-7 (Table 1).

<sup>33</sup> Report at A-47.

<sup>34</sup> Commissioners Calhoun and Stern recognize that imports are increasing rapidly in absolute terms but, because the market penetration level is low, it is difficult to characterize an increase in market penetration from 0.3 percent in 1979 to 1.4 percent in 1981 as "increasing rapidly" in the sense intended by the statute.

<sup>35</sup> Report at A-24 (Table 7).

<sup>36</sup> *Id.* at A-48.

<sup>37</sup> *Id.* at A-25.

<sup>38</sup> *Id.*

<sup>39</sup> *Id.* at A-48. The import penetration ratios for total ceramicware imports from China are much closer to the figures for earthenware than to those for chinaware because earthenware constitutes a significantly greater part of the domestic ceramicware market than does chinaware. Earthenware accounted for an average of 81 percent of the domestic ceramicware market during 1977-81. See *id.* at A-13 and 14 (Tables 4 and 5).

imports of ceramicware are increasing, we do not reach the issue of whether these imports satisfy the statutory requirement of "increasing rapidly" since we determine that increasing imports are not a significant cause of material injury or threat.<sup>40</sup>

#### Material Injury

The legislative history of section 406 makes it clear that "material injury" is intended to be an easier standard to satisfy than the "serious injury" standard of section 201 of the Trade Act.<sup>41</sup>

U.S. earthenware producers, for the most part, are experiencing difficulties. Production of earthenware declined from 11.3 million dozen pieces in 1977 to 9.7 million dozen pieces in 1979, to 9.1 million dozen pieces in 1980, and to 8.3 million dozen pieces in 1981. In January-March 1982, production declined to 1.7 million dozen pieces as compared with 2.3 million dozen pieces reported in the corresponding period of 1981.<sup>42</sup> Overall capacity utilization declined steadily from 65.5 percent in 1977 to 45.7 percent in 1981 and fell from 49.4 percent in January-March 1981 to 38.0 percent in January-March 1982.<sup>43</sup> Domestic shipments also declined, from 11.1 million dozen pieces in 1977 to 8.3 million dozen pieces in 1981, and to 1.8 million dozen pieces in January-March 1982 compared with 2.4 million dozen pieces in January-March 1981.<sup>44</sup> Employment in the earthenware industry declined irregularly from an average of 3,982 persons in 1977 to 3,766 in 1981 and to 3,009 in January-March 1982 compared with 3,616 in the corresponding period of 1981.<sup>45</sup>

Financial data<sup>46</sup> indicate that net sales increased by 35 percent between 1977 and 1981, but fell by 11 percent during the interim period ending March 31, 1982, compared with sales in the

<sup>40</sup> Commissioner Haggart determines that the imports of ceramicware under investigation are "increasing rapidly," both absolutely and relatively. However, since our investigation has revealed that much of the imported chinaware under investigation is not directly competitive with domestic earthenware, see page 7, *supra* and footnote 23, these figures may be misleading. Nevertheless, she is assuming *arguendo* that this criterion has been met for purposes of determining whether the imports under investigation are a significant cause of material injury or threat thereof to the domestic earthenware industry.

<sup>41</sup> S. Rep. No. 93-1298, *supra* n. 1 at 212.

<sup>42</sup> Report at A-29 (Table 9).

<sup>43</sup> *Id.*

<sup>44</sup> *Id.* at A-31 (Table 10).

<sup>45</sup> *Id.* at A-35 (Table 11).

<sup>46</sup> These data were received from eight U.S. earthenware procedures that, it is estimated, accounted for over 90 percent of U.S. earthenware production in 1981. *Id.* at A-37.

corresponding period in 1981.<sup>47</sup> Operating profit declined from \$4 million in 1977 to a net loss of \$2.8 million in 1979, but returned to a net profit of \$738,000 in 1980 and \$1.1 million in 1981.<sup>48</sup> The ratio of operating profit to net sales fell from 5.3 percent in 1977 to a negative 3.5 percent in 1979, but returned to a positive 0.8 percent in 1980 and to 1.1 percent in 1981.<sup>49</sup> The ratio of operating profit to net sales for the interim period of 1982 dropped to 1.1 percent compared with 5.5 percent for the corresponding period in 1981.<sup>50</sup> The number of firms reporting operating losses declined from six in 1979 to two in 1980, and increased to four in 1981.<sup>51</sup> One company ceased production of earthen dinnerware in January 1982.<sup>52</sup> The financial data indicate that the profitability of the industry fell sharply between 1977 and 1979, but recovered modestly in 1980 and 1981. In addition, there are indications that consolidation and restructuring of the industry are occurring.<sup>53, 54</sup>

#### Significant Cause of Material Injury

The third criterion requires a finding that rapidly increasing imports are a "significant cause" of material injury or threat thereof. The information before us does not demonstrate that the imports of the ceramicware from China under investigation are a "significant cause" of material injury.

The term "significant cause" is not defined in the statute. However, the legislative history provides us with some guidance. As stated in the Senate Finance Committee Report:

The term "significant cause" is intended to be an easier standard to satisfy than that of "substantial cause" [as used in section 201].<sup>55</sup> On the other hand, "significant cause" is meant to require a more direct causal relationship between increased imports and injury than the standard used in [adjustment assistance cases], i.e., "contribute importantly."<sup>56, 57</sup> (Emphasis supplied.)

Thus, a direct causal link is required between the subject imports and material injury. The subject imports

need not be a "substantial cause," but must do more than "contribute importantly" to material injury. In order to determine whether the imports under investigation are a sufficiently important cause to constitute a "significant" cause, we must look to the facts of the individual case.

Although the domestic industry as a whole is experiencing problems, we do not find a direct causal relationship between these problems and imports of ceramicware from China. At most, increasing imports from China have been one of several factors contributing to the difficulties which some domestic earthenware producers are facing, but they are not a significant cause of those difficulties.

First, we shall examine the imports of earthenware which compete directly with the domestic product. U.S. earthenware producers have been progressively losing market share to imports of earthenware since at least the early 1950's, long before imports of earthenware from China entered the domestic market.<sup>58</sup> For example, in 1978, when imports from China accounted for only 0.1 percent of apparent domestic consumption, imports from sources other than China accounted for 70 percent. Between 1977 and 1981, earthenware imports from sources other than China increased from 68.5 percent to 74.7 percent of apparent domestic consumption, but earthenware imports from China increased from only 0.1 percent to 1.4 percent.<sup>59</sup> In 1981, the ratio of domestic shipments of earthenware to apparent domestic consumption was 23.9 percent.<sup>60</sup> Thus, the importance of earthenware imports from China in the marketplace is dwarfed by that of both domestically produced earthenware and imports from other sources.

Japan has consistently been the largest source of earthenware imports, accounting for an average of 69 percent of total earthenware imports between 1977 and 1980,<sup>61</sup> and for 67.3 percent in 1981.<sup>62</sup> The Republic of Korea and Taiwan accounted for the second and third largest shares of total U.S. earthenware imports in 1981, with 10.5 percent and 8.5 percent respectively.

Domestic consumption of earthenware declined by 6 percent from 1977 to 1980, but increased by 7 percent in 1981. Total

earthenware imports from all sources remained relatively stable between 1977 and 1980, but increased by 12 percent in 1981.<sup>63</sup> Therefore, the 1981 increase in imports of earthenware from all sources accounted for the increase in domestic consumption of earthenware.

In addition, most of the increase in imports of earthenware in 1981 cannot be attributed to increased imports from China. The increase of 2.7 million dozen pieces in total imports of earthenware in 1981 represents increases in imports from every major exporting country except the United Kingdom. Japan accounted for the largest share of the increase, 64 percent, followed by Korea with 22 percent, Taiwan with 17 percent, and China with 10 percent.<sup>64</sup>

Domestic producers argue that the increase in imports of earthenware, particularly from Japan, is attributable primarily to imports of high-value earthenware. However, Japan's share of the low-value earthenware market is also high. In 1981, Japan accounted for 86 percent of total imports of low-value earthen dinnerware,<sup>65</sup> and 35 percent of total imports of low-value nondinnerware.<sup>66</sup>

More important, increases in imports of earthenware from China do not correlate with downturns in the domestic industry. The domestic industry reached its low point of profitability in 1979, but began a modest recovery in 1980 and 1981, the 2 years in which imports from China accounted for their largest (albeit small) share of the domestic market.

Furthermore, whereas there are no verified instances of sales lost to earthenware from China, there are indications that sales of domestic earthenware are being lost to other domestic producers. During 1979-81, when imports of earthenware from China were increasing, one domestic producer of earthenware increased its share of U.S. production markedly.<sup>67</sup> Other producers also increased their share of domestic production during this period.<sup>68</sup> In addition, there are indications that "Corelle" ware, a highly durable domestic glassware product made by Corning Glass Works, has increased its share of the domestic low-

<sup>47</sup> The 1981 and 1982 interim period figures are based on data provided by only six of the eight producers that provided data on an annual basis. See *Id.* at A-38 (Table 12).

<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> *Id.* at A-18.

<sup>53</sup> See *id.* at A-31.

<sup>54</sup> Based on the aggregate industry data, Commissioners Stern and Haggart find that this industry is experiencing material injury.

<sup>55</sup> "Substantial cause" is one that is "important and not less than any other cause." Sec. 201(b)(4) of the Trade Act of 1974 (19 U.S.C. 2251(b)(4)).

<sup>56</sup> S. Rep. No. 93-1298, *supra* n. 1 at 212.

<sup>57</sup> "The term 'contributed importantly' means a cause which is important but not necessarily more important than any other cause." Sec. 222 of the Trade Act of 1974 (19 U.S.C. 2272).

<sup>58</sup> Tr. at 43. Imports of ceramicware have been the subject of previous Commission investigations. See Report at A-1.

<sup>59</sup> *Id.* at A-47.

<sup>60</sup> *Id.*

<sup>61</sup> *Id.* at A-77 (Table 1D).

<sup>62</sup> *Id.*

<sup>63</sup> *Id.* at A-71 (Table 1D).

<sup>64</sup> See *id.*

<sup>65</sup> Japan was followed by Korea (6 percent), China (4 percent), all others (4 percent), Taiwan (1 percent), and the United Kingdom (0.3 percent). *Id.* at A-76 (table 1D).

<sup>66</sup> Japan was followed by Taiwan (31 percent), Korea (19 percent), China (7 percent), all others (7 percent), and the United Kingdom (1 percent). *Id.* at A-77 (table 1D).

<sup>67</sup> Report at A-31 (Table 10).

<sup>68</sup> *Id.*

priced dinnerware market at the expense of domestically produced earthenware.<sup>69</sup> Also, other sources suggest that part of the domestic industry's "lost sales" problem stems from its failure to upgrade or update the design of its products and to pursue more aggressive marketing techniques.<sup>70</sup>

For these reasons, we conclude that there is no demonstrable direct and significant causal link between rapidly increasing imports of earthenware from China and the economic problems that the domestic industry is currently experiencing.

We have also determined that imports of chinaware from China are not a significant cause of the domestic industry's problems. Apparent domestic consumption of chinaware, which is much smaller than that of earthenware, dropped by 29 percent between 1977 and 1979, but increased by 22 percent in 1980 and by an additional 16 percent in 1981.<sup>71</sup> Since the domestic household chinaware market is composed almost entirely of imports, the trends for imports of chinaware from all sources correspond to the trend for apparent domestic consumption. Total imports from all sources decreased by 29 percent between 1977 and 1979, increased by 25 percent from 1979 to 1980, and increased again by 20 percent between 1980 and 1981.<sup>72</sup>

However, increasing imports of chinaware in 1981 did not seriously affect sales of earthenware because consumption of earthenware, which is much greater in absolute terms than consumption of chinaware, rose 12 percent in 1981 over 1980.<sup>73</sup> In fact, the fluctuations in earthenware and chinaware consumption tend to track each other, indicating that whatever competition exists between the two must be minimal.<sup>74</sup>

Unlike the situation with earthenware, China has been an important source of chinaware for the U.S. market in recent years. Japan and China hold the two largest shares of the domestic market for chinaware. Combined, they accounted for 83 percent of the U.S. market in 1980,

with Japan having 55 percent and China 27 percent.<sup>75</sup> However, in 1981, these market shares positions reversed, with China's share rising to 45 percent, and Japan's share dropping to 40 percent. Despite the increase in China's share, their combined share increased by only 2 percent.<sup>76</sup>

The decline in the share of low-value chinaware from Japan apparently reflects the fact that increasing labor costs are resulting in price increases that have made imports from Japan much less competitive with imports from low-labor-cost sources such as China, Taiwan, and Hong Kong.<sup>77</sup> The unit values of imports from China, although low, are close to the unit prices of these other low-labor-cost sources, and significantly lower than the unit prices of both imports from Japan<sup>78</sup> and the domestic earthenware products.<sup>79</sup> Thus, it appears that China's increasing share of U.S. chinaware imports is largely displacing imports of chinaware from Japan rather than domestic earthenware.<sup>80</sup>

Information concerning sales lost by U.S. earthenware producers to imported chinaware from China is inconclusive. In three cases, the allegations of lost sales were not supported.<sup>81</sup> In the other four cases, information concerning lost sales was mixed. One purchaser stated that it has begun to buy small quantities of chinaware mugs from China partly because they are priced lower than domestic earthenware mugs.<sup>82</sup> However, another purchaser stated that it purchased chinaware from China only after it has already discontinued purchasing domestic earthenware due to dissatisfaction with the design of the domestic product.<sup>83</sup> Yet another purchaser stated that it had reduced its purchases of domestic earthenware partly because of the low price of chinaware sets from China but partly due to its decision to buy larger

quantities of low-priced "Corelle" ware.<sup>84</sup> Although these purchaser responses indicate that in some instances imported chinaware is priced lower than domestic earthenware, they also indicate that factors other than imports from China, such as dissatisfaction with the design of the domestic product and competition from other domestic producers, may be more important factors.

For these reasons, we conclude that there is no direct causal nexus between increased imports of chinaware from China and the economic problems that are being experienced by the domestic industry.

#### *Significant Cause of Threat of Material Injury*

We also find that the imports under investigation are not a significant cause of threat of material injury to the domestic industry.<sup>85</sup>

The imports of earthenware under investigation have a very small share of a market composed largely of imports from other sources. In addition, total imports of earthenware from China declined by 7.8 percent in January-March 1982 as compared with the corresponding period in 1981. Imports of low-value earthen dinnerware and nondinnerware<sup>86</sup> declined by 90 percent and 55 percent, respectively, in January-March 1982 as compared with the corresponding period in 1981.<sup>87</sup> Thus it is not clear that upward trends in imports of earthenware from China are continuing unabated. Rather, these figures seem to indicate the gradual consolidation of market share of a new entrant.

Finally, the same causal factors discussed with respect to material injury do not support a finding that the earthenware imports under investigation are a significant cause of threat of material injury.

We find similarly with respect to chinaware. Although the market share of chinaware is significant and steadily increasing, as we have concluded with respect to the issue of significant cause of material injury, the competitive impact of the chinaware under

chinaware from China with respect to domestic earthenware, the Commission staff used a regression analysis to estimate the demand for imports of chinaware from China in terms of several factors, including the price of domestic earthenware. The results of this regression analysis, which are explained in detail in the report, do not support the proposition that the imports under investigation are directly competitive with domestic earthenware in any significant manner. See *id.* at A-54-55 and Appendix E at A-85.

<sup>69</sup> *Id.* at A-83 (Table 2D).

<sup>70</sup> *Id.*

<sup>71</sup> Tr. at 216, 285.

<sup>72</sup> See Report at A-81 (Table 2D).

<sup>73</sup> See *id.* at A-31 (Table 10).

<sup>74</sup> See also *Summary of Trade and Tariff Information: Ceramic Table and Kitchen Articles*, USITC Pub. No. 841 at 20 (November 1981).

<sup>75</sup> Report at A-55.

<sup>76</sup> *Id.*

<sup>77</sup> *Id.*

<sup>84</sup> *Id.*

<sup>85</sup> The legislative history provides little guidance as to how threat of material injury should be examined in the context of section 406. However, see Views of Commissioners Stern and Alberger (dissenting) in *Anhydrous Ammonia from the U.S.S.R.*, Report to the President on Inv. No. TA-406-5, USITC Pub. No. 1006 at 32-33 (October 1979).

<sup>86</sup> In 1981, low-value dinnerware and nondinnerware constituted 55 percent of total earthenware imports from China. See Report at A-22 (Table 6).

<sup>69</sup> *Id.* at A-49, A-51 (Table 19), A-53, A-55; Tr. at 212.

<sup>70</sup> See American Ceramic Tableware Council, *Final Report on the United States Earthenware Tableware Industry* (Based on A Study by Willking International Corporation) U.S. Dept. of Commerce (August 1981) at VI-3, VI-36, VI-42, V-47, VI-52, IX-2. See also *Summary of Trade and Tariff Information: Ceramic Table and Kitchen Articles*, USITC Pub. No. 841 at 6 (Nov. 1981). One industry expert estimates that it will take approximately 10 years for the domestic industry to become fully competitive with foreign imports. Tr. at 59.

<sup>71</sup> Report at A-14 (Table 5)

<sup>72</sup> *Id.* at A-46.

<sup>73</sup> *Id.* at A-13 (Table 4).

<sup>74</sup> In an effort to check the competitive standing of

investigation on the domestic earthenware industry is limited, and does not rise to the level of a significant cause of threat of material injury. We also note in this regard that the United States is not the only major market for exports of chinaware. On the basis of the best information available, we estimate that the United States accounts for less than 10 percent of exports of chinaware from China.<sup>88</sup> Other significant export markets include third-world nations in Southeast Asia and elsewhere,<sup>89</sup> Australia,<sup>90</sup> and Canada.<sup>91</sup> There are also indications that, despite China's apparent eagerness to increase exports of chinaware, quality<sup>92</sup> and supply<sup>93</sup> problems may be restraining the export of goods suitable for the U.S. market.

#### Conclusion

For the reasons set forth above, we have concluded that the imports of ceramic kitchenware and tableware from China under investigation are not disrupting the U.S. earthenware market.

#### Views of Commissioner Eugene J. Frank

On the basis of information developed in the course of this investigation (No. TA-406-08), which was conducted under section 406(a)(1) of the Trade Act of 1974, I determine, with respect to imports of ceramic household articles chiefly used for preparing, serving, or storing food or beverages, or food or beverage ingredients, provided for in items 533.15, 533.22, 533.24, 533.30, 533.32, 533.34, 533.39, 533.62, 533.74, 533.76, 533.78, and 533.79 of the Tariff Schedules of the United States, which are the product of the People's Republic of China (China), that market disruption exists with respect to an article produced by a domestic industry.

The term "market disruption" is defined in section 406(e) of the Trade Act of 1974. The statute in essence sets forth the following three tests or criteria and requires that all three be satisfied in order for there to be a finding of market disruption—

- (1) Imports of an article the product of a Communist country are increasing rapidly, either absolutely or relatively;
- (2) The domestic industry producing an article like or directly competitive with the imported article is materially

<sup>87</sup> Some separate earthenware categories have also declined on an annual basis as well. See n. 32 *supra*.

<sup>88</sup> Based on figures provided in the July 27, 1982, submission by counsel for CIAA.

<sup>89</sup> Tr. at 302.

<sup>90</sup> *Id.*

<sup>91</sup> *Id.* at 302-03.

<sup>92</sup> See Report at A-55; Tr. at 282-83.

<sup>93</sup> Tr. at 279.

injured or threatened with material injury; and

(3) Such rapidly increasing imports are a significant cause of the material injury or threat thereof.

I have found that all three criteria are satisfied.

#### Rapidly Increasing Imports

The first criterion requires a finding that imports are "increasing rapidly, either absolutely or relatively." This requirements reflects the concern of Congress regarding the ability of Communist countries, through their control of the distribution process and the price at which articles are sold, "to flood domestic markets within a shorter time period than could occur under free market conditions."<sup>94</sup> While Congress did not expressly define the "increasing rapidly" test, the Senate Committee on Finance stated in its report on the bill that became the Trade Act that the increase would be one that had occurred "during a recent period of time, as determined by the Commission taking into account any historical trade levels which may have existed."<sup>95</sup>

Data in the present case clearly show that imports have increased rapidly both absolutely and relatively in recent years. Statistics compiled by the Commission indicate that imports of ceramic tableware and kitchenware (hereinafter earthenware and chinaware) from China approached 5 million dozen pieces in 1981, up from less than half that total in 1980 and from less than 840,000 dozen peices in 1979. Hence, imports from the People's Republic of China as a percent of U.S. production rose from less than 9 percent in 1979, to almost 25 percent in 1980 and over 52 percent 1981. In the first three months of 1982, the percentage rose to over 80 percent of U.S. production as over 1.6 million dozen pieces were imported, almost double the January-March 1981 import level.<sup>96</sup>

#### Material Injury

The second criterion requires a finding that the domestic industry is materially injured or is threatened with material injury. The criterion is expressed in the disjunctive, and the test is satisfied if either material injury or the threat of such injury is found to exist. The term "material injury, or threat thereof," is not expressly defined in the statute, but the legislative history of section 406 indicates that the term is intended to represent "a lesser degree of

injury" than the term "serious injury" employed in the import relief provisions of section 201 of the Trade Act.<sup>97</sup> Further, the legislative history makes clear that the section 406 concept is formulated along lines similar to the section 201 criteria,<sup>98</sup> indicating that the Commission should consider economic factors such as capacity utilization, profits, and employment levels used in section 201 determinations.

I find that the domestic industry against which the impact of rapidly increasing imports should be assessed consists of the domestic facilities producing ceramic kitchenware and tableware. The major portion of the domestic production of this industry is earthenware. Such earthenware is "like" the imported earthenware from China and "directly competitive" with the bulk of the chinaware from China. I disagree with the arguments of importers that the bulk of chinaware from China is not directly competitive with domestic earthenware. In particular, I disagree with the results of the survey discussed by Mr. John G. Reilly, Principal, ICF Incorporated. The survey was not representative and did not adequately reach buyers of domestic earthenware because of over-emphasis on department store contacts and interviews.<sup>99</sup> Further, it must be noted that when new entrants seek to gain market share they usually attempt to expand sales of lower priced ceramic wares and then upgrade their exports. The lower priced chinaware could not be adequately broken-out in import statistics available in this investigation. As a consequence, in my opinion, much of the chinaware from the People's Republic of China must be considered directly competitive with the domestically produced articles which are earthenware products.

This industry is clearly materially injured. Domestic earthenware production declined from 11.3 million dozen pieces in 1977 to 9.7 million dozen pieces in 1979, 9.1 million dozen pieces in 1980, and 8.3 million dozen pieces in 1981.<sup>100</sup> Capacity utilization has reflected this downward trend in production and declined steadily from 65.5 percent in 1977 at 45.7 percent in 1981 and 38.0 percent in January-March 1982 (versus 49.4 percent in January-March 1981).<sup>101</sup> Employment in the

<sup>94</sup> S. Rep. No. 93-1298 (93rd Cong. 2d sess.) 210 (1974).

<sup>95</sup> *Id.* at 212.

<sup>96</sup> Report at A-25 and A-26.

<sup>97</sup> S. Rep. No. 93-1298, *supra* n. 1 at 212.

<sup>98</sup> *Id.*

<sup>99</sup> Tr. at 200-215.

<sup>100</sup> Report at A-29.

<sup>101</sup> *Id.*

industry declined from 3,982 persons in 1977 to 3,766 persons in 1981 and 3,009 persons in January-March 1981 (versus 3,616 in January-March 1981).<sup>102</sup> Operating profit as a percent of net sales fell from 5.3 percent in 1977 to a negative 3.5 percent in 1979 before recovering to a still unacceptably low 0.8 percent in 1980 and 1.1 percent in 1981.<sup>103</sup> Four of the eight firms supplying data in 1981 operated at a loss that year (versus two of the firms in 1980).<sup>104</sup> One firm ceased making earthenware in early 1982.<sup>105</sup>

#### *Significant Cause of Material Injury*

The third criterion requires a finding that the rapidly increasing imports are a significant cause of the material injury, or threat thereof, to the domestic industry. As in the case of the "material injury" test, the "significant cause" test is formulated along lines similar to the "substantial cause" test of section 201, and "significant cause" is intended to be an "easier" standard to satisfy than that of "substantial cause."<sup>106</sup> As in a section 201 determination, it is appropriate to consider the relationship between the increase in imports and the injury found to exist.

In the present case, there is a direct relationship between the rapid increase in imports in 1980-81 and the decline in capacity utilization, employment, shipments, and profits of U.S. producers. Imports were highest at the time domestic shipments, employment, capacity utilization, financial position, and profits were declining.<sup>107</sup>

It is my opinion that these trends will continue based upon the fact that earthenware and the bulk of imported chinaware from the People's Republic of China are like or directly competitive with U.S. domestic producers' products. Pressures created by expanding imports of lower valued chinaware which is directly competitive with domestic earthenware and other ceramic products creates new price-related competition. It does not merely substitute one foreign supplier for another. The domestic substitute products (e.g., plastic ware, paper, etc.) or such products as "Corelle" dinnerware are not the source of injury to any significant extent, in my opinion.

#### *Overview and Threat of Further Injury*

It is important to note that the domestic earthenware industry needs a period of time to adjust to the new increased competition which is

represented by the lower priced chinaware from the People's Republic of China. Testimony at the Commission's hearing of July 19, 1982, indicates that pricing is at levels which are comparable and directly competitive. Had there been a Commission affirmative decision in this investigation, I would have recommended a quota based on average 1979-1981 imports as a representative period. This quota would have allowed the People's Republic of China to have continued benefiting from most-favored-nation treatment it received for its exports to the United States on February 1, 1980, but still would provide a measure of relief to a hard-pressed U.S. domestic industry. The industry is aware of its need to modernize. Also the industry is finding its capability to make major investments in new plant and equipment severely curtailed by profit shrinkage or actual recent losses.

The People's Republic of China, however, sees the potential for adding new equipment and improving capacity to earn more foreign exchange. This drive, to promote lower-priced chinaware, depresses prices as increased market shares are sought from U.S. domestic producers and other foreign exporters of chinaware and earthenware to the United States.

I find the imports under investigation will threaten further injury to the domestic industry if the import trends continue unabated. The rationale of section 406 is to prevent market disruption through the flooding of the domestic market with goods from communist centrally-planned economics. There is a real and imminent threat that these trends will continue. Because many European countries impose quotas on imported chinaware, expansion in third markets is less likely, especially in Europe. China has now increased its ability to produce chinaware and is able to respond more quickly to the needs of U.S. importers of chinaware according to hearing testimony.

#### *Conclusion*

Hence, I find that market disruption exists and that imports of earthenware and chinaware from China threaten to further injure the domestic industry.

Issued: August 16, 1982.

By Order of the Commission.

**Kenneth R. Mason,**  
Secretary.

[FR Doc. 82-23682 Filed 8-27-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-122]

#### **Certain Miniature, Battery-Operated, All-Terrain, Wheeled Vehicles; Commission Hearing on the Presiding Officer's Recommended Determination and on Relief, the Public Interest, and Bonding, and the Schedule for Filing Briefs and Written Submissions**

**AGENCY:** International Trade Commission.

**ACTION:** The scheduling of a public hearing, briefs and written submissions in investigation No. 337-TA-122, Certain Miniature, Battery-Operated, All-Terrain, Wheeled Vehicles.

Notice is hereby given that on August 31, 1982, the presiding officer is expected to issue a recommended determination as to whether there is a violation of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, in the unauthorized importation into the United States and sale of certain miniature, battery-operated, all-terrain, wheeled vehicles that are the subject of the Commission's investigation. Accordingly, the recommended determination and the record of the hearing will be certified to the Commission for review and a Commission determination. Notice is further given that on July 30, 1982, the presiding officer certified to the Commission an administrative record on relief, the public interest, and bonding. Interested persons may obtain copies of the nonconfidential version of the presiding officer's recommended determination (and all other public documents on the record of the investigation) by contacting the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 161, Washington, D.C. 20436 (telephone 202-523-0161).

**COMMISSION HEARING:** The Commission will hold a public hearing on September 15, 1982, in the Commission's Hearing Room, 701 E Street NW., Washington, D.C. 20436, beginning at 10:00 a.m. The hearing will be divided into two parts. First, the Commission will hear oral arguments on the presiding officer's recommended determination as to whether a violation of section 337 of the Tariff Act of 1930 exists. Second, the Commission will hear oral presentations concerning appropriate relief, the effect that such relief would have upon the public interest, and the proper amount of the bond during the Presidential review period in the event that the Commission determines that there is a violation of section 337 and that relief should be granted. These matters will be

<sup>102</sup> *Id.* at A-35.

<sup>103</sup> *Id.* at A-38.

<sup>104</sup> *Id.*

<sup>105</sup> *Id.* at A-18.

<sup>106</sup> S. Rep. 93-1298, *supra* n. 1 at 212.

<sup>107</sup> Report at A-29, A-31, A-35, A-38, A-41.

heard on the same day in order to facilitate the completion of this investigation within time limits established under law and to minimize the burden of this hearing upon the parties.

**ORAL ARGUMENTS ON THE PRESIDING OFFICER'S RECOMMENDED**

**DETERMINATION:** Any party to the Commission's investigation or any interested Government agency may present an oral argument concerning the presiding officer's recommended determination. That portion of a party's or an agency's total time allocated to oral argument may be used in any way the party or agency making argument sees fit, i.e., a portion of the time may be reserved for rebuttal or devoted to summation. The oral arguments will be held in the following order:

complainants, respondents, Government agencies, and the Commission investigative attorney. Any rebuttals will be held in this order: respondents, complainants, Government agencies, and the Commission investigative attorney. Persons making oral argument are reminded that such argument must be based upon the record certified to the Commission by the presiding officer.

**ORAL PRESENTATIONS ON RELIEF, THE PUBLIC INTEREST, AND BONDING:**

Following the oral arguments on the presiding officer's recommended determination, parties to the investigation, Government agencies, public-interest groups, and interested members of the public may make oral presentations on relief, the public interest, and bonding. Oral presentations on relief, the public interest, and bonding will be heard in this order: complainants, respondents, Government agencies, the Commission investigative attorney, public-interest groups, and interested members of the public.

If the Commission finds that a violation of section 337 has occurred, it may issue (1) an order which could result in the exclusion of the subject articles from entry into the United States and/or (2) an order which could result in one or more respondents being required to cease and desist from engaging in unfair methods of competition or unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in hearing presentations which address the form of relief, if any, which should be ordered.

If the Commission concludes that a violation of section 337 has occurred and contemplates some form of relief, it must consider the effect of that relief upon the public interest. The factors

which the Commission will consider include the effect that an exclusion order and/or a cease and desist order would have upon (1) the public health and welfare, (2) competitive condition in the U.S. economy, (3) the U.S. production of articles which are like or directly competitive with those which are the subject of the investigation, and (4) U.S. consumers.

If the Commission finds that a violation of section 337 has occurred and orders some form of relief, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under a bond in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in hearing presentations concerning the amount of the bond, if any, which should be imposed.

The limit for oral arguments: Parties and Government agencies will be limited to a total of 30 minutes (exclusive of time consumed by question from the Commission and its advisory staff) for oral argument on violation and their oral presentation on relief, the public interest and bonding. Persons making only an oral presentation on relief, the public interest and bonding will be limited to 10 minutes (exclusive of the time consumed by questions from the Commission and its advisory staff). The Commission may in its discretion expand the aforementioned time limits upon receipt of a timely request to do so.

Exceptions; briefs: Parties must file exceptions, if any to the presiding officer's recommended determination, as provided for by § 210.54 of the Commission's Rules of Practice and Procedure, by September 10, 1982. In order to give greater focus to the hearing, the parties to the investigation and interested Government agencies are also encouraged to file briefs on the issue of violation (to the extent they have not already briefed that issue in their written exceptions to the presiding officer's recommended determination). Parties, Government agencies, public-interest groups, and interested members of the public may file written submissions on relief, the public interest, and bonding. Briefs on the question of violation and written submissions on the questions of relief, the public interest, and bonding must be filed not later than the close of business on September 10, 1982. During the course of the hearing, posthearing briefs may be requested.

Notice of appearance: Written requests to appear at the Commission

hearing must be filed with the Office of the Secretary by September 13, 1982.

Additional information: The original and 14 true copies of all briefs on violation and the original and 14 true copies of all written submissions on relief, the public interest, and bonding must be filed with the Office of the Secretary not later than September 10, 1982. Any person desiring to discuss confidential information, or to submit a document (or a portion thereof) to the Commission in confidence, must request confidential treatment unless the information has already been granted such treatment by the presiding officer. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. Documents or arguments containing confidential information approved by the Commission for confidential treatment will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Secretary's Office.

Notice of this investigation was published in the *Federal Register* of May 19, 1982, 47 FR 21638, and was amended in the *Federal Register* of August 11, 1982, 47 FR 34864.

**FOR FURTHER INFORMATION CONTACT:** Wayne W. Herrington, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0480.

By order of the Commission.

Issued: August 25, 1982.

**Kenneth R. Mason,**  
*Secretary.*

[FR Doc. 82-23629 Filed 9-27-82; 8:45 am]

**BILLING CODE 7020-02-M**

**NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES**

**Music Panel (Chamber Music Section); Meeting**

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Chamber Music Section of the Music Advisory Panel to the National Council on the Arts will be held September 20-22, 1982 from 9:00 a.m. to 6:00 p.m. in room 1422 in the Columbia Plaza Office Complex, 2401 E St. NW., Washington, D.C.

A portion of this meeting will be open to the public on September 22, 1982 from 10:00 a.m. to 12:00 noon to discuss Chamber/New Music Performance Guidelines.

The remaining sessions of this meeting on September 20-21, 1982 from 9:00 to 6:00 p.m., September 22, 1982 from 9:00 a.m. to 10:00 a.m. and September 22, 1982 from 12:00 noon to 6:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicant. In accordance with the determination of the Chairman published in the *Federal Register* of February 13, 1980, these sessions 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 with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,  
*Director, Office of Council and Panel Operations, National Endowment for the Arts.*  
[FR Doc. 82-23709 Filed 8-27-82; 8:45 am]  
BILLING CODE 7537-01-M

#### Music Panel (Joint Chamber-New Music Performance); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Joint Chamber-New Music Performance Section of the Music Advisory Panel to the National Council on the Arts will be held September 23, 1982 from 9:00 a.m. to 6:00 p.m. in room 1422 of the Columbia Plaza Office Complex, 2401 E St., NW., Washington, D.C.

This 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 information given in confidence to the agency by grant applications. In accordance with the determination of the Chairman published in the *Federal Register* of February 13, 1980, these sessions 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 with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National

Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,  
*Director, Office of Council and Panel Operations, National Endowment for the Arts.*  
[FR Doc. 82-23710 Filed 8-27-82; 8:45 am]  
BILLING CODE 7537-01-M

#### NUCLEAR REGULATORY COMMISSION

[Docket No. 50-389A]

#### Florida Power & Light Company, et al.; Receipt of Additional Antitrust Information: Time for Submission of Views on Antitrust Matters

**Note.**—This document originally appeared in the *Federal Register* of Monday, August 16, 1982. It is reprinted in this issue at the request of the Nuclear Regulatory Commission.

Florida Power & Light Company, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed information requested by the Attorney General for antitrust review as required by 10 CFR Part 50, Appendix L. This information concerns a proposed additional ownership participant, the Florida Municipal Power Agency in the St. Lucie Plant, Unit 2. Florida Power & Light Company and the Orlando Utilities Commission of the City of Orlando are the current permit holders. The change involves the transfer of ownership from the Florida Power & Light Company to Florida Municipal Power Agency.

The information was filed in connection with the application submitted by the construction permit holders for an operating license for a pressurized water reactor. Construction was authorized on May 2, 1977, at the St. Lucie 2 site located on Hutchinson Island in St. Lucie County, Florida.

The original application was docketed on September 4, 1973, and the Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicants' Environmental Report; Time for Submission of Views on Antitrust Matters was published in the *Federal Register* on September 21, 1973 (38 FR 27106). The Notice of Receipt of Application for Facility Operating Licenses; Notice of Availability of Applicant's Environmental Report; and the Notice of Consideration of Issuance of Facility Operating License and Notice of Opportunity for Hearing was published in the *Federal Register* on March 9, 1981 (46 FR 15831).

A copy of the above documents are available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street,

NW., Washington, D.C. 20555 and at the Indian River Community College Library, 3900 Virginia Avenue, Ft. Pierce, Florida 33450.

Any person who wishes to have his views on the antitrust matters with respect to the Florida Municipal Power Agency presented to the Attorney General for consideration or who desires additional information regarding the matters covered by this notice, should submit such views or requests for additional information to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Antitrust and Economic Analysis Branch, Division of Engineering, Office of Nuclear Reactor Regulation, on or before October 15, 1982.

Dated at Bethesda, Maryland, this 2nd day of August, 1982.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,  
*Chief, Licensing Branch No. 3, Division of Licensing.*

[FR Doc. 22290 Filed 8-13-82; 8:45 am]  
BILLING CODE 7590-01-M

#### DEPARTMENT OF TRANSPORTATION

##### Coast Guard

[CGD-82-66]

#### Small Vessel Towing and Salvage Policy Study; Public Meetings.

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of public meetings.

**SUMMARY:** In the *Federal Register* of June 24, 1982 (47 FR 27434), the Coast Guard announced that an Ad Hoc Group would review the Coast Guard's policy on small vessel towing and salvage by private enterprise. The notice advised that public meetings may be held. This notice provides the dates and locations of three public meetings. Persons are invited to attend these meetings and to submit statements. The purpose of these meetings is to receive the views of interested persons.

**DATES:** There will be a meeting on September 14, 1982, in Port Clinton, Ohio; one on September 16, 1982, in Amityville, Long Island, New York; and one on September 30, 1982, in St. Petersburg, Florida.

**ADDRESSES:** The meeting on September 14, 1982, will be held at 8:00 p.m. at the American Legion Hall, 118 Monroe Street, Port Clinton, Ohio.

The meeting on September 16, 1982, will be at 7:00 p.m. at the Amityville High School Auditorium, Montauk

Highway, Amityville, Long Island, New York.

The meeting on September 30, 1982, will be at 7:00 p.m. at the University of South Florida, St. Petersburg Auditorium, Room SPA-153, 830 First Street South, St. Petersburg, Florida.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert Anthony, Commandant (G-CPE), U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593 (202-426-2430). Normal working hours are 7:00 a.m. to 3:30 p.m., Monday through Friday, except holidays.

Dated: August 25, 1982.

Bruce P. Novak,

*Acting Executive Secretary, Marine Safety Council.*

[FR Doc. 82-23692 Filed 8-27-82; 8:45 am]

BILLING CODE 4910-14-M

### Federal Aviation Administration

#### Criteria for Approval of Category III Landing Weather Minima; Request for Comments

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Request for comments on proposed Advisory Circular (AC) 120-28C, Criteria for Approval of Category III Landing Weather Minima.

**SUMMARY:** This advisory circular states an acceptable means, but not the only means, for obtaining approval of Category IIIa or Category IIIb landing weather minima and the installation approval of the associated airborne systems.

**DATE:** Comments must be received by October 31, 1982.

**ADDRESS:** Please submit your comments in duplicate to: Federal Aviation Administration, Office of Flight Operations, Air Transportation Division, Flight Technical Programs Branch, Flight Technical Programs Branch, (AFO-210), 800 Independence Avenue SW., Washington, D.C. 20591; or delivered to: Room 304B, 800 Independence Avenue SW., Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** Mr. Andrew Wasniewski, Office of Flight Operations, Air Transportation Division, AFO-210, 800 Independence Avenue SW., Washington, D.C. 20591; telephone (202) 426-8452.

**SUPPLEMENTARY INFORMATION:** Any person may obtain a copy of this proposed AC by writing to: Federal Aviation Administration, Office of Flight Operations, Air Transportation Division, AFO-210, 800 Independence Avenue SW., Washington, D.C., 20591.

#### Comments Invited:

Interested parties are urged to submit their comments on the proposed AC. Comments may be inspected at room 303D between 8:00 a.m. and 4:30 p.m.

Issued in Washington, D.C., on July 21, 1982.

Kenneth S. Hunt,

*Director Of Flight Operations.*

[FR Doc. 82-23643 Filed 8-27-82; 8:45 am]

BILLING CODE 4910-13-M

### DEPARTMENT OF THE TREASURY

#### Internal Revenue Service

#### Public Inspection of Written Determinations; Intention To Disclose

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Notice of Intention to Disclose.

**SUMMARY:** This document provides notice that the Service intends to make open to public inspection certain written determinations. This notice also explains how any person may determine whether any of the described written determinations pertain to that person, and explains the procedures that person may follow if there is disagreement regarding the proposed deletions. This document does not meet the criteria for significant regulations set forth in paragraph eight of the Treasury Directive appearing in the *Federal Register* for Wednesday, November 8, 1978.

**DATES:** Persons not responding to any earlier *Federal Register* notice of intention to disclose who wish to find out whether their particular written determinations are among those to be made open to public inspection pursuant to this notice are requested to contact the Service by September 14, 1982.

Requests for additional deletions must be submitted by October 5, 1982. A petition in the United States Tax Court must be filed by November 15, 1982. Except for the disputed portion of any document that is the subject of an action brought in the United States Tax Court, the written determinations described in this notice will be made open to public inspection on (Monday preceding the 121st day after this notice is published in the *Federal Register*).

**ADDRESS:** Any questions or correspondence regarding this notice should be sent to: Internal Revenue Service, Attention: CC:IND:S, Ben Franklin Station, Post Office Box 7604, Washington, D.C. 20044.

**FOR FURTHER INFORMATION CONTACT:** Wayne Thomas of the Bulletin and

Disclosure Unit, Individual Tax Division, Office of the Associate Chief Counsel (Technical); 202-566-4378 or 202-566-6272.

**SUPPLEMENTARY INFORMATION:** Section 6110(h) of the Internal Revenue Code of 1954 provides that certain written determinations (letter rulings and technical advice memoranda) issued in response to requests submitted before November 1, 1976, shall be open to public inspection. Accordingly, the Service is preparing to open to public inspection certain written determinations issued by the Internal Revenue Service. The written determinations to be made open to public inspection pursuant to this notice have been described in more detail in one of the *Federal Register* notices of intention to disclose published on February 21, 1978, March 31, 1978, May 3, 1978, May 30, 1978, August 2, 1978, November 9, 1978, January 31, 1979, or on April 5, 1979. This notice applies to written determinations that fall within the description of one of these earlier notices but which were not available for processing for public inspection at an earlier date.

#### Deletions

Section 6110(c) of the Code requires the Internal Revenue Service to delete certain information from the documents described in this notice. The Service intends to delete names, addresses, and taxpayer identifying numbers, and will also attempt to recognize and delete other identifying details, trade secrets, and the other information described in section 6110(c), before making the written determination open to public inspection.

Persons to whom the written determinations described in this notice pertain (or successors in interest executors, or authorized representatives of these persons) may contact the Internal Revenue Service to find out whether their particular written determinations are among those to be made open to public inspection pursuant to this notice. These persons may request a copy of their written determinations with proposed deletions indicated. Such requests should be submitted by September 14, 1982. Such requests must indicate the specific name of the party to which the written determination pertains, for example, a corporation acting on behalf of one or more subsidiaries must indicate the name of such subsidiary or subsidiaries. If such a person disagrees with the proposed deletions, that person may indicate any additional information that

person believes should be deleted. Any request for additional deletions must be submitted by October 5, 1982 and must include a statement indicating which of the exemptions provided in section 6110(c) of the Code is applicable to each additional deletion requested. If the Service feels it cannot make any or all of the additional deletions requested, the Service will so advise the requester. The requester will then have the right to file a petition in United States Tax Court. This petition must be filed by November 15, 1982.

#### Additional Disclosure

After the deleted copy of a written determination is made open to public inspection in the National Office Reading Room, any person may request the Service to make additional portions of the written determination open to public inspection. If the Service receives a request that involves disclosure of names, addresses, or taxpayer identifying numbers, the Service will deny the request. If the request involves disclosure of anything other than names, addresses, or taxpayer identifying numbers, the Service will contact the person to whom the written determination pertains before further action is taken.

#### Background File Documents

After the deleted copy of a written determination is made open to public inspection, any person may request copies of related background file documents. Notice will be provided to the person to whom the written determination pertains if a request for related background file documents is received.

Any notice regarding background file documents or requests for additional disclosure and any other correspondence relating to public inspection of written determinations, will be mailed to the latest address in the Service's written determination file, unless a later address is provided to the Service in connection with these matters.

The written determinations described in this notice will be made open to public inspection by being placed in the National Office Reading Room, Room 1564, Internal Revenue Service Building, 1111 Constitution Avenue, N.W., Washington, D.C. on (the Monday preceding the 121st day after this notice is published in **Federal Register**). However, the disputed portion of any document that is the subject of an action brought in the United States Tax Court shall not be made available until after a court determination regarding such portion is made.

#### Effect of Earlier Requests

Persons who contacted the Internal Revenue Service in response to an earlier notice need not contact the Service again. The Service will automatically respond to any person who inquired in response to an earlier notice if the written determination or determinations about which that person inquired will be made open to public inspection in accordance with this notice. That person will be forwarded a proposed deleted copy of any such written determination, and will have the rights with respect to requesting additional deletions that are described in this notice.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 82-23290 Filed 8-27-82; 8:45 am]

BILLING CODE 4830-01-M

#### Office of the Secretary

##### Public Information Collection Requirements Submitted to OMB for Review

During the period August 13 through August 19, 1982, the Department of Treasury submitted the following public information collection requirements to OMB, for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 634-2179. Comments regarding these information collections should be addressed to the Treasury Reports Management Officer, Information Resources Management Division, Room 309, 1625 I Street NW., Washington, D.C. 20220; and to the OMB reviewer listed at the end of each entry.

*Date Submitted:* August 19, 1982.

*Submitting Bureau:* Internal Revenue Service.

*OMB Number:* 1545-0085.

*Form Number:* 1040-A.

*Type of Submission:* Revision.

*Title:* U.S. Individual Income Tax Return.

*Purpose:* This form is used by individuals to report their income subject to income tax and compute their correct tax liability. The data is used to verify that the items reported on the form are correct and also for general statistics use.

*OMB Reviewer:* Michael Abrahams (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

*Date Submitted:* August 18, 1982.

*Submitting Bureau:* Internal Revenue Service.

*OMB Number:* 1545-0481.

*Form Number:* 599-5-325.

*Type of Submission:* Reinstatement.

*Title:* Personnel Processing Masterform.

*Purpose:* Information is gathered from prospective candidates for employment with Internal Revenue Service Center regarding former employment, education, arrest record and personal information. This information is used to complete other forms necessary to process a candidate for employment as well as initiate investigations on the candidate's background.

*OMB Reviewer:* Michael Abrahams (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

*Date Submitted:* August 18, 1982.

*Submitting Bureau:* Alcohol, Tobacco and Firearms.

*OMB Number:* 1512-0162.

*Form Number:* ATF F 3067 (5210.9).

*Type of Submission:* Extension.

*Title:* Inventory-Manufacturer of Tobacco Products.

*Purpose:* Form is necessary to establish the liability of tax of tobacco articles in a tobacco manufacturer's premises. The inventory is recorded on this form by the manufacturer of tobacco and occurs at the beginning and closing of the business and at other times as required by ATF. The form is important to determine compliance of tobacco products manufactured with regulations about tax and records.

*OMB Reviewer:* Suzann Evinger (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

*Date Submitted:* August 18, 1982.

*Submitting Bureau:* Bureau of the Public Debt.

*OMB Number:* 1535-0035.

*Form Number:* PD-3905.

*Type of Submission:* Extension.

*Title:* Marketable Redemption.

*Purpose:* Request for securities transaction specifying redemption or exchange of securities and furnishing delivery instructions for redemption checks.

*OMB Reviewer:* Suzann Evinger, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

*Date Submitted:* August 18, 1982.

*Submitting Bureau:* Alcohol, Tobacco & Firearms.

*OMB Number:* 1512-0171.

*Form Number:* ATF F 3373 (5220.3).

*Type of Submission:* Revision.

*Title:* Inventory-Export Warehouse Proprietor.

*Purpose:* The inventory is recorded on form by the export warehouse proprietor and occurs at the beginning of and closing of his business and at other times as required by ATF. Form is important to determine compliance of proprietor with regulations about tax and records.

*OMB Reviewer:* Suzann Evinger, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

*Date Submitted:* August 18, 1982.  
*Submitting Bureau:* Alcohol, Tobacco & Firearms.

*OMB Number:* 1512-0115.  
*Form Number:* ATF F 2140.  
*Type of Submission:* Extension.  
*Title:* Monthly Report Export Warehouse Proprietor.

*Purpose:* Export warehouses which handle tobacco products are required to file monthly report of products on hand, received, and disposed of. This is for product accountability and also for general statistical purposes.

*OMB Reviewer:* Suzann Evinger, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building Washington, D.C. 20503.

*Date submitted:* August 18, 1982.  
*Submitting Bureau:* Alcohol, Tobacco and Firearms.

*OMB Number:* 1512-0021.  
*Form Number:* ATF F 4587 (7570.4).  
*Type of Submission:* Extension.  
*Title:* Application to Register as an Importer of U.S. Munitions Import List Articles.

*Purpose:* Registration required by 22 U.S.C. 2778 and regulations pursuant thereto. Information collected is used to determine eligibility to import firearms, ammunition and implements of war.

*OMB Reviewer:* Suzann Evinger, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

*Date Submitted:* August 18, 1982.  
*Submitting Bureau:* Internal Revenue Service.

*OMB Number:* 1545-0362.  
*Form Number:* 4747.  
*Type of Submission:* Extension.  
*Title:* Questionnaire—Uniforms, Clothing, Equipment or Tools.

*Purpose:* Form 4747 provides the taxpayer with a simple format for presenting information to support their deduction for expenses claimed in connection with their employment. The

information is used during the correspondence examination of the taxpayer's return to determine whether the claimed expenses should be allowed.

*OMB Reviewer:* Michael Abrahams (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

*Date Submitted:* August 18, 1982.  
*Submitting Bureau:* Internal Revenue Service.

*OMB Number:* 1545-0402.  
*Form Number:* 2038.  
*Type of Submission:* Extension.  
*Title:* Questionnaire—Exemption claimed for Dependent.

*Purpose:* Form 2038 is used as an aid to taxpayers under examination when dependent exemptions are being reviewed. Data is needed to determine whether claimed exemption should not be allowed.

*OMB Reviewer:* Michael Abrahams (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

*Date Submitted:* August 18, 1982.  
*Submitting Bureau:* Internal Revenue Service.

*OMB Number:* 1545-0413  
*Form Number:* 4749.  
*Type of Submission:* Extension.  
*Title:* Questionnaire—Employee Expenses or Miscel. Deductions.

*Purpose:* Form 4749 provides taxpayers with a simple format for presenting information to support their deduction for expenses claimed in connection with their employment or miscellaneous deductions. The information is used during the examination of the taxpayer's return to determine whether the claimed expenses should be allowed.

*OMB Reviewer:* Michael Abrahams (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

*Date Submitted:* August 19, 1982.  
*Submitting Bureau:* Internal Revenue Service.

*OMB Number:* N/A (new submission)  
*Form Number:* 1040-EZ  
*Type of Submission:* New.  
*Title:* U.S. Individual Income Tax Return.

*Purpose:* This form is used by single individuals to report their income subject to tax and compute their correct tax liability. The data is used to verify that the items reported on the form are correct and also for general statistics use.

*OMB Reviewer:* Michael Abrahams (202) 395-6880, Office of Management

and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

*Date Submitted:* August 19, 1982.  
*Submitting Bureau:* Internal Revenue Service.

*OMB Number:* 1545-0403.  
*Form Number:* 4748.  
*Type of Submission:* Extension.  
*Title:* Questionnaire—Casualty or Theft Loss.

*Purpose:* Form 4748 provides taxpayers with a simple format for presenting information needed to support their deduction claim for a casualty loss or theft. This information is used to determine whether the claimed deduction should be allowed.

*OMB Reviewer:* Michael Abrahams (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.  
*Joy Tucker,*

*Departmental Reports, Management Officer.*  
August 24, 1982.

[FR Doc. 82-23647 Filed 8-27-82; 8:45 am]

BILLING CODE 4810-25-M

[Dept. Circ. Public Debt Series—No. 22-82]

## Treasury Notes of November 15, 1987, Series G-1987

August 25, 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 \$4,750,000,000 of United States securities, designated Treasury Notes of November 15, 1987, Series G-1987 (CUSIP No. 912827 NP 3). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

### 2. Description of Securities

2.1. The securities will be dated September 7, 1982, and will bear interest from that date, payable on a semiannual basis on May 15, 1983, and each subsequent 6 months on November 15 and May 15 until the principal becomes payable. They will mature November 15, 1987, 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, Tuesday, August 31, 1982. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, August 30, 1982, and received no later than Tuesday, September 7, 1982.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is \$1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed \$1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in

Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a  $\frac{1}{8}$  of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 98.750. 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 Tuesday, September 7, 1982. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Thursday, September 2, 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. 82-23779 Filed 8-27-82; 8:45 am]

BILLING CODE 4810-40-M

# Sunshine Act Meetings

Federal Register

Vol. 47, No. 168

Monday, August 30, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

### COMMODITY FUTURES TRADING COMMISSION

**TIME AND DATE:** 2 p.m., Tuesday, August 31, 1982.

**PLACE:** 2033 K Street, NW., Washington, D.C., eighth floor conference room.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** Judicial Session.

#### CONTACT PERSON FOR MORE

**INFORMATION:** Jane Stuckey, 254-5314.

[S-1237-82 Filed 8-27-82; 8:45 am]

**BILLING CODE 6351-01-M**

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### FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

August 25, 1982.

**TIME AND DATE:** 10 a.m., Wednesday, September 1, 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. Secretary of Labor on behalf of George Roy Logan v. Bright Coal Company and Jack Collins; Docket No. KENT 81-162-D. (Petition for Discretionary Review). Issues include whether the ALJ improperly ordered the Secretary to disclose privileged material.

2. Secretary of Labor v. Sellersburg Stone Company; Docket No. LAKE 80-363-M, etc. (Petition for Discretionary Review). Issues include whether the judge erred in finding violation of 30 CFR § 56.6-106.

#### CONTACT PERSON FOR MORE

**INFORMATION:** Jean Ellen (202) 653-5632.

[S-1238-82 Filed 8-27-82; 8:45 am]

**BILLING CODE 6735-01-M**

# **federal register**

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**Monday  
August 30, 1982**

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## **Part II**

### **Department of the Interior**

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#### **Fish and Wildlife Service**

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**Migratory Bird Hunting; Early Seasons,  
Bag Limits, and Possession of Certain  
Migratory Game Birds in the Contiguous  
United States, Alaska, Hawaii, Puerto  
Rico, and the Virgin Islands; Final Rule**

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## 50 CFR Part 20

**Migratory Bird Hunting; Early Seasons, Bag Limits, and Possession of Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** This rule prescribes the hunting seasons, hour, areas, and daily bag and possession limits of mourning doves, white-winged doves, band-tailed pigeons, rails, woodcock, common snipe, gallinules, and teal in September, in the contiguous United States; sea ducks in certain defined areas of the Atlantic Flyway; ducks in September in Florida, Iowa, Kentucky, and Tennessee; sandhill cranes in the Central Flyway and Arizona; sandhill cranes and Canada geese in southwestern Wyoming; migratory game birds in Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and special falconry seasons during 1982-83. The taking of these migratory birds is prohibited unless hunting seasons are specifically provided. The rules will permit the hunting of these species within specified periods of time beginning as early as September 1, as has been the case in past years, and benefit the public by relieving existing restrictions.

**DATE:** Effective on August 30, 1982.

**FOR FURTHER INFORMATION CONTACT:** John P. Rogers, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Room 555, Matomic Building, 1717 H Street NW., Washington, D.C., telephone 202-254-3207.

**SUPPLEMENTARY INFORMATION:** The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 et seq.), as amended, authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds to determine when, to what extent, and by what means such birds or any part, nest, or egg thereof may be taken, hunted, captured, killed, possessed, sold, purchased, shipped, carried, exported, or transported.

On April 19, 1982, the U.S. Fish and Wildlife Service (hereinafter the Service) published for public comment

in the Federal Register (47 FR 16718) a proposal to amend 50 CFR Part 20, with comment periods ending June 23, July 16, and August 23, 1982, respectively, for the 1982-83 hunting season frameworks proposed for Alaska, Puerto Rico, and the Virgin Islands; other early seasons; and the late seasons. That document dealt with the establishment of hunting seasons, hours, areas, and limits for migratory game birds under §§ 20.101 through 20.107 and 20.109 of Subpart K. On June 15, 1982, the Service published in the Federal Register (47 FR 25922) a second document consisting of a supplemental proposed rulemaking dealing with both the early and late season frameworks. On July 12, 1982, the Service published for public comment in the Federal Register (47 FR 30162) a third document consisting of a proposed rulemaking dealing specifically with frameworks for early season migratory bird hunting regulations. On July 19, 1982, the Service published in the Federal Register (47 FR 31282) a fourth document consisting of final frameworks for Alaska, Puerto Rico, and the Virgin Islands. On August 9, 1982, the Service published a fifth document (47 FR 34498) consisting of a final rulemaking for the early season frameworks for migratory game bird hunting regulations from which State wildlife conservation agency officials selected early season hunting dates, hours, areas, and limits for the 1982-83 season. On August 20, 1982, the Service published for public comment in the Federal Register (47 FR 36578) a sixth document consisting of a proposed rulemaking dealing specifically with frameworks for late season migratory bird hunting regulations. The final rule described here is the seventh in a series of proposed, supplemental, and final rulemaking documents for migratory game bird hunting regulations and deals specifically with amending Subpart K of 50 CFR 20 to set hunting seasons, hours, areas, and limits for mourning doves, white-winged doves, band-tailed pigeons, rails, woodcock, snipe, and gallinules; September teal seasons; sea ducks in certain defined areas of the Atlantic Flyway; ducks in September in Florida, Iowa, Kentucky, and Tennessee; sandhill cranes in the Central Flyway and Arizona; sandhill cranes and Canada geese in southwestern Wyoming; migratory game birds in Alaska, Hawaii, Puerto Rico, and the Virgin Islands, and special falconry seasons.

These regulations contain no information collections subject to Office of Management and Budget review under the Paperwork Reduction Act of 1980.

## Nontoxic Shot Regulations

On August 13, 1981, the Service published in the Federal Register (46 FR 40879) final rules describing nontoxic shot zones for waterfowl hunting. When eaten by waterfowl, spent lead pellets can have a toxic effect. Nontoxic shot zones reduce availability of lead pellets in selected waterfowl feeding areas.

Amendments to these regulations were published in the Federal Register (47 FR 32546; July 28, 1982). These amendments relate to changes in Maine, Massachusetts, Indiana, and Nebraska. Texas, South Dakota, and Colorado have regulations requiring steel shot for waterfowl hunting in areas not included in the Federal regulations published in the Federal Register on August 13, 1981 (46 FR 40879). Zones in other States will remain as they were described on August 13, 1981 (46 FR 40879).

Some national wildlife refuges require use of steel shot on hunting areas within their boundaries, and these rules are published with other regulations regarding public use of the refuges (Title 50 CFR Part 32—Hunting).

Waterfowl hunters are advised to become familiar with State and local regulations regarding the use of nontoxic shot for waterfowl hunting.

## NEPA Consideration

The "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75-54)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the Federal Register on June 13, 1975 (40 FR 24241). In addition, several environmental assessments have been prepared on specific matters which serve to supplement the material in the Final Environmental Statement. Copies of these documents are available from the Service.

## Endangered Species Act Consideration

Section 7 of the Endangered Species Act provides that, "The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act" [and] ". . . by taking such action necessary to insure that any action authorized, funded, or carried out . . . is not likely to jeopardize the continued existence of such endangered or threatened species or result in the destruction or modification of habitat of such species . . . which is determined to be critical."

Subsequently, the Service initiated Section 7 consultation under the

Endangered Species Act for the proposed hunting season frameworks.

On July 1, 1982, Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, concluded:

Therefore, it is my biological opinion that your action, as proposed, is not likely to jeopardize the continued existence of the above listed species or result in the destruction or adverse modification of the American peregrine falcon, whooping crane, or Everglade kite Critical Habitat.

As in the past, hunting regulations this year are designed, among other things, to remove or alleviate chances of conflict between seasons for migratory game birds and the protection and conservation of endangered and threatened species.

The Service's biological opinion resulting from its consultation under Section 7 is considered a public document and is available for inspection in or available from the Office of Endangered Species and the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

#### Regulatory Flexibility Act and Executive Order 12291

In the *Federal Register* dated April 19, 1982 (at 47 FR 16722), the Service reported measures it had undertaken to comply with requirements of the Regulatory Flexibility Act and the Executive Order. These included preparing a Determination of Effects and an updated Final Regulatory Impact Analysis, and publication of a summary of the latter. These regulations have been determined to be major under Executive Order 12291 and they have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act. This determination is detailed in the aforementioned documents which are available upon request from the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

#### Authorship

The primary author of this final rule is Henry M. Reeves, Office of Migratory Bird Management, working under the direction of John P. Rogers, Chief.

#### Memorandum of Law

The Service published its Memorandum of Law, required by Section 4 of Executive Order 12291, in the *Federal Register* dated July 19, 1982 (at 47 FR 31283).

#### Regulations Promulgation

After analysis of migratory game bird survey data obtained through

investigations conducted by the Service, State conservation agencies, and other sources, and consideration of all comments received on the early proposals (47 FR 16718, April 19, 1982; 47 FR 25922, June 15, 1982; and 47 FR 30162, July 12, 1982), the Service published in the *Federal Register* on July 19, 1982 (47 FR 31282) final early season frameworks for Alaska, Puerto Rico, the Virgin Islands; and on August 9, 1982 (47 FR 34498), those for the contiguous United States and Hawaii. Copies of the final frameworks were also sent to the officials of the State conservation agencies and to conservation agency officials in Puerto Rico and the Virgin Islands who were invited to submit recommendations for hunting seasons which complied with the season times and lengths, hours, areas, and limits specified in the frameworks.

The taking of the designated species of migratory birds is prohibited unless open hunting seasons are specifically provided. The following amendments will permit taking of the designated species within specified time periods beginning as early as September 1, as has been the case in past years, and benefit the public by relieving existing restrictions.

The rulemaking process for migratory game bird hunting must, by its nature, operate under severe time constraints. However, the Service intends that the public be given the greatest possible opportunity to comment on the regulations. Thus, when proposed rulemakings were published on April 19, June 15, and July 12, 1982, the Service established what it believed were the longest periods possible for public comment. In doing this, the Service recognized that when the comment period closed time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, the States would have insufficient time to select their season dates, shooting hours, hunting areas, and limits; to communicate those selections to the Service; and to establish and publicize the necessary regulations and procedures to implement their decisions. The Service therefore finds that "good cause" exists, within the terms of 5 U.S.C. 553(d)(3) (Administrative Procedure Act), and these regulations will, therefore, take effect immediately upon publication.

#### List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Transportation, Wildlife.

## PART 20—MIGRATORY BIRD HUNTING

Accordingly, each State conservation agency having had an opportunity to participate in selecting the hunting seasons desired for its State on those species of migratory birds for which open seasons are now to be prescribed, and consideration having been given to all other relevant matters presented, certain sections of Title 50, Chapter I, Subchapter B, Part 20, Subpart K, are amended as follows.

Section 20.101 is revised to read as follows:

### § 20.101 Seasons, limits and shooting hours for Puerto Rico and the Virgin Islands.

Subject to the applicable provisions of the preceding sections of this part, the open seasons (dates inclusive), the shooting and hawking hours, and the daily bag and possession limits, and areas for hunting the species designated in this section are prescribed as follows:

#### (a) Puerto Rico.

	Doves	Pigeons
Daily bag limit.....	10 singly or in the aggregate of all permitted species.	5
Possession limit.....	10 singly or in the aggregate of all permitted species.	5
Season dates.....	September 4 to November 2, 1982.	
Shooting hours.....	One-half hour before sunrise to sunset daily.	

**Restrictions:** Only the following species of doves and pigeons may be hunted during the open season: Zenaida dove (*Tortola cardosantera*); white-winged dove (*Tortola aliblanca o cubanita*); mourning dove (*Tortola rabilarga o rabiche*); and scaly-naped pigeon (*Paloma turca o torcaz*).

#### Closed areas

No season is prescribed for doves and pigeons on Mona Island in order to protect the reduced population of white-crowned pigeon (*Columba leucocephala*), known locally as "Paloma cabeciblanca."

No season is prescribed for doves and pigeons in the Municipality of Culebra and on Desecheo Island.

No season is prescribed in the El Verde Closure Area consisting of those areas of the municipalities of Rio Grande and Loiza delineated as follows: (1) All lands between Routes 956 on the west and 186 on the east, from Route 3 on the north to the juncture of Routes 956 and 186 (Km 13.2) in the south; (2) all lands between Routes 186 and 966 from the juncture of 186 and 966 on the north,

to the Caribbean National Forest Boundary on the south; (3) all lands lying west of Route 186 for one (1) kilometer from the juncture of Routes 186 and 956 south to Km 6 on Route 186; (4) all lands within Km 14 and Km 6 on the west and the Caribbean National Forest Boundary on the east; and (5) all lands within the Caribbean National Forest Boundary whether private or public.

No season is prescribed for doves and pigeons of any species in all of Cidra Municipality and in portions of Aguas Buenas, Caguas, Cayey, and Comerio Municipalities as encompassed within the following boundary: beginning on Highway 172 as it leaves the Municipality of Cidra on the west edge, north to Highway 156, east on Highway 156 to Highway 1, south on Highway 1 to Highway 765, south on Highway 765 to Highway 763, south on Highway 763 to the Rio Guavata, west along the Rio Guavata to Highway 1, southwest on Highway 1 to Highway 14, west on Highway 14 to Highway 729, north on Highway 729 to Cidra Municipality, and westerly, northerly, and easterly along the Cidra Municipality boundary to the point of beginning.

Check Commonwealth Regulations for Additional Restrictions.

(b) Puerto Rico.

	Zenaida Dove	Scaly-naped Pigeon	Ducks
Daily bag limits.....	10	5	4
Possession limits.....	10	5	8
Season dates:			
Zenaida dove and scaly-naped pigeon.....	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )
Ducks only.....	( <sup>2</sup> )	( <sup>2</sup> )	( <sup>2</sup> )
Shooting hours.....	( <sup>3</sup> )	( <sup>3</sup> )	( <sup>3</sup> )

<sup>1</sup> September 1 through October 30, 1982.  
<sup>2</sup> December 1, 1982, through January 24, 1983.  
<sup>3</sup> One-half hour before sunrise until sunset daily.

**Restrictions:** No open season is prescribed for ground or quail doves, or other pigeons in the Virgin Islands. The season is closed on the ruddy duck (*Oxyura jamaicensis*); Bahama pintail (*Anas bahamensis*); West Indian whistling (tree) duck (*Dendrocygna arborea*); fulvous whistling (tree) duck (*Dendrocygna bicolor*); masked duck (*Oxyura dominica*), and purple gallinule (*Porphyryla martinica*).

Check Commonwealth Regulations for Additional Restrictions.

**Note.**—Local names for game birds: Zenaida dove (*Zenaida aurita*)—mountain dove; bridled quail dove (*Geotrygon mystacea*)—Barbary dove, partridge (protected); ground dove (*Columbina passerina*)—stone dove, tobacco dove, rola, tortolita (protected); and scaly-naped pigeon (*Columba squamosa*)—red-necked pigeon, scaled pigeon.

Section 20.102 is revised to read as follows:

**§ 20.102 Seasons, limits, and shooting hours for Alaska.**

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting and hawking hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

Shooting hours: One-half hour before sunrise to sunset daily.

Check State Regulations for Additional Restrictions, Including Area Descriptions.

**OPEN SEASONS—DUCKS, GEESE, CRANES AND COMMON SNIPES**

Area:	State Game Mgmt. Units	Season
Northern.....	Units 11-13 and 17-26.	Sept. 1 to Dec. 16.
Gulf Coast.....	State Game Mgmt. Units 5-7, 9, 14-16, and Unimak Island.	Sept. 1 to Dec. 16.
Southeast.....	State Game Mgmt. Units 1-4.	Sept. 1 to Dec. 16.
Pribilof and Aleutian Islands.	State Game Mgmt. Unit 10 except Unimak Island.	Oct. 8 to Jan. 22.
Kodiak.....	State Game Mgmt. Unit 8.	Oct. 8 to Jan. 22.

**DAILY BAG AND POSSESSION LIMITS**

Area	Ducks <sup>1</sup>	Geese <sup>2</sup>	Emperor Geese <sup>2</sup>	Brant	Common Snipe	Sandhill Cranes
Northern.....	10-30	6-12	6-12	4-8	8-16	2-4
Gulf Coast.....	8-24	<sup>3</sup> 6-12	6-12	4-8	8-16	2-4
Southeast.....	7-21	6-12	6-12	4-8	8-16	2-4
Pribilof and Aleutian Islands.....	7-21	<sup>4</sup> 6-12	6-12	4-8	8-16	2-4
Kodiak.....	7-21	6-12	6-12	4-8	8-16	2-4

<sup>1</sup> In addition to the basic daily bag and possession limits, a daily bag limit of 15 and a possession limit of 30 is permitted singly or in the aggregate of the following species: scoter, eider, oldsquaw, harlequin, and American and redbreasted mergansers.  
<sup>2</sup> The daily bag and possession limits may not include more than 4 daily and 8 in possession of white-fronted and Canada geese, singly or in the aggregate. In addition to the daily bag and possession limits on other geese, the daily bag limit is 6 and the possession limit is 12 on emperor geese.  
<sup>3</sup> Except in State Game Management Unit 9E the daily bag and possession limits may not include more than 1 daily and 2 in possession of white-fronted and Canada geese, singly or in the aggregate.  
<sup>4</sup> No Canada geese may be taken in the Pribilof and Aleutian Islands west of Unimak Pass.

Section 20.103 is revised to read as follows:

**§ 20.103 Seasons, limits, and shooting hours for mourning and white-winged doves and wild pigeons.**

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting and hawking hours and the daily bag and possession limits on the species designated in this section are prescribed as follows:

(a) Mourning Doves—Eastern Management Unit.

**Restrictions:** No season is prescribed for waterfowl in the Municipality of Culebra and on Desecheo Island. The season is closed on the ruddy duck (*Oxyura jamaicensis*); Bahama pintail (*Anas bahamensis*); West Indian whistling (tree) duck (*Dendrocygna arborea*); fulvous whistling (tree) duck (*Dendrocygna bicolor*); masked duck (*Oxyura dominica*); and purple gallinule (*Porphyryla martinica*).

Check Commonwealth Regulations for Additional Restrictions.

**Note.**—Local names for game birds: Ruddy duck (*Oxyura jamaicensis*)—Pato rojo (protected); purple gallinule (*Porphyryla martinica*)—Gallareta azul (protected); and Puerto Rican plain pigeon (*Columba inornata wetmorei*)—Paloma sabanera (protected).

(c) Virgin Islands.

In all States except Alabama and Illinois:	
Daily bag limit.....	12
Possession limit.....	24
In Alabama:	
Daily bag limit.....	12
Possession limit.....	12
In Illinois:	
Daily bag limit.....	15
Possession limit.....	30

Shooting hours: One-half hour before sunrise until sunset daily except as noted otherwise.

Check State Regulations for Additional Restrictions, Including Area Descriptions.

Seasons in:

Alabama:	
North Zone: <sup>1</sup> All of Autauga, Barbour, Bullock, Butler, Chilton, Crenshaw, Dallas, Elmore, Lee, Lowndes, Macon, Marengo, Montgomery, Pike, Russell and Wilcox Counties, and that area north of U.S. Highway 84 in Choctaw, Clarke, Conecuh, and Monroe Counties; One-half hour before sunrise to sunset.	Sept. 18 to Nov. 4 and Dec. 18 to Jan. 8.
Remaining counties in North Zone; 12 noon to sunset.	Sept. 18 to Nov. 4 and Dec. 18 to Jan. 8.
South Zone: <sup>2</sup> One-half hour before sunrise to sunset.	Oct. 9 to Nov. 28 and Dec. 21 to Jan. 8.
Connecticut	Closed.
Delaware (12 noon to sunset)	Sept. 4 to Oct. 2 and Oct. 18 to Oct. 30 and Dec. 16 to Jan. 12.
Florida: <sup>3</sup>	
12 noon to sunset	Oct. 2 to Oct. 31.
One-half hour before sunrise to sunset.	Nov. 13 to Nov. 28 and Dec. 11 to Jan. 3.
Georgia:	
North Zone: <sup>3</sup>	Sept. 4 to Oct. 9 and Dec. 11 to Jan. 13.
South Zone: <sup>3</sup>	Oct. 2 to Nov. 6 and Dec. 11 to Jan. 13.
Illinois (12 noon to sunset)	Sept. 1 to Oct. 15.
Indiana	Closed.
Kentucky (12 noon to sunset)	Sept. 1 to Oct. 16 and Dec. 1 to Dec. 24.
Louisiana:	
North Zone: <sup>4</sup>	Sept. 4 to Sept. 19 and Oct. 16 to Nov. 7 and Dec. 11 to Jan. 10.
South Zone: <sup>4</sup>	Oct. 16 to Nov. 28 and Dec. 11 to Jan. 5.
Maine	Closed.
Maryland (12 noon to sunset)	Sept. 1 to Oct. 12 and Nov. 6 to Nov. 20 and Dec. 20 to Jan. 1.
Massachusetts	Closed.
Michigan	Closed.
Mississippi	Sept. 4 to Oct. 3 and Oct. 16 to Nov. 7 and Dec. 25 to Jan. 10.
New Hampshire	Closed.
New Jersey	Closed.
New York	Closed.
North Carolina:	
12 noon to sunset	Sept. 4 to Oct. 9.
One-half hour before sunrise to sunset.	Dec. 13 to Jan. 15.
Ohio	Closed.
Pennsylvania:	
12 noon to sunset	Sept. 1 to Oct. 11.
One-half hour before sunrise to sunset <sup>5</sup> .	Oct. 30 to Nov. 27.
Rhode Island: (12 noon to sunset) Black Hut, Buck Hill, Durfee Hill, Arcadia, Carolina, Great Swamp, Indian Cedar Swamp, and Woody Hill State Management Areas only.	Sept. 8 to Sept. 12.
Statewide	Sept. 13 to Oct. 10 and Oct. 16 to Nov. 21.
South Carolina	Sept. 4 to Oct. 9 and Nov. 20 to Nov. 27 and Dec. 21 to Jan. 15.
Tennessee: <sup>6</sup>	Sept. 1 to Sept. 30 and Oct. 9 to Oct. 24 and Dec. 18 to Jan. 10.
Vermont	Closed.
Virginia:	
12 noon to sunset	Sept. 4 to Oct. 30.
One-half hour before sunrise to sunset.	Dec. 20 to Jan. 1.
West Virginia	Sept. 1 to Oct. 30 and Dec. 22 to Dec. 31.
Wisconsin	Closed.

<sup>1</sup>In Alabama, the South Zone is defined as that area south of U.S. Highway 84 running east from the Mississippi State Line to the Covington County line, and including Coffee, Covington, Dale, Geneva, Henry and Houston Counties. The North Zone consists of the remainder of Alabama.

<sup>2</sup>In Florida, the daily bag limit is 12 mourning and white-winged doves in the aggregate, of which not more than 4 may be white-winged doves. The possession limit is 24 mourning and white-winged doves in the aggregate, of which not more than 8 may be white-winged doves.

<sup>3</sup>In Georgia, the North Zone is defined as that area lying north of a division line as follows: U.S. Highway 280 from Columbus to the Ocmulgee River, along the Ocmulgee River to the western border of Jeff Davis County, south along the western border of Jeff Davis County, east along the southern border of Jeff Davis and Appling Counties, north along the eastern border of Appling County to the Altamaha River, west to the western border of Tattnall County, north along the western boundary of Tattnall and Emanuel Counties, east along the northern boundary of Jenkins County, south along the western border and east along the southern border of Screven County to the South Carolina line. The South Zone consists of the remainder of Georgia.

<sup>4</sup>In Louisiana, the North Zone is defined as that area lying north of Interstate Highway 10 from the Texas State line to Baton Rouge, Interstate Highway 12 from Baton Rouge to Slidell, and Interstate Highway 10 from Slidell to the Mississippi State line. The South Zone consists of the remainder of Louisiana.

<sup>5</sup>In Pennsylvania, shooting hours on opening day (Oct. 30) are 9 a.m. to sunset.

<sup>6</sup>In Tennessee, shooting hours on opening day (Sept. 1) are 12 noon to sunset.

(b) Mourning Doves—Central Management Unit.

In Missouri:	
Daily bag limit	10
Possession limit	20
In Kansas, Nebraska, New Mexico, South Dakota, and Texas:	
Daily bag limit	12
Possession limit	24
In Arkansas, Colorado, North Dakota, Oklahoma, and Wyoming:	
Daily bag limit	15
Possession limit	30

Shooting hours: One-half hour before sunrise until sunset daily except as noted otherwise.

Check State Regulations for Additional Restrictions, Including Area Descriptions.

Seasons in:	
Arkansas	Sept. 1 to Sept. 30 and Dec. 18 to Jan. 1.
Colorado	Sept. 1 to Oct. 15.
Iowa	Closed.
Kansas	Sept. 1 to Nov. 9.
Minnesota	Closed.
Missouri	Sept. 1 to Nov. 9.
Montana	Closed.
Nebraska	Sept. 1 to Oct. 15.
New Mexico <sup>1</sup>	Sept. 1 to Oct. 10 and Nov. 20 to Dec. 19.
North Dakota (sunrise to sunset)	Sept. 4 to Oct. 18.
Oklahoma	Sept. 1 to Oct. 15.
South Dakota	Sept. 1 to Sept. 30.
Texas: <sup>2</sup>	
North Zone:	
Counties of Kinney, Val Verde, Terrell, Brewster, Presidio, Jeff Davis, Culberson, Hudspeth, and El Paso.	

Shooting hours:	
12 noon to sunset	Sept. 4, 5, 11, and 12.
½ hour before sunrise until sunset.	Sept. 1 to 3 and Sept. 6 to 10 and Sept. 13 to Oct. 30 and Jan. 1 to 10.
Remainder of North Zone: Shooting hours: ½ hour before sunrise to sunset.	Sept. 1 to Oct. 30 and Jan. 1 to Jan. 10.
South Zone: Counties of Cameron, Willacy, Hidalgo, Starr, Zapata, Webb, and Maverick.	

Shooting hours:

12 noon until sunset	Sept. 4, 5, 11, and 12.
½ hour before sunrise until sunset.	Sept. 20 to Nov. 8 and Jan. 1 to Jan. 16.
Remainder of South Zone: Shooting hours: ½ hour before sunrise until sunset.	Sept. 20 to Nov. 12 and Jan. 1 to Jan. 16.
Wyoming	Sept. 1 to Oct. 15.

<sup>1</sup>In New Mexico, the daily bag limit is 12 and the possession limit is 24 white-winged and mourning doves, singly or in the aggregate of these species.

<sup>2</sup>In Texas, the North Zone consists of the counties of Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, Williamson, Milam, Robertson, Leon, Houston, Cherokee, Nacogdoches, and Shelby and all counties north and west thereof. The South Zone consists of all counties south and east of the North Zone.

(c) Mourning Doves—Western Management Unit.

In Washington:	
Daily bag limit	10
Possession limit	20
In Arizona:	
Daily bag limit	12
Possession limit	24
In California, Idaho, Nevada, Oregon, and Utah:	
Daily bag limit	15
Possession limit	30

Shooting hours: One-half hour before sunrise until sunset.

Check State Regulations for Additional Restrictions, Including Area Descriptions.

Seasons in:	
Arizona <sup>1</sup>	Sept. 1 to Sept. 26 and Nov. 27 to Jan. 9.
California <sup>2</sup>	Sept. 1 to Sept. 30 and Nov. 20 to Dec. 4.
Idaho	Sept. 1 to Oct. 15.
Nevada <sup>3</sup>	Sept. 1 to Oct. 15.
Oregon	Sept. 1 to Sept. 30.
Utah	Sept. 1 to Sept. 30.
Washington	Sept. 1 to Sept. 15.

<sup>1</sup>In Arizona during September 1 through 26 the daily bag limit is 12 mourning and white-winged doves in the aggregate of which no more than 6 may be white-winged doves. The possession limit after opening day is 24 mourning and white-winged doves in the aggregate of which no more than 12 may be white-winged doves. During November 27 through January 9, the bag and possession limits are 12 and 24 mourning doves, respectively.

<sup>2</sup>In those counties of California (Imperial, Riverside, and San Bernardino) and Nevada (Clark and Nye) having a season on white-winged doves, the daily bag limit is 15 and the possession limit is 30 mourning and white-winged doves, singly or in the aggregate of these species; however, the bag and possession limits of white-winged doves may not exceed 10 and 20, respectively.

Notice.—Hawaii—Subject to the applicable provisions of the preceding sections of this part, mourning doves may be taken in accordance with the State regulations.

(d) White-winged Doves.

Shooting hours: One-half hour before sunrise until sunset except as noted otherwise.

Check State Regulations for Additional Restrictions, Including Area Descriptions.

Seasons in—	Season dates	Limits	
		Bag	Poss.
Arizona (Statewide)	Sept. 1 to Sept. 26	6	12
California:			
Counties of Imperial, Riverside, and San Bernardino.	Sept. 1 to Sept. 30 and Nov. 20 to Dec. 4.	10	20
Remainder of State.	Closed		
Nevada:			
Counties of Clark and Nye.	Sept. 1 to Oct. 15	10	20
Remainder of State.	Closed		
New Mexico	Sept. 1 to Oct. 10 and Nov. 20 to Dec. 19.	12	24
Texas: <sup>1</sup> In the North Zone counties of El Paso, Hudspeth, Culberson, Jeff Davis, Presidio, Brewster, Terrell, Val Verde and Kinney, and South Zone counties of Maverick, Webb, Zapata, Starr, Hidalgo, Cameron, and Willacy.	Sept. 4, 5, 11, and 12.	10	20
Remainder of State.	Closed		

<sup>1</sup>In Arizona during September 1 through 26 the daily bag limit is 12 mourning and white-winged doves in the aggregate of which no more than 6 may be white-winged doves. The possession limit after opening day is 24 mourning and white-winged doves in the aggregate of which no more than 12 may be white-winged doves.

<sup>2</sup>In designated counties of California and Nevada, the daily bag limit is 15 and the possession limit is 30 white-winged and mourning doves, singly or in the aggregate of both species; however, the bag and possession limits of white-winged doves may not exceed 10 and 20, respectively.

<sup>3</sup>In New Mexico the daily bag limit is 12 and the possession limit is 24 white-winged and mourning doves, singly or in the aggregate of both species.

<sup>4</sup>In Texas, the shooting hours are 12 noon until sunset.

(e) *Band-tailed Pigeons.*

Shooting hours: One-half hour before sunrise until sunset.

Check State Regulations for Additional Restrictions, Including Area Descriptions.

Seasons in—	Season dates	Limits	
		Bag	Poss.
Arizona <sup>1</sup>	Oct. 6 to Nov. 6	5	10
California:			
Counties of Alpine, Butte, Del Norte, Glenn, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity.	Sept. 25 to Oct. 24	5	5
Remainder of State.	Dec. 11 to Jan. 9	5	5
Colorado <sup>1</sup>	Sept. 1 to Sept. 30	5	10
Nevada <sup>1</sup> : Carson City, Douglas, and Lyon Counties only.	Sept. 25 to Oct. 24	5	5
New Mexico <sup>1</sup> :			
North Zone <sup>2</sup>	Sept. 1 to Sept. 20	5	10
South Zone <sup>3</sup>	Oct. 2 to Oct. 21	5	10
Oregon	Sept. 1 to Sept. 30	5	5
Utah <sup>1</sup>	Sept. 1 to Sept. 30	5	10

Seasons in—	Season dates	Limits	
		Bag	Poss.
Washington	Sept. 1 to Sept. 30	5	5

<sup>1</sup>Every hunter must have been issued and carry on his person while hunting band-tailed pigeons a properly validated special band-tailed pigeon hunting permit issued by the State conservation agency of each respective State for the open season in that State. Such a special band-tailed pigeon hunting permit will be issued upon application to the State conservation agency of the State in which hunting is to be done. Permits issued by any State will be valid in that State only. This season shall be open only in the areas described, delineated, and designated as such by Arizona, Colorado, Nevada, New Mexico, and Utah in their respective hunting regulations.

<sup>2</sup>After opening day only.

<sup>3</sup>In New Mexico the *North Zone* is defined as that area lying north and east of a line following U.S. Highway 60 from the Arizona State line east to Interstate Highway 25 at Socorro and then south along Interstate Highway 25 to the

Texas State line. The *South Zone* is defined as that area lying south and west of the North Zone.

Section 20.104 is revised to read as follows:

§ 20.104 Seasons, limits, and shooting hours for ralls, woodcock, and common snipe.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting and hawking hours, and the daily bag and possession limits on the species designated in this section are as follows:

	Ralls (Sora and Virginia)	Ralls (Clapper and King)	Woodcock	Common Snipe
Daily bag limit	25	See footnote 2	5	8
Possession limit	25	See footnote 2	10	16

Shooting Hours: One-half hour before sunrise until sunset daily on all species, except as noted otherwise. Check State Regulations for Additional Restrictions, Including Area Descriptions.

Seasons in the Atlantic Flyway:

State	Season Dates	Season Dates	Season Dates	Season Dates
Connecticut	Sept. 1 to Nov. 6	Sept. 1 to Nov. 6	Oct. 16 to Dec. 4	Oct. 16 to Dec. 4
Delaware	Sept. 1 to Nov. 9	Sept. 1 to Nov. 9	Oct. 18 to Oct. 30 and Nov. 15 to Jan. 5	Oct. 18 to Oct. 30 and Nov. 15 to Jan. 31
Florida	Sept. 1 to Nov. 9	Sept. 1 to Nov. 9	Dec. 4 to Feb. 6	Nov. 6 to Feb. 20
Georgia	Sept. 14 to Nov. 22	Sept. 14 to Nov. 22	Nov. 20 to Jan. 23	Nov. 20 to Feb. 28
Maine	Sept. 1 to Nov. 7	Closed	Oct. 5 to Dec. 8	Sept. 1 to Dec. 15
Maryland	Sept. 1 to Nov. 9	Sept. 1 to Nov. 9	Oct. 11 to Nov. 26 and Dec. 6 to Dec. 23	Sept. 13 to Dec. 28
Massachusetts	Sept. 1 to Nov. 9	Closed	Deferred	Sept. 1 to Dec. 16
New Hampshire	Closed	Closed	Oct. 5 to Dec. 8	Oct. 5 to Dec. 8
New Jersey: <sup>2</sup>				
North Zone	Sept. 1 to Nov. 9	Sept. 1 to Nov. 9	Oct. 5 to Nov. 27	Oct. 2 to Nov. 11 and Nov. 15 to Jan. 19
South Zone	Sept. 1 to Nov. 9	Sept. 1 to Nov. 9	Oct. 23 to Dec. 4 and Dec. 18 to Dec. 29	Oct. 2 to Nov. 11 and Nov. 15 to Jan. 19
New York: <sup>3</sup>				
Northern Zone including Lake Champlain.	Sept. 1 to Nov. 9	Closed	Oct. 5 to Dec. 8	Sept. 1 to Dec. 8
Long Island	Closed	Closed	Oct. 5 to Dec. 8	Closed
Remainder of State	Sept. 1 to Nov. 9	Closed	Oct. 5 to Dec. 8	Sept. 1 to Dec. 8
North Carolina	Sept. 1 to Nov. 9	Sept. 1 to Nov. 9	Nov. 12 to Jan. 15	Nov. 12 to Feb. 26
Pennsylvania	Sept. 1 to Nov. 9	Closed	Oct. 16 to Dec. 14	Oct. 16 to Dec. 14
Rhode Island	Sept. 16 to Nov. 24	Sept. 16 to Nov. 24	Oct. 16 to Dec. 3 and Dec. 13 to Dec. 26	Sept. 15 to Dec. 3 and Dec. 13 to Jan. 2
South Carolina	Sept. 14 to Oct. 19 and Nov. 1 to Dec. 4.	Sept. 14 to Oct. 19 and Nov. 1 to Dec. 4.	Nov. 25 to Jan. 28	Nov. 12 to Feb. 26
Vermont	Sept. 25 to Nov. 28	Closed	Oct. 5 to Nov. 28	Sept. 25 to Nov. 28
Virginia	Sept. 11 to Nov. 19	Sept. 11 to Nov. 19	Nov. 1 to Jan. 4	Oct. 18 to Jan. 31
West Virginia	Sept. 6 to Nov. 13	Closed	Oct. 16 to Dec. 18	Sept. 6 to Dec. 21

Seasons in the Mississippi Flyway

State	Season Dates	Season Dates	Season Dates	Season Dates
Alabama	Nov. 10 to Jan. 18	Nov. 10 to Jan. 18	Nov. 27 to Jan. 30	Nov. 13 to Feb. 27
Arkansas	Sept. 1 to Nov. 9	Closed	Nov. 1 to Jan. 4	Nov. 20 to Feb. 28
Illinois	Sept. 1 to Nov. 9	Closed	Oct. 1 to Dec. 4	Sept. 11 to Dec. 26
Indiana	Sept. 1 to Nov. 9	Closed	Sept. 18 to Nov. 21	Sept. 1 to Dec. 18
Iowa <sup>4</sup>	Sept. 4 to Nov. 12	Closed	Sept. 18 to Nov. 21	Sept. 4 to Dec. 19
Kentucky	Deferred	Closed	Oct. 2 to Dec. 5	Oct. 2 to Dec. 5
Louisiana	Sept. 18 to Sept. 26 and Nov. 6 to Jan. 5.	Sept. 18 to Sept. 26 and Nov. 6 to Jan. 5.	Dec. 11 to Feb. 13	Nov. 6 to Feb. 20
Michigan <sup>5</sup>	Sept. 15 to Nov. 14	Closed	Sept. 15 to Nov. 14	Sept. 15 to Nov. 14
Minnesota	Sept. 1 to Nov. 4	Closed	Sept. 1 to Nov. 4	Sept. 1 to Nov. 4
Mississippi	Oct. 23 to Dec. 31	Oct. 23 to Dec. 31	Dec. 25 to Feb. 27	Nov. 13 to Feb. 27
Missouri	Sept. 1 to Nov. 9	Closed	Oct. 1 to Dec. 4	Oct. 1 to Dec. 4
Ohio	Sept. 1 to Nov. 9	Closed	Sept. 17 to Nov. 20	Sept. 1 to Nov. 27 and Dec. 6 to Dec. 24
Tennessee	Deferred	Closed	Oct. 16 to Nov. 21 and Feb. 1 to Feb. 28	Nov. 19 to Feb. 28
Wisconsin	Deferred	Closed	Sept. 18 to Nov. 21	Deferred

Seasons in the Central Flyway

State	Season Dates	Season Dates	Season Dates	Season Dates
Colorado <sup>6</sup>	Sept. 1 to Nov. 9	Closed	Closed	Sept. 1 to Nov. 9 and Dec. 11 to Jan. 2
Kansas	Sept. 11 to Nov. 19	Closed	Oct. 2 to Dec. 5	Sept. 11 to Dec. 26
Montana <sup>6</sup>	Closed	Closed	Deferred	Deferred
Nebraska <sup>7</sup>	Sept. 1 to Nov. 9	Closed	Sept. 15 to Nov. 18	Sept. 1 to Dec. 15
New Mexico <sup>8</sup>	Sept. 11 to Nov. 19	Closed	Closed	Sept. 11 to Dec. 12
North Dakota	Closed	Closed	Closed	Sept. 18 to Nov. 26
Oklahoma	Sept. 1 to Nov. 8	Closed	Nov. 20 to Jan. 23	Oct. 20 to Feb. 3
South Dakota <sup>9</sup>	Closed	Closed	Closed	Sept. 1 to Oct. 31

	Rails (Sora and Virginia)	Rails (Clapper and King)	Woodcock	Common Snipe
Texas	Sept. 1 to Nov. 9	Sept. 1 to Nov. 9	Deferred	Deferred
Wyoming <sup>1</sup>	Sept. 25 to Dec. 3	Closed	Closed	Sept. 25 to Jan. 9

Seasons in the Pacific Flyway				
Colorado <sup>2</sup>	Sept. 1 to Nov. 9	Closed	Closed	Sept. 1 to Nov. 9 and Dec. 11 to Jan. 2
Montana <sup>3</sup>	Closed	Closed	Closed	Deferred
New Mexico <sup>4</sup>	Sept. 11 to Nov. 19	Closed	Closed	Sept. 11 to Dec. 12
Wyoming <sup>5</sup>	Sept. 25 to Dec. 3	Closed	Closed	Sept. 25 to Dec. 26

NOTE—No seasons are prescribed for woodcock. Snipe seasons have been deferred by all other States in the Pacific Flyway. Consult waterfowl regulations to be published later for information concerning the snipe season in Montana.

<sup>1</sup>The bag and possession limits for sora and Virginia rails apply singly or in the aggregate of these two species.

<sup>2</sup>In addition to the limits on sora and Virginia rails, in Connecticut, Delaware, Maryland, New Jersey, and Rhode Island, there is a daily bag limit of 10 and possession limit of 20 clapper and king rails, singly or in the aggregate of these two species, except that the season is closed on king rails in New Jersey by State regulation. In Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia, there is a daily bag limit of 15 and possession limit of 30 clapper and king rails, singly or in the aggregate of these two species.

<sup>3</sup>For description of zones or management units within a State, see State regulations.

<sup>4</sup>In Iowa, shooting hours are sunrise to sunset. Rail limits are 15 daily and 25 in possession.

<sup>5</sup>In Michigan, in all or portions of the counties of Arenac, Bay, Huron, Macomb, Monroe, St. Clair, Tuscola and Wayne, and adjacent Great Lakes and connecting waters, the rail and snipe seasons shall open concurrently with the duck season and run continuously in all areas through November 14. See State regulations.

<sup>6</sup>The Central Flyway portion consists of: *Colorado* and *Wyoming*—the area lying east of the Continental Divide; *Montana*—the area lying east of Hill, Chouteau, Cascade, Meagher, and Park Counties; *New Mexico*—the area lying east of the Continental Divide but outside the Jicarilla Apache Indian Reservation. The remaining portions of these States are in the Pacific Flyway.

<sup>7</sup>In Nebraska the rail limits are 10 daily and in possession.

<sup>8</sup>In South Dakota, the snipe limits are 5 daily and 15 in possession.

NOTE—Some States may select rail, woodcock, and snipe seasons at the time they select their duck seasons in August. Consult waterfowl regulations to be published later for information concerning these seasons.

Section 20.105 is revised to read as follows:

**§ 20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.**

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting and hawking hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

(a) *Sea Ducks.* (1) An open season for taking scoter, eider, and oldsquaw ducks is prescribed according to the following table during the period between September 15, 1982, and January 20, 1983, in all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut; in those coastal waters of New York lying in Long Island and Block Island Sounds and associated bays eastward from a line running between Miamogue Point in the Town of Riverhead to Red Cedar Point in the Town of Southampton, including any ocean waters of New York lying south of Long Island; in any waters of the Atlantic Ocean and, in addition, in any tidal waters of any bay which are separated by at least one mile of open water from any shore, island, and emergent vegetation in New Jersey, South Carolina, and Georgia; and in any waters of the Atlantic Ocean and/or in any tidal waters of any bay which are

separated by at least 800 yards of open water from any shore, island, and emergent vegetation in Delaware, Maryland, North Carolina, and Virginia; and provided that any such areas have been described, delineated, and designated as special duck hunting areas under the hunting regulations adopted by the respective States. In all other areas of these States and in all other States in the Atlantic Flyway, sea ducks may be taken only during the regular open season for ducks.

(2) The daily bag limit is 7 and the possession limit is 14, singly or in the aggregate of these species. During the regular duck season in the Atlantic Flyway, States may set, in addition to the regular limits, a daily bag limit of 7 and a possession limit of 14 scoter, eider, and oldsquaw ducks, singly or in the aggregate of these species.

(3) Shooting hours are one-half hour before sunrise until sunset daily. Check State Regulations for Additional Restrictions.

Seasons in:

Connecticut	Sept. 25 to Jan. 8.
Delaware	Sept. 25 to Jan. 8.
Georgia	Deferred.
Maine	Oct. 1 to Jan. 15.
Maryland	Oct. 6 to Jan. 20.
Massachusetts	Deferred.
New Hampshire	Sept. 15 to Dec. 30.
New Jersey	Oct. 6 to Jan. 20.
New York (Long Island only)	Sept. 23 to Jan. 7.
North Carolina	Deferred.
Rhode Island	Deferred.
South Carolina	Deferred.
Virginia	Deferred.

(4) Notwithstanding the provisions of this Part 20, the shooting of *crippled* waterfowl from a motorboat under

power will be permitted in Maine, Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, Delaware, Virginia, and Maryland in those areas described, delineated, and designated in their respective hunting regulations as being open to sea duck hunting.

Note.—States with deferred seasons may select sea duck seasons at the time they select their waterfowl seasons in August. Consult waterfowl regulations to be published later for information concerning these later seasons.

(b) *Teal.* September season: An open season for teal ducks (blue-winged, green-winged, and cinnamon) is prescribed according to the following table in those areas which are described, delineated, and designated in the hunting regulations of the following States:

Daily bag limit	4
Possession limit	8

Shooting hours: Sunrise until sunset daily.

Check State Regulations for Additional Restrictions.

Seasons in the Mississippi Flyway:

Alabama <sup>1</sup>	Sept. 11 to Sept. 19.
Arkansas	Sept. 11 to Sept. 19.
Illinois <sup>2</sup>	Sept. 11 to Sept. 19.
Indiana <sup>3</sup>	Sept. 1 to Sept. 9.
Louisiana	Sept. 18 to Sept. 26.
Mississippi	Sept. 11 to Sept. 19.
Missouri	Sept. 11 to Sept. 19.
Ohio	Sept. 10 to Sept. 18.

Seasons in the Central Flyway:

Colorado <sup>4,5</sup>	Sept. 4 to Sept. 12.
Kansas	Sept. 11 to Sept. 19.
New Mexico <sup>6</sup>	Sept. 11 to Sept. 19.
Oklahoma	Sept. 18 to Sept. 26.
Texas	Sept. 11 to Sept. 19.

<sup>1</sup>In Alabama, shooting hours in Mobile Bay north of the causeway and south of the L&N Railroad are sunrise to 12 noon.

<sup>2</sup>In Illinois the shooting hours are from 7 a.m.—4 p.m. local time by State regulation.

<sup>3</sup>The Kankakee and LaSalle Fish and Wildlife Areas, and portions of Atterbury, Hovey Lake, Jasper-Pulaski, and Pigeon River Fish and Wildlife Areas are closed to teal hunting by State regulations.

<sup>4</sup>Only in Lake and Chaffee Counties, and that portion of Colorado east of U.S. Highway-Colorado State Highway 85 from the Wyoming State line to its intersection with U.S. Interstate Highway 25 to the New Mexico State line.

<sup>5</sup>Central Flyway portion only.

(c) *Gallinules.*

Daily bag limit	15
Possession limit	30

Shooting hours: One-half hour before sunrise to sunset.

Check State Regulations for Additional Restrictions.

Seasons in the Atlantic Flyway:

Connecticut	Sept. 1 to Nov. 6.
Delaware	Sept. 1 to Nov. 9.

Florida <sup>1</sup> .....	Sept. 1 to Nov. 9.
Georgia.....	Deferred.
Maine.....	Sept. 1 to Nov. 7.
Maryland.....	Sept. 1 to Nov. 9.
Massachusetts.....	Sept. 1 to Nov. 9.
New Hampshire.....	Closed.
New Jersey.....	Sept. 1 to Nov. 9.
New York:	
Long Island.....	Closed.
Remainder of State.....	Sept. 1 to Nov. 9.
North Carolina.....	Sept. 1 to Nov. 9.
Pennsylvania.....	Sept. 1 to Nov. 9.
Rhode Island.....	Sept. 16 to Nov. 24.
South Carolina.....	Sept. 14 to Oct. 19 and Nov. 1 to Dec. 4.
Vermont.....	Sept. 25 to Nov. 28.
Virginia.....	Deferred.
West Virginia.....	Deferred.
Seasons in the Mississippi Flyway:	
Alabama.....	Nov. 10 to Jan. 18.
Arkansas.....	Nov. 7 to Jan. 15.
Illinois.....	Closed.
Indiana.....	Sept. 1 to Nov. 9.
Iowa.....	Closed.
Kentucky.....	Deferred.
Louisiana.....	Sept. 18 to Sept. 26 and Nov. 6 to Jan. 5.
Michigan.....	Deferred.
Minnesota.....	Deferred.
Mississippi.....	Sept. 11 to Sept. 19 and Oct. 23 to Dec. 22.
Missouri.....	Closed.
Ohio.....	Sept. 1 to Nov. 9.
Tennessee.....	Deferred.

Wisconsin.....	Deferred.
Seasons in the Central Flyway:	
Colorado <sup>2</sup> .....	Closed.
Kansas.....	Closed.
Montana <sup>2</sup> .....	Deferred.
Nebraska.....	Closed.
New Mexico <sup>2</sup> .....	Deferred.
North Dakota.....	Closed.
Oklahoma.....	Sept. 1 to Nov. 8.
South Dakota.....	Closed.
Texas.....	Sept. 1 to Nov. 9.
Wyoming <sup>2</sup> .....	Closed.
Seasons in the Pacific Flyway:	
All States and portions thereof.....	Deferred.

<sup>1</sup>The gallinule season in Florida applies to the common gallinule only. There is no open season on the purple gallinule in Florida.  
<sup>2</sup>Seasons apply to Central Flyway portion of State only.  
 NOTE.—States with deferred seasons may select gallinule seasons at the time they select their waterfowl seasons in August. Consult waterfowl regulations to be published later for information concerning these later seasons.

(d) *Waterfowl and coots in Atlantic, Mississippi, Central and Pacific Flyways.*

*Atlantic Flyway*

*Flywaywide Restrictions.*  
 Shooting (including hawking) hours:  
 One-half hour before sunrise to sunset  
 daily except as otherwise restricted.

	Season dates	Limits	
		Bag	Possession
Florida:			
Ducks, no more than 1 of which may be a species other than teal or wood ducks, and the possession limit will be double the daily bag limit.	Sept. 25 to Sept. 28.....	4	8
Mississippi Flyway:			
Shooting (including hawking) hours: One-half hour before sunrise to sunset daily except as otherwise restricted.			

	Season dates	Limits	
		Bag	Possession
Iowa:			
Ducks.....	Sept. 18 to Sept. 22.....	( <sup>1</sup> )	( <sup>1</sup> )
Kentucky:			
Ducks, no more than 1 of which may be a species other than teal or wood ducks, and the possession limit will be double the daily bag limit.	Sept. 8 to Sept. 12.....	4	8
Tennessee: <sup>2</sup>			
Ducks, no more than 1 of which may be a species other than teal or wood ducks, and the possession limit will be double the daily bag limit.	Sept. 18 to Sept. 22.....	4	8

<sup>1</sup>Limits to conform to those set for the regular season.  
<sup>2</sup>In Tennessee, no canvasbacks may be taken on Kentucky Lake north of I-40.

Section 20.106 is revised as follows:

§ 20.106 Seasons, limits, and shooting hours for sandhill cranes.

*Central Flyway:* Subject to the applicable provisions of the preceding sections of this part, open seasons are prescribed for taking sandhill cranes with a daily bag limit of 3 and a possession limit of 6 cranes, and with shooting hours from one-half hour before sunrise until sunset in the following areas for the dates indicated:

(a) In Colorado (the Central Flyway portion except the San Luis Valley) the season has been deferred.

(b) In the New Mexico counties of Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt, the inclusive dates for the regular season are October 31, 1982, through January 31, 1983.

In the New Mexico experimental sandhill crane season hunt areas, the bag and possession limits may not exceed 3 cranes, each of which must be tagged upon taking. In Area 1 (those

portions of Dona Ana, Luna, and Sierra Counties west of Interstate Highway 25, north of Interstate Highway 10, east of New Mexico Highways 26 and 27 between Deming and Hillsboro, and south of New Mexico Highway 90), and Area 2 (that portion of Luna County south of Interstate Highway 10), the inclusive season dates are October 30 through November 1, 1982; December 4 through December 6, 1982; and January 15 through January 17, 1983. Each person participating in the experimental season must obtain and have in his possession while hunting, a valid special permit issued by New Mexico.

(c) In Oklahoma (that portion west of I-35) and in Texas (that portion west of a line from Del Rio along U.S. Highway 277 to Abilene; Texas Highway 351 to Albany; U.S. Highway 283 to Vernon; and U.S. Highway 183 to the Texas-Oklahoma boundary), the seasons have been deferred.

(d) In North Dakota, in the counties of Benson, Burleigh, Emmons, Kidder, Logan, McHenry, Pierce, and Stutsman the inclusive season dates are September 4 through September 12 and in the counties of McLean and Sheridan, the inclusive season dates are September 4 through September 19, 1982. In South Dakota, the inclusive season dates are October 2 through November 7, 1982.

(e) In Montana (the Central Flyway portion except that area south of I-90 and west of the Bighorn River), the season has been deferred.

(f) In Wyoming, in Campbell, Converse, Crook, Goshen, Laramie, Niobrara, Platte, and Weston Counties, the inclusive season dates are September 25 through November 21, 1982.

In the Wyoming experimental sandhill crane-Canada goose hunt areas (Bear River drainage and Star Valley of Lincoln County), hunting is by State permit only with limits of 2 sandhill cranes and 3 Canada geese per season. The inclusive season dates are September 1 through September 14, 1982.

(g) Each hunter participating in the regular sandhill crane hunting season must obtain and carry in his possession while hunting sandhill cranes a Federal sandhill crane hunting permit available without cost from conservation agencies in the States where crane hunting seasons are allowed. The permit must be displayed to an authorized law enforcement official upon request.

*Pacific Flyway:* In Arizona (within Game Management Units 30A, 30B, and 32), the season is deferred. Hunting will be by special permit to be issued by the

State. Each permittee may take 2 sandhill cranes per season.

Section 20.109 is revised as follows:

**§ 20.109 Extended seasons, limits, and hours for taking migratory game birds by falconry.**

Subject to the applicable provisions of this part, the areas open to hunting, the respective open seasons (dates inclusive), the hawking hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

Daily bag limit..... 3 singly or in the aggregate.  
Possession limit..... 6 singly or in the aggregate.

These limits apply during both regular hunting seasons and extended falconry seasons.

Hawking hours: One-half hour before sunrise until sunset daily.

Check State Regulations for Additional Restrictions.

**Atlantic Flyway:**

**Florida:**

Mourning doves..... Oct. 2 to Jan. 16.  
Woodcock..... Oct. 30 to Feb. 13.  
Snipe..... Nov. 6 to Feb. 20.  
Ducks, mergansers, and coots. Oct. 16 to Dec. 5 and Dec. 11 to Jan. 16.

**Maryland:**

Mourning doves..... Sept. 1 to Oct. 12 and Nov. 6 to Jan. 9.

Rails and gallinules..... Sept. 1 to Dec. 16.  
Woodcock..... Oct. 11 to Nov. 26 and Dec. 3 to Jan. 31.

Snipe..... Sept. 13 to Dec. 28.  
Sea ducks..... Oct. 6 to Jan. 20.

**Pennsylvania:**

Mourning doves..... Sept. 1 to Dec. 15.  
Woodcock and snipe..... Oct. 5 to Jan. 8.  
Ducks, mergansers, and coots. Oct. 2 to Jan. 8.

**Virginia:**

Mourning doves..... Sept. 20 to Dec. 6 and Dec. 20 to Dec. 30.

Rails and woodcock..... Sept. 20 to Dec. 6 and Dec. 18 to Dec. 30.

Snipe..... Oct. 18 to Jan. 31.

**Mississippi Flyway:**

**Illinois:**

Mourning doves, rails, and woodcocks. Sept. 1 to Dec. 16.

Snipe..... Sept. 11 to Dec. 26.  
Teal..... Sept. 11 to Sept. 19.

Ducks, mergansers, and coots. Oct. 1 to Jan. 6.

**Iowa:**

Ducks and mergansers..... Sept. 18 to Jan. 2.

**Minnesota:**

Woodcock and snipe..... Sept. 1 to Dec. 16.  
Ducks, mergansers, and coots. Oct. 2 to Jan. 16.

**Mississippi:**

Mourning doves..... Oct. 4 to Oct. 15 and Nov. 13 to Dec. 7.

**Missouri:**

Mourning doves..... Sept. 1 to Dec. 16.

**Wisconsin:**

Rails, woodcock, snipe, and gallinules. Sept. 1 to Dec. 16.

Ducks, mergansers, and coots. Oct. 1 to Jan. 15.

**Central Flyway:**

New Mexico: Daily bag and possession limits in New Mexico are 2 and 4, respectively, singly or in the aggregate of migratory species named below and

resident game species.

Mourning doves, white-winged doves, and band-tailed pigeons. Sept. 1 to Nov. 6 and Nov. 20 to Dec. 29.

Sandhill cranes only in Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt Counties. Nov. 17 to Jan. 31.

Ducks, mergansers, coots, and gallinules. Oct. 18 to Jan. 23.

Canada and white-fronted geese. Oct. 18 to Jan. 23.

Snow, blue, and Ross' geese. Oct. 30 to Feb. 13.

**Texas:**

Mourning doves..... Sept. 1 to Nov. 30.

White-winged doves, rails, and gallinules. Sept. 1 to Dec. 16.

**Pacific Flyway:**

**Idaho:**

Mourning doves only..... Sept. 1 to Oct. 15.

Ducks, mergansers, coots, and snipe. Oct. 2 to Jan. 16.

**New Mexico<sup>1</sup>:**

Mourning doves, white-winged doves, and band-tailed pigeons. Sept. 1 to Nov. 6 and Nov. 20 to Dec. 29.

Ducks, coots, and gallinules. Oct. 18 to Jan. 16.

Geese..... Oct. 18 to Jan. 16.

**Utah:**

Ducks, mergansers, and coots. Oct. 2 to Jan. 16.

<sup>1</sup>In New Mexico, the aggregate bag and possession limits of all species are 2 and 4, respectively.

NOTE.—See waterfowl season footnotes for descriptions of zones. For some States, the extended falconry season dates also include general season dates.

Dated: August 5, 1982.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

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
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DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
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DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
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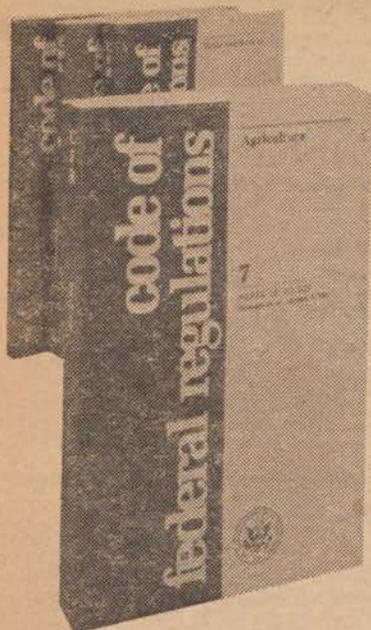
**List of Public Laws**

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last Listing August 25, 1982

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