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Monday
September 20, 1982

Selected Subjects

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Selected Subjects

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CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

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Presidential Documents

Title 3—

The President

Proclamation 4972 of September 16, 1982

Veterans Day, 1982

By the President of the United States of America

A Proclamation

Veterans Day affords all Americans a special opportunity to honor the deeds of those who sacrificed so much to answer the call to arms during the life of this great country. On this day, our Nation is united in tribute to the valiant men and women who have unselfishly given of themselves to serve in our Armed Forces.

Words alone are insufficient to express our lasting gratitude and admiration to those whose patriotism and courage have ensured our peace and freedom despite threats of tyranny and aggression. Significant disruptions in their lives and other personal hardships have been the price that our Nation's veterans have paid so that the rest of us might enjoy the fruits of justice and liberty.

In order that we pay meaningful tribute to their efforts, Congress has provided (5 U.S.C. 6103(a)) that November 11 shall be set aside each year as a national holiday to honor America's veterans.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby call on all Americans to join in observing Thursday, November 11, 1982, as Veterans Day. I urge both public ceremonies, as well as private thoughts and prayers, in recognition of the great contribution of our veterans to an America that today is an example to all nations of freedom, liberty, and democracy. On this day, let us give special consideration to those who have died in our Nation's wars and to those who have been disabled.

I call upon Federal, State and local Government officials to mark Veterans Day by displaying the flag of the United States, and I ask those Government officials to support fully and personally its observance by appropriate ceremonies throughout the country.

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of Sept., in the year of our Lord nineteen hundred and eighty-two, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 82-26014
Filed 9-17-82; 11:17 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 47, No. 182
Monday, September 20, 1982

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 985

Handling of Spearmint Oil Produced in the Far West; Amendment of Subpart—Administrative Rules and Regulations; Provisions Pertaining to Issuance of Additional Allotment Bases

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Emergency final rule.

SUMMARY: This action would establish criteria and procedures to enable the Spearmint Oil Administrative Committee to administer the provisions contained in the marketing order with respect to the issuance of additional allotment bases. The marketing order provides that beginning with the 1982–83 marketing year, additional allotment bases shall be made available annually for each class of oil in the amount of no more than 1 percent of the total allotment bases for that class of oil. This action is based upon a recommendation of the Committee. The Committee is established under the order, and works with the USDA in administering the order.

EFFECTIVE DATE: Effective September 20, 1982.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, (202) 447–5697.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated nine handlers.

It is found that it is impractical, unnecessary, and contrary to the public interest to give preliminary notice because an emergency situation exists which warrants publication without opportunity for a public comment period on this emergency final action. Producers and handlers are making preparations for the production and handling of 1982 crop spearmint oil. Hence, it is critical that they know as soon as possible how much additional allotment base and resulting annual allotment they will have available for the 1982–83 marketing year, which began June 1, 1982. This is necessary so they can plan their operations accordingly. Furthermore, this rule is not controversial because it confers a benefit on producers and imposes no restrictions on handlers.

This action amends Subpart—Administrative Rules and Regulations (7 CFR 985.152–985.156; 46 FR 43129) by adding a new § 985.153, prescribing criteria and procedures for the issuance of additional allotment base to producers. The subpart is pursuant to Marketing Order No. 985, regulating the handling of spearmint oil produced in the Far West (hereinafter referred to as the "order"). The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Section 985.53(d) of the order provides that beginning with the 1982–83 marketing year the Committee annually shall make additional allotment bases available for each class of oil in the amount of no more than 1 percent of the total allotment base for that class of oil Fifty percent shall be made available for new producers and 50 percent made available for existing producers. Paragraph (d) also authorizes establishment of rules and regulations for use in determining the distribution of additional allotment bases. In establishing such rules the Committee is required to take into account, among other things, the minimum economic enterprise requirements for oil production, the applicant's ability to produce oil, the area where the oil will be produced, and other economic and marketing factors.

Producers are defined as either a "new producer" or an "existing producer". A "new producer" is any person who never was issued an allotment base by the Committee for a class of oil in any capacity either as an individual, partnership, corporation or any other business entity. An "existing producer" is any person who was issued an allotment base by the Committee for a class of oil in any capacity either as an individual, partnership, corporation or any other business entity.

Consistent with § 985.53(d)(3) of the order, the procedures require the Committee to determine the size and number of economic enterprises of additional allotment bases for each class of oil to be made available to new producers in each marketing year. The Committee would include this information in its announcements to new producers informing them when to request additional allotment base. Also, consistent with § 985.53(d)(3), the Committee would determine whether new producers requesting additional allotment base have the ability to produce spearmint oil. Additional allotment base would be issued on a random basis to eligible new producers.

The Committee would issue additional allotment base to existing producers by a different method. For the 1982–83, 1983–84 and 1984–85 marketing years, additional allotment base would be issued only to existing producers initially issued an allotment base of less than 1,200 pounds of "Class 1" Oil or 1,800 pounds of "Class 3" Oil. This recognizes that some of the allotment bases initially issued were less than economic enterprises, and the Committee's first objective is to bring those up to these levels. Existing producers requesting additional allotment base must demonstrate their ability to produce additional oil.

Additional allotment bases to be issued to existing producers after the 1984–85 marketing year shall be distributed equally to those producers who request additional base and can demonstrate ability to produce the additional oil.

List of Subjects in 7 CFR Part 985

Marketing agreements and orders; and Spearmint oil.

PART 985—MARKETING ORDER REGULATING THE HANDLING OF SPEARMINT OIL PRODUCED IN THE FAR WEST

Therefore, Subpart—Administrative Rules and Regulations (7 CFR 985.152–985.156; 46 FR 43129) is amended by adding § 985.153 to read as follows:

§ 985.153 Issuance of additional allotment base to new and existing producers.

(a) *Definitions.* (1) "New producer" means any person who never was issued an allotment base by the Committee for a class of oil in any capacity either as an individual, or as a member of a partnership, corporation, or any other business unit.

(2) "Existing producer" means any person who was issued an allotment based by the Committee for a class of oil in any capacity either as an individual, or as a member of a partnership, corporation, or any other business unit. Any person who was initially issued an allotment base for a class of oil and changed identity of operation, as set forth in § 985.53(a), since April 14, 1980, and requests additional allotment base for that class of oil pursuant to this section, shall be deemed to be an existing producer.

(b) Any new or existing producer desiring additional allotment base for any class of oil made available by the Committee pursuant to § 985.53(d)(1) shall request such base by December 1 prior to the marketing year for which such base will be made available: *Provided,* That additional allotment base for the 1982–83 marketing year shall be requested by September 15, 1982.

(c) *Issuance.*—(1) *New producer*—The Committee shall determine the size and number of economic enterprises of additional allotment base for each class of oil to be made available to new producers in each marketing year. The Committee shall include that information in its announcements to new producers informing them when to submit requests for additional allotment bases. The Committee shall determine whether the new producers requesting additional base have ability to produce spearmint oil. The names of all eligible new producers shall be placed in a lot for drawing, and the Committee shall immediately notify each new producer whose name was drawn and issue that producer an allotment base in the appropriate economic enterprise.

(2) *Existing producers*—(i) The Committee shall review all requests from existing producers for additional allotment base. With respect to additional allotment base for a class of oil to be issued by the Committee for the 1982–83, 1983–84, and 1984–85 marketing years, only an existing producer initially issued an allotment base of less than 1,200 pounds of "Class 1" Oil, or less than 1,800 pounds of "Class 3" Oil, and who has the ability to produce additional quantities of spearmint oil for the respective class of oil, shall be eligible to receive additional allotment base for that class. Each eligible producer's name, along with the difference between 1,200 pounds and that producer's initial allotment base for "Class 1" Oil, or 1,800 pounds and the producer's initial allotment base for "Class 3" Oil, shall be placed in a lot for drawing. The Committee shall draw the names and requested amounts of a sufficient number of eligible producers until the total of the requested amounts equals or exceeds the total of additional allotment base for each class of oil available for that marketing year. The last producer shall receive the amount requested by him. The Committee shall immediately notify each existing producer whose name was drawn by issuing that producer an allotment base for the appropriate amount.

(ii) For each marketing year after the 1984–85 marketing year, each existing producer of a class of spearmint oil who requests additional allotment base and has the ability to produce additional quantities of that class of spearmint oil shall be eligible to receive a share of the additional allotment base for that class of oil. Additional allotment base to be issued by the Committee for a class of oil shall be distributed equally among the eligible producers for that class. The Committee shall immediately notify each producer who is to receive additional allotment base by issuing that producer an allotment base in the appropriate amount.

(d) The person receiving any additional allotment base pursuant to this section shall submit to the Committee, evidence of an ability to produce and sell oil from such allotment base in the first marketing year following issuance of such base. Allotment base issued under this section shall not be transferred for at least two years following issuance.

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

Dated: September 14, 1982.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 82–25837 Filed 9–17–82; 8:45 am]

BILLING CODE 3410–02–M

Farmers Home Administration

7 CFR Parts 1823 and 1901

Loans to Timber Development Organizations

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) is removing from the Code of Federal Regulations (CFR) its regulation regarding loans to timber development organizations. This regulation is being removed because it is not needed and no need for it is anticipated in the future. The intended effect of this action is to remove an unneeded regulation from the CFR.

EFFECTIVE DATE: September 20, 1982.

FOR FURTHER INFORMATION CONTACT: Benjamin Beckham, Farm Real Estate and Production Division, USDA, FmHA, Room 5320, South Agriculture Building, Washington, DC 20250, Telephone: (202) 475–4002.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum 1512–1 which implements Executive Order 12291 and has been determined to be exempt from those requirements since it is an internal agency management action to remove an unneeded regulation from the CFR. The Timber Development Loan program has been in effect since December 21, 1966. However, to this date, no loans have been made under this program and FmHA foresees no loans being made at any time in the future. The only indicated interest in Timber Development loans has been from individual applicants whose needs can be met under other existing FmHA loan programs.

It is the policy of this Department to publish for comment rules relating to public property, loans, grants, benefits, or contracts notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This action, however, is not published for proposed rulemaking since the purpose of the action is administrative in nature and publication for comment is unnecessary.

The FmHA program and projects which are affected by this regulation are subject to State and local clearinghouse review in the manner delineated in FmHA Instruction 1901–H.

This document has been reviewed in accordance with 7 CFR Part 1901, Subpart G, "Environmental Impact Statements." It is the determination of FmHA that this action does not

constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190, an Environmental Impact Statement is not required.

The Timber Development Loan program is not listed in the current Catalog of Federal Domestic Assistance (CFDA).

List of Subjects

7 CFR Part 1823

Forest and forest products, Loan programs—agriculture, Rural areas.

7 CFR Part 1901

Rural areas, Loan programs, Grant programs.

Accordingly, Chapter XVIII of Title 7, Code of Federal Regulations, is amended as follows:

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

Subpart F—Loans to Timber Development Organizations

§§ 1823.161-1823.178 [Removed and Reserved]

1. Sections 1823.161 through 1823.178 are removed and reserved.

PART 1901—PROGRAM-RELATED INSTRUCTIONS

Subpart D—Davis-Bacon Act

§ 1901.152 [Amended]

2. Section 1901.152 is amended by removing paragraph (a)(2) and renumbering paragraphs (a)(3) through (a)(6) to paragraphs (a)(2) through (a)(5) respectively.

(5 U.S.C. 301; 7 U.S.C. 1989; 7 CFR 2.23, 7 CFR 2.70)

Dated: September 2, 1982.

Michael E. Brunner,

Acting Administrator, Farmers Home Administration.

[FR Doc. 82-25836 Filed 9-17-82; 8:45 am]

BILLING CODE 3410-07-M

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7 CFR Parts 1910 and 1944

Rural Rental Housing Loan Policies, Procedures, and Authorizations

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) revises its regulations relating to loan making for multiple family housing (MFH) loans made by the Agency. This revision modifies the present system of assigning borrower case numbers. This action is taken because the present system of assigning case numbers contributes to misapplication of loan payments and an inaccurate data base for measuring MFH caseload. The revised system will permit the coding of a future initial MFH loan as project number 01. A subsequent loan for the same project will be coded in numerical sequence. The new system will result in easier identification, and hence less error, of initial MFH loans for the correct accounting of loan and subsidy payments or credits. It will also provide a more accurate data base for measuring MFH caseload.

EFFECTIVE DATE: September 20, 1982.

FOR FURTHER INFORMATION CONTACT: Jeanine Johnson, Multi-Family Housing Servicing and Property Management Division, Room 5321-S, Farmers Home Administration, 14th and Independence Avenue, SW., Washington, D.C. 20250, Telephone (202) 382-1611.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1512-1 which implements Executive Order 12291 and has been determined to be exempt from those requirements. This is an internal regulation which relates only to agency management. Borrower case numbers are assigned by the Agency and used to track obligation and disbursement of funds, borrower payments and other account transactions. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This action, however, is not published for proposed rulemaking since the purpose of this change involves only internal agency management and publication for comment is unnecessary.

This regulation does not directly affect any FmHA program or projects which are subject to A-95 clearinghouse review.

CFDA Numbers and Titles: 10.405 Farm Labor Housing Loans and Grants; 10.411 Rural Housing Site Loans; 10.415 Rural Rental Housing Loans.

This action requires no increases in costs to the Government or the public. There is no impact on proposed budget levels and funding allocation will not be affected because of this action. We have determined that this regulation maximizes net benefit to society at the lowest net cost.

The document has been reviewed in accordance with 7 CFR Part 1901, Subpart G, "Environmental Impact Statements." It is the determination of FmHA that this action does not constitute a Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190, an Environmental Impact Statement is not required.

This action is taken to provide for a new MFH Case Number system whereby the State Director will assign a unique borrower case number for each individual MFH project. This new system will reduce the number of misapplied loan payments on MFH accounts and facilitate providing more timely and accurate account status reports to borrowers.

The agency presently uses the borrower's social security number or tax number, combined with a state and county code, to form a case number unique to the individual borrower. When a borrower has more than one project in the same county, the only distinction for each project is a separate loan number. This similarity in case numbers contributes to misapplication of loan payments. When a loan payment is misapplied considerable staff time is required to identify the error and correct the accounts. Misapplied payments result in inconvenience of borrowers and diminish the agency credibility with borrowers.

This new system will provide the agency with a better data base for measuring MFH project caseload. These caseload figures are used by the agency for administrative determinations and also to provide program data to the Congress and the public.

List of Subjects

7 CFR Part 1910

Applications, Credit, Loan programs—agriculture, Loan programs—housing and community development, Low and moderate income housing, Marital status discrimination, Sex discrimination.

7 CFR Part 1944

Administrative practice and procedure, Aged, Handicapped, Loan programs—housing and community development, Low and moderate income housing—rental, Mortgages, Nonprofit organizations, Rent subsidies, Rural housing.

Accordingly, FmHA amends Part 1910, Subpart A, and Part 1944, Subpart E, Chapter XVIII of Title 7 of the Code of Federal Regulations as follows:

PART 1910—GENERAL

Subpart A—Receiving and Processing Applications

1. Section 1910.3 is amended by revising paragraph (i), relettering paragraph (j) to (k) and adding a new paragraph (j) to read as follows:

§ 1910.3 Receiving applications.

* * * * *

(i) For all loans and grants except RRH, RCH, RHS and LH loans and grants covered in paragraph (j) of this section, FmHA will normally use the Social Security number or Internal Revenue Service (IRS) tax number, whichever is appropriate, as a borrower identification number. The applicant's Social Security or IRS tax number, preceded by the State and county code number, will constitute the entire case number to be used on all FmHA forms. If the applicant is an individual, the Social Security number should be used. If the applicant is a legal entity, its IRS tax number will be used. If the applicant does not have, or does not authorize use of a Social Security number for identification purposes, the Finance Office will assign a number. No applicant will be denied any right, benefit, or privilege provided by law because of refusal to disclose a Social Security number. Any applicant requested to disclose a Social Security number in the completion of a loan application will be orally counseled or advised in writing that:

(1) Disclosure of the Social Security number is voluntary and that refusal to disclose the Social Security number will not result in any adverse action; and

(2) The Social Security number is used in the identification of loan records and in the administration of payment transactions.

(j) For all RRH, RCH, RHS and LH loans and grants, the State Director will assign a unique case number to each project using the Multiple Family Housing Case Number Format on the Forms Manual Insert for Form FmHA 1940–1, "Request for Obligation of Funds".

* * * * *

PART 1944—HOUSING

Subpart E—Rural Rental Housing Loan Policies, Procedures, and Authorizations

§ 1944.232 [Amended]

2. Section 1944.232(d)(2) is amended to change Form "FmHA 440–1" to "FmHA 1940–1" in the list of loan docket items.

3. Section 1944.233 is amended by renumbering paragraphs (b)(2)(i) (A) through (F) to (b)(2)(i) (B) through (G), respectively, and adding a new paragraph (b)(2)(i)(A) to read as follows:

§ 1944.233 Loan approval.

* * * * *

(b) *Loan approval action.* * * *

(2) *Approval or disapproval of a loan*

(i) *Approval.* * * *

(A) The State Director will assign the appropriate case number to the loan using the Multiple Family Housing Case Number Format on the Forms Manual Insert for Form FmHA 1940–1, "Request for Obligation of Funds."

* * * * *

§ 1944.233 [Amended]

4. Section 1944.233 is amended by changing the reference "Form FmHA 440–1" to "Form FmHA 1940–1" in paragraphs (b)(2)(i)(B), line two; (b)(2)(i)(C), line nine; (b)(2)(i)(D), line three; (b)(2)(ii), line five; (b)(3)(ii), line two; and (b)(3)(iii), line two.

§ 1944.236 [Amended]

5. Section 1944.236, paragraph (c)(2), line three, is amended by changing the reference "Form FmHA 440–1" to "Form FmHA 1940–1."

§ 1944.238 [Amended]

6. Section 1944.238, line seventeen, is amended by changing the reference "Form FmHA 440–1" to "Form FmHA 1940–1."

(42 U.S.C. 1480; 7 CFR 2.23; 7 CFR 2.70)

Dated: August 17, 1982.

Charles W. Shuman,

Administrator, Farmers Home Administration.

[FR Doc. 82–25850 Filed 9–17–82; 8:45 am]

BILLING CODE 3410–07–M

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7 CFR Part 1951

Borrower Supervision, Servicing and Collection of Single Family Housing Loan Accounts

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations regarding servicing and collection of 502 and 504 Single Family Housing Loan Accounts. The intended effect of this action is to authorize the use of contractors to perform specific servicing actions and collect payments on single family housing loan accounts on a pilot basis in Indiana and Puerto Rico. This action is being taken to develop a more effective means of managing delinquent accounts.

EFFECTIVE DATE: September 20, 1982.

FOR FURTHER INFORMATION CONTACT: Don Mahaffey, Servicing Branch, Single Family Housing, Farmers Home Administration, USDA, Room 5309, South Agriculture Building, 14th and Independence Avenue, SW., Washington, D.C. 20250, Telephone: 202–382–1452.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1512–1 to implement Executive Order 12291, and has been determined to be exempt from those requirements because it involves Agency management concerning contracts entered into for the servicing and collection of single family housing loan accounts on a pilot basis.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comments notwithstanding the exemption in 5 U.S.C. 533 with respect to such rules. This action, however, is not published for proposed rulemaking since the purpose of this change involves only Agency management, and publication for comment is unnecessary.

Catalog of Federal Domestic Assistance numbers are: 10.410 Low to Moderate Income Housing Loans (Rural Housing Loans—Section 502—Insured), 10.417 Very Low-Income Housing Repair Loans and Grants.

This regulation does not directly affect any FmHA programs or projects which are subject to A–95 Clearinghouse review. This document has been reviewed in accordance with FmHA Instruction 1901–G, "Environmental Impact Statements." It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment and, in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

List of Subjects in 7 CFR Part 1951

Account servicing, Low and moderate income housing loans—servicing.

PART 1951—SERVICING AND COLLECTIONS

Accordingly, Subpart G of Part 1951, Chapter XVIII, Title 7, Code of Federal Regulations is amended by revising § 1951.302 to read as follows:

§ 1951.302 Authorities and responsibilities.

County Supervisors are responsible for borrower supervision and servicing and collecting all Single Family Housing loans as prescribed by this Subpart under the general guidance and supervision of District Directors and State Office personnel. Where a servicing and collection contract has been entered into between the FmHA National Office and a contractor, the contractor is responsible for those servicing and collection actions contracted for and RH loans covered by the contract.

(42 U.S.C. 1480; 7 CFR 2.23, 7 CFR 2.70)

Dated: September 1, 1982.

Michael E. Brunner,

Acting Administrator, Farmers Home Administration.

[FR Doc. 82-25835 Filed 9-17-82; 8:45 am]

BILLING CODE 3410-07-M

Food Safety and Inspection Service

9 CFR Parts 309 and 381

[Docket No. 81-041F]

Expanded Use of Microbiological Screening Procedures

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the Federal meat and poultry products inspection regulations to provide inplant screening of livestock and poultry suspected of being contaminated by antimicrobial residues. In the past, suspect livestock and poultry carcasses and parts of carcasses were retained until tissue sample test results could be obtained from USDA laboratories. Implementation of this rule will permit the use of a swab test on premises to detect the presence of antimicrobial residues in suspect animals. By using this test, inspection personnel will be able to determine if the suspect product can be passed and released, or if the product must be retained for additional testing.

EFFECTIVE DATE: October 20, 1982.

FOR FURTHER INFORMATION CONTACT: Dr. John E. Spaulding, Director, Residue Evaluation and Surveillance Division, Science Program, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-2807.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Agency has determined, in accordance with Executive Order 12291, that this proposal is not a "major rule". It will not result in an annual effect on the economy of $100 million or more. It will not result in a major increase in costs of prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions. It will not have a significant adverse effect on competition, employment, investment, productivity, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The only alternative to this final rule would be the continuation of current procedures which require retention of all suspect carcasses and parts while appropriate testing for antimicrobial residues is being conducted by USDA laboratories. While continuation of these procedures would eliminate the expenses of establishing inplant testing, it is anticipated that the long term savings of a Swab Test on Premises (STOP) operation outweigh the expenses of establishing it. Expansion of STOP would result in more expeditious determinations regarding suspect carcasses and parts. FSIS scientists have been able to reduce the cost of establishing this program by developing a microbiological test plate which remains stable at room temperatures for at least 6-9 months. Previously the test plates were not stable this long.

Effect on Small Entities

The Administrator has determined that this final rule 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 it places no new requirements on industry. It only would affect USDA inplant operating procedures.

Background

Pursuant to section 4 of the Federal Meat Inspection Act (FMIA) (21 U.S.C. 604) and section 6(b) of the Poultry Products Inspection Act (PPIA) (21 U.S.C. 455(b)), the Department of Agriculture conducts post-mortem inspection of carcasses and parts of carcasses of cattle, sheep, swine, goats, horses, and other equines; and chickens, turkeys, ducks, geese and guineas, respectively. The purpose of the inspection is to detect adulterated carcasses and parts, and prevent their use as human food.

On March 12, 1982, the Agency proposed to amend the Federal meat and poultry products inspection regulations to establish inplant testing procedures that would determine whether carcasses or parts of carcasses had been contaminated with antimicrobial residues (47 FR 10856). The proposed inplant testing would be used to determine whether the suspect product was safe, wholesome, and unadulterated and could therefore be released, or whether the product should be retained until additional testing could be conducted by USDA laboratories.

Comments

The Agency received 10 comments in response to the proposal: 4 from meat and poultry processors, 4 from meat and poultry trade associations, 1 from a State university, and 1 from a private citizen. Six of the comments favored the proposal and 4 opposed its promulgation. The substantive comments can be grouped according to 3 general issues. The issue most often addressed by the comments was that processing delays might result from the testing. Alternative testing and animal identification were the other 2 issues. These 3 issues are addressed below.

1. *Processing delays resulting from the testing.* Five of the comments addressed processing delays that could be attributed to the testing procedure. The most frequently expressed concern was that processing delays could be caused by unreliable testing results and/or over-administration of the test. One commentor was concerned that inaccurate results could necessitate further testing and thus inappropriate retention of product. Another of the comments suggested that inspection personnel would conduct unnecessary testing which would result in processing delays.

The Agency has considered each of these comments. The instroduction of these procedures in testing cull dairy cattle (9 CFR 309.16(a)) has not resulted in processing delays; nor have any questions arisen concerning over-administration of the test or the accuracy of the test results. In fact, 2 of the comments from meat processors discuss the time and money savings they have experienced since the initiation of the STOP program.

Further, the Agency believes that processing delays should be greatly reduced by inplant screening. The past testing procedures required that samples be sent to USDA laboratories for analysis. Decisions concerning product adulteration resulting from residue contamination had to be deferred from 1 to 2 weeks, depending upon the time required to transmit the tissue samples,

conduct the tests and receive the testing results. Now these decisions can be made within 18 hours after the sample is taken. This procedure eliminates the need to retain suspect product longer than overnight unless the test results indicate the presence of unacceptable residue levels. Such results would be subject to confirmation by further testing in a USDA laboratory.

Testing accuracy is indicated by the fact that the inplant STOP testing procedures are the same as initial testing procedures in use at USDA laboratories for the past 5 to 6 years.

2. *Alternative testing.* Two of the comments mentioned alternative testing. One comment from a meat processing company suggested that the testing be used as a preslaughter tool for determining residue levels.

The agency has recently announced the institution, in cooperation with Producer Associations, of the Total Residue Avoidance Program (TRAP). TRAP focuses on preventing residue problems at the producer level. This program should help to avert large-scale residue problems. The program will offer, in part, preslaughter residue testing. Because the program is under development the Agency does not anticipate any regulatory action at this time. Additional information on TRAP is available by contacting Dr. John Spaulding, (202) 447-2807.

A second comment regarding alternative testing was offered by a State university. The comment included a research publication detailing the development of a procedure that used an adhesive tape method to determine residue levels.

The Agency has reviewed the publication but is not taking any action based upon it at this time. This testing procedure is not within the scope of the original proposal and therefore, if meritorious, should be the subject of a petition for a separate proposal.

3. *Animal identification.* One comment from a meat trade association opposed the implementation of STOP until mandatory animal identification is instituted. The comment asserted that processors may suffer losses when contaminated product can not be traced back to its original source.

While animal identification may reduce losses to processors, those processors that keep adequate records should be able to trace back the vast majority of animals to their point of origin. In any case, this matter is beyond the scope of this proceeding and should be addressed in separate rulemaking.

Final Rule

After careful consideration of the comments presented, the Agency has decided to publish the final rule as proposed. This final rule permits inplant screening of any species of livestock or poultry to detect the presence of unlawful levels of antimicrobial residues. *Indexing Terms.* As required by 1 CFR 18.20 (46 FR 7162, January 22, 1981) the following are the indexing terms for this regulation:

List of Subjects

9 CFR Part 309

Ante-mortem inspection and meat inspection.

9 CFR Part 381

Ante-mortem inspection and poultry inspection.

PART 309—ANTE-MORTEM INSPECTION

1. The authority citation for Part 309 reads as follows:

Authority: Sections 4 and 21, 34 Stat. 1260, 1264, as amended, 21 U.S.C 603, 604, 621; 81 Stat. 584, 588, 592, 593, 42 FR 35625, 35626, 35631.

2. Section 309.16(a) (9 CFR 309.16(a)) is revised to read as follows:

§ 309.16 Livestock suspected of having biological residues.

(a) Except as provided by paragraph (c) of this section, livestock suspected of having been treated with or exposed to any substance that may impart a biological residue that would make the edible tissues unfit for human food or otherwise adulterated, shall be handled in compliance with the provisions of this paragraph. They shall be identified at official establishments as "U.S. Condemned." These livestock may be held under the custody of a Program employee, or other official designated by the Administrator, until metabolic processes have reduced the residue sufficiently to make the tissues fit for human food and otherwise not adulterated. When the required time has elapsed, the livestock, if returned for slaughter, must be re-examined on ante-mortem inspection. To aid in determining the amount of residue present in the tissues, officials of the Program may permit the slaughter of any such livestock for the purpose of collecting tissues for analysis for the residue. Such analysis may include the use of inplant screening procedures designed to detect the presence of antimicrobial residues in any species of livestock.

* * * * *

PART 381—MANDATORY POULTRY PRODUCTS INSPECTION

3. The authority citation for Part 381 reads as follows:

Authority: Section 14 of the Poultry Products Inspection Act, as amended by the Wholesome Poultry Products Act (21 U.S.C. 451 *et seq.*); the Talmadge-Aiken Act of September 28, 1962, (7 U.S.C. 450); and Subsection 21(b) of the Federal Water Pollution Control Act, as amended by Pub. L. 91-224 and by other laws (33 U.S.C. 1254).

4. Section 381.74 (9 CFR 381.74) is revised to read as follows:

§ 381.74 Poultry suspected of having biological residues.

When any poultry at an official establishment is suspected of having been treated with or exposed to any substance that may impart a biological residue that would make their edible tissues adulterated, they shall, at the option of the operator of the establishment, be processed at the establishment and the carcasses and all parts thereof retained under U.S. Retained tags, pending final disposition in accordance with § 381.80, of this Part, and other provisions in Subpart K; or they shall be slaughtered at the establishment and buried or incinerated in a manner satisfactory to the inspector. Alternatively, such poultry may be returned to the grower, if further holding is likely to result in their not being adulterated by reason of any residue. The Inspection Service will notify the other Federal and State agencies concerned of such action. To aid in determining the amount of residue present in the poultry, officials of the Inspection Service may permit the slaughter of any such poultry for the purpose of collecting tissues for analysis of the residue. Such analysis may include the use of inplant screening procedures designed to detect the presence of antimicrobial residues in any species of poultry.

Done at Washington, D.C., on September 8, 1982.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 82-25851 Filed 9-17-82; 8:45 am]

BILLING CODE 3410-DM-M

NUCLEAR REGULATORY COMMISSION

10 CFR Ch. I, Parts 1, 20, 21 and 73

Minor Clarifying Amendments

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to codify nomenclature changes required by a reorganization of NRC staff activities; to reflect the reassignment of the responsibility for implementing the Paperwork Reduction Act and for preparing the monthly *Nuclear Regulatory Commission Issuances;* to indicate a change in the commercial telephone number for the NRC's Region IV Office; and to announce that the NRC Region IV Uranium Recovery Field Office, located in Denver, Colorado, will become operational on October 4, 1982. The amendments are necessary to inform the public of these administrative changes to NRC regulations.

EFFECTIVE DATE: September 20, 1982.

FOR FURTHER INFORMATION CONTACT: John Philips, Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone 301-492-7086.

SUPPLEMENTARY INFORMATION: 10 CFR Chapter I: On October 16, 1981, the Commission announced a reorganization of NRC staff activities. This reorganization will be accomplished through a regionalization program that will enlarge the role of the NRC's regional offices. The objectives of reorganization are to improve control over requirements imposed on NRC licensees and focus the priorities of the agency and the nuclear industry on those requirements having the greatest safety significance. As a result of the reorganization, certain nomenclature changes are required to reflect the expanded role of the regional offices.

10 CFR Part 1: The NRC has transferred the implementation of the Paperwork Reduction Act and the responsibility for the preparation of *Nuclear Regulatory Commission Issuances,* including managing the collection, review, and publication of Office, Board, and Commission documents, from the Division of Rules and Records to the Division of Technical Information and Document Control. These transfers will result in a more efficient pairing of resources and responsibilities. In addition, on June 16, 1982, the Commission decided to locate the Region IV Uranium Recovery Field Office in Denver, Colorado. The Field Office will be responsible for health, safety, and environmental reviews; the licensing of uranium recovery facilities, which include mills and in-situ operations; providing technical assistance to Agreement States regarding uranium recovery facilities; and performing inspections of these facilities.

On October 4, 1982, the NRC Region IV Uranium Recovery Field Office will become operational. The address for the Field Office is 730 Simms Street, P.O. Box 25325, Denver, Colorado 80225.

10 CFR Parts 20, 21, and 73: (1) Effective August 1, 1982, the commercial telephone number for the NRC's Region IV Office located at 611 Ryan Plaza Drive, Arlington, Texas, will be changed to 817-860-8100; (2) Effective October 4, 1982, the NRC Region IV Uranium Recovery Field Office, located at 730 Simms Street, P.O. Box 25325, Denver, Colorado 80225, will become operational. The telephone number for the Denver Field Office will be (Commercial) 303-234-7232, (FTS) 234-7232.

Because these are nonsubstantive amendments dealing with administrative procedural matters, good cause exists for finding that the notice and comment procedures of the Administrative Procedure Act (5 U.S.C. 553) are unnecessary and for making the amendments effective upon publication.

List of Subjects

10 CFR Part 1

Organization and functions.

10 CFR Part 20

Byproduct material, Licensed material, Nuclear materials, Nuclear power plants and reactors, Occupational safety and health, Packaging and containers, Penalty, Radiation protection, Reporting requirements, Special nuclear material, Source material, Waste treatment and disposal.

10 CFR Part 21

Nuclear power plants and reactors, Penalty, Radiation protection, Reporting requirements.

10 CFR Part 73

Hazardous materials—transportation, Nuclear material, Nuclear power plants and reactors, Penalty, Reporting requirements, Security measures.

Under the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the following amendments to 10 CFR Chapter 1 and 10 CFR Parts 1, 20, 21, and 73 are published as a document subject to codification.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948, as amended (42 U.S.C. 2201))

CHAPTER I—NUCLEAR REGULATORY COMMISSION

1. In 10 CFR Chapter I, all references to "Regional Director" are changed to read "Regional Administrator," and all references to "Nuclear Regulatory Commission Inspection and Enforcement Regional Office" are changed to "Nuclear Regulatory Commission Regional Office."

PART 1—STATEMENT OF ORGANIZATION AND GENERAL INFORMATION

2. In § 1.3, paragraph (b) is revised to read as follows:

§ 1.3 Location of principal offices and Regional Offices.

* * * * *

(b) The addresses of the NRC Regional Offices (see § 1.64) are:

Region I, USNRC, 631 Park Avenue, King of Prussia, PA 19406

Region II, USNRC, 101 Marietta Street, Suite 3100, Atlanta, GA 30303

Region III, USNRC, 799 Roosevelt Road, Glen Ellyn, IL 60137

Region IV, USNRC, 611 Ryan Plaza Drive, Suite 1000, Arlington, TX 76012

USNRC, Region IV Uranium Recovery Field Office, 730 Simms Street, P.O. Box 25325, Denver, CO 80225

Region V, USNRC, 1450 Maria Lane, Suite 210, Walnut Creek, CA 94596

3. In § 1.41, paragraphs (d) and (f) are revised to read as follows:

§ 1.41 Office of Administration.

* * * * *

(d) The Division of Technical Information and Document Control is responsible for implementing the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and for planning and directing the production (exclusive of writing) and control of NRC documents. Its responsibilities include typing services, publication and graphics; NRC management directives; document evaluation, dissemination, storage, and retrieval; and the preparation and publication of the *Nuclear Regulatory Commission Issuances.*

* * * * *

(f) The Division of Rules and Records is responsible for NRC implementation of the Freedom of Information Act and

the Privacy Act; directing the coordinating NRC Local Public Document Room activities; preparing the NRC Regulatory Agenda; publishing "NRC Rules and Regulations," and reviewing and preparing notices and amendments to NRC regulations, including the processing of petitions for rulemaking.

* * * * *

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

4. In Part 20, Appendix D is revised to read as follows:

APPENDIX D.—UNITED STATES NUCLEAR REGULATORY COMMISSION REGIONAL OFFICES

	Address	Telephone (24 hrs)
Region I: Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.	USNRC, 631 Park Ave., King of Prussia, PA 19406	(213) 337-5000, (FTS) 488-1000.
Region II: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, Virginia, Virgin Islands, and West Virginia.	USNRC, 101 Marietta Street, Suite 3100, Atlanta, GA 30303	(404) 221-4503, (FTS) 242-4503.
Region III: Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.	USNRC, 799 Roosevelt Road, Glen Ellyn, IL 60137	(312) 932-2500, (FTS) 384-2500.
Region IV: Arkansas, Colorado, Idaho, Kansas, Louisiana, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming.	USNRC, 611 Ryan Plaza Drive, Suite 1000, Arlington, TX 76102	(817) 860-8100, (FTS) 728-8100.
Region IV Field Office	USNRC, Region IV Uranium Recovery Field Office, 730 Simms Street, P.O. Box 25325, Denver, CO 80225.	(303) 234-7232, (FTS) 234-7232.
Region V: Alaska, Arizona, California, Hawaii, Nevada, Oregon, Washington, and U.S. territories and possessions in the Pacific.	USNRC, 1450 Maria Lane, Suite 210, Walnut Creek, CA 94596	(415) 943-3700, (FTS) 463-3700.

PART 21—REPORTING OF DEFECTS AND NONCOMPLIANCE

5. In footnote 1 of § 21.2, the commercial telephone number for NRC Region IV (Dallas) is revised to read as follows and the telephone number for the NRC Region IV Uranium Recovery Field Office is added to read as follows:

* * * * *

§ 21.2 Scope.

1 * * *

IV (Dallas) ..... (817) 860-8100
IV Uranium Recovery Field Office (Denver) ..... (303) 234-7232

* * * * *

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

6. In Appendix A of Part 73, the telephone number for Region IV is revised to read as follows:

APPENDIX A.—UNITED STATES NUCLEAR REGULATORY COMMISSION REGIONAL OFFICES

* * * * * * *

Region IV: [1]		
Arkansas, Colorado, Idaho, Kansas, Louisiana, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming.	USNRC, 611 Ryan Plaza Drive, Suite 1000, Arlington, TX 76102	(817) 860-8100, (FTS) 728-8100.
Region IV Field Office	USNRC Region IV Uranium Recovery Field Office, 730 Simms Street, P.O. Box 25325, Denver, CO 80225.	(303) 234-7232, (FTS) 234-7232.

* * * * * * *

Dated at Bethesda, Maryland, this 13th day of September 1982.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 82-25844 Filed 9-17-82; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 226

[Reg. Z; TIL-1]

Truth in Lending; Official Staff Commentary Update

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final official staff interpretation.

SUMMARY: In accordance with Appendix C to 12 CFR Part 226, the staff of the Federal Reserve Board is publishing in final form an update to the official staff commentary to Regulation Z (Truth in Lending), as revised effective April 1, 1981. The commentary applies and interprets the requirements of the revised Regulation Z to open-end and closed-end consumer credit and is intended to substitute for individual Board and staff interpretations of the regulation.

EFFECTIVE DATE: September 17, 1982, but reliance optional until April 1, 1983.

FOR FURTHER INFORMATION: Contact the following attorneys in the Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, at (202) 452-3667 or (202) 452-3867:

Subpart A—Gerald Hurst, Rugenia Silver
Subpart B and Appendices—Ruth Amberg, Jesse Filkins, Lynn Goldfaden, Gerald Hurst, John Wood
Subpart C and Appendices—Clarence Cain, Lucy Griffin, Rugenia Silver, Susan Werthan, Claudia Yarus, Steven Zeisel
Subpart D—Lynn Goldfaden, Rugenia Silver

SUPPLEMENTARY INFORMATION: (1) *General.* Effective October 13, 1981 (46 FR 50288, Oct. 9, 1981), an official staff commentary was published to interpret Regulation Z, as revised effective April 1, 1981. Creditors now have the option of complying with revised Regulation Z and the commentary, but compliance does not become mandatory until October 1, 1982 (Pub. L. 97-110, December 26, 1981). The commentary is designed to provide general guidance to creditors in applying the regulation to specific transactions. Periodic updates will provide the vehicle for additional staff interpretations that may be necessary as significant new questions

arise. The first update to the commentary was proposed for comment on May 13, 1982 (47 FR 20603) and is now being adopted in final form.

The types of changes being adopted generally give creditors more flexibility in making disclosures while preserving basic consumer protections. Changes generally have been made only when necessary to respond to significant questions that have arisen since the commentary's issuance or to clarify ambiguous language. However, because this is the first update to the commentary, some technical and editorial changes have been necessary in order to expedite adjustment to the commentary's new material and format. In a few cases the location of comments has been changed and others have been renumbered as a result of the deletion or addition of material.

The changes are effective on September 17, 1982. Although creditors are free to rely on the revisions as of that date and are protected if they do so, they need not follow the revisions until April 1, 1983. The latter date is provided to minimize any difficulties that creditors may experience in adjusting to the revisions.

(2) *Commentary revisions.* Following is a brief description of the revisions contained in the commentary update and how they differ, if at all, from those proposed.

Introduction

Comment I-3 is amended to reference the regulation's effective date of October 1, 1982, in accordance with Pub. L. 97-110 (December 26, 1981).

Subpart A—General

Section 226.2—Definitions and Rules of Construction

2(a)(3) "Arranger of Credit":

Comment 2(a)(3)-6 is added to explain the Board's amendment to § 226.2(a)(3) of the regulation (47 FR 7391, February 19, 1982) dealing with real estate brokers. The proposed language has been adopted with only slight modification of the first sentence to eliminate ambiguity.

The note regarding pending Board action on this section is deleted because it is no longer relevant.

2(a)(13) "Consummation":

Comment 2(a)(13)-1 is revised to show that a commitment agreement can be consummated if under applicable law a contractual relationship is created. The updated comment differs from the proposed revision in that the first sentence of the proposal and the phrase "specific credit terms" have been deleted. These deletions have been made from the proposal to avoid the misunderstanding by some commenters that the proposal was intending to create an exception from the general rule that state law governs on the issue of when consummation occurs. The updated comment makes it clear that state or other applicable law is determinative on when a contractual relationship is created and that, for Truth in Lending purposes, the focus is on when the consumer becomes bound to the credit terms.

2(a)(23) "Prepaid Finance Charge":

Comment 2(a)(23)-2 is revised to make clear that any portion of the finance charge paid prior to or at closing or settlement is considered a prepaid finance charge. The updated comment differs from the proposed revision in that it covers amounts paid "prior to" closing or settlement as well as those paid "at" closing or settlement.

2(a)(24) "Residential Mortgage Transaction":

Comment 2(a)(24)-1 is revised to add § 226.20(b) to the list of provisions using the term "residential mortgage transaction." Its omission was inadvertent.

2(a)(25) "Security Interest":

Comment 2(a)(25)-1 is revised by adding a cross reference at the end of the paragraph to updated comment 2(a)(25)-2. This cross reference is added to make clear that while creditors may not disclose an interest that unquestionably falls within an excluded category, where uncertainty exists as to whether an interest is a security interest or an excluded interest, creditors may at their option disclose the interest pursuant to updated comment 2(a)(25)-2.

Comment 2(a)(25)-2 is revised to permit creditors, at their option, to disclose certain interests as security interests when uncertainty exists as to whether a particular interest is one of the excluded interests.

Section 226.4—Finance Charge

4(b) Examples of Finance Charge:

Comment 4(b)(9)-3 is added to explain the "regular price" definition in amended section 103(x) of the act and its relationship to cash discounts offered under section 167(b) of the act. The new comment specifically discusses the displaying of prices for motor vehicle fuel. It differs from the proposal in that it (1) adds the statutory definition of "regular price," and (2) provides additional guidance regarding motor vehicle fuel sales in the context of separate pumps or islands for cash and credit purchases and pumps capable of showing either cash or credit prices.

4(c) Charges Excluded from the Finance Charge:

Comment 4(c)(7)-1 is revised to state that a charge for a lawyer's attendance at a closing or a charge for conducting a closing (for example, by a title company) is not a finance charge if the charge is primarily for services related to items listed in § 226.4(c)(7). In addition, the sentence concerning the requirement that charges excluded under § 226.4(c)(7) be bona fide and reasonable is reworded slightly and placed at the end of the updated comment to make clear that the requirement applies to all excluded charges. The updated comment differs from the proposal in that it (1) is not limited to lawyers' fees and (2) does not limit the exclusion to charges that are purely for insuring that documents are completed and executed properly.

4(d) Insurance:

Comment 4(d)-11 is added to clarify the concept of initial term of insurance coverage and to permit the initial term to be considered one year in situations where the insurance coverage is not clearly for a specific term. The new comment differs from the proposal in that it (1) deletes the reference to the creditor being "unsure" of the initial term, and (2) adds an example of a situation where the initial term of insurance coverage may not be clear and allows the use of a premium for one year in such situations.

Comment 4(d)-12 is added to clarify that loss-of-income insurance includes involuntary unemployment insurance.

Subpart B—Open-End Credit

Section 226.5—General Disclosure Requirements

5(a) Form of Disclosures:

Comment 5(a)(2)-1 is revised to include additional examples of the application of the "more conspicuous" rule. These examples are intended to clarify the rule; no substantive changes are intended. The proposal is changed to clarify that only the terms, and not the numbers, are subject to the "more conspicuous" rule. In addition, the proposed example regarding minimum finance charges is deleted as not being of general applicability.

5(b) Time of Disclosures:

Comment 5(b)(1)-1 is revised to explain more clearly when initial disclosures are timely if the plan involves an initial fee that is paid before the initial disclosures are given, or if the plan involves an advance made at the time that the consumer is given the initial disclosures.

5(c) Basis of Disclosures and Use of Estimates:

Comment 5(c)–1 is revised to clarify the meaning of the term "legal obligation." Because the proposal would have added to comment 17(c)(1)–1 a sentence to show the effect of certain previous court decisions on disclosures, the staff solicited comment on whether a companion provision for open-end credit should be added. The proposed addition is not being included in either Subpart B or Subpart C. (See discussion of comment 17(c)(1)–1.)

5(d) Multiple Creditors; Multiple Consumers:

Material that was inappropriate for commentary treatment regarding legal responsibility for providing disclosures is deleted from comment 5(d)–1. The last paragraph of comment 5(d)–1 is also deleted from that comment; the substance is redesignated as comment 7–2. A companion provision regarding initial disclosure statements is added as comment 6–2.

Section 226.6—Initial Disclosure Statement

Comment 6–2 is added as a companion provision to comment 7–2, regarding circumstances under which creditors involved in a certain open-end credit program may send separate initial disclosure statements.

6(a) Finance Charge:

Comment 6(a)(2)–2 is revised in its description of the types of open-end credit programs for which the creditor's initial disclosure of planned rate changes excuses the creditor from the general requirement to give notices when the rate increases according to the disclosed plan. The commentary as originally written provided that creditors may avoid these notices after giving appropriate disclosures in plans in which the rates follow an index that is "readily verifiable by the borrower and beyond the control of the lender."

A number of questions had arisen as to the interpretation and purpose of the original commentary language. In particular, some creditors raised concerns about programs that would use certain internal rates as the index and therefore not meet the criterion that the index be beyond the lender's control. These creditors noted that tying the rate to their commercial lending rate or to rates paid on savings instruments was customary practice. The updated comment reflects these concerns, while at the same time continuing to provide guidance on the types of rate increases for which additional disclosures may be needed. The updated comment also adds a cross reference to comment 9(c)–1, with regard to disclosures under employee preferential-rate plans.

6(b) Other Charges:

Language is added to comment 6(b)–2 to provide that a charge for submitting as payment a check that is later returned unpaid would not be an "other charge" for purposes of the regulation.

Section 226.7—Periodic Statement

The substance of the last paragraph of comment 5(d)–1 is added as comment 7–2. This comment is more appropriately placed in the section on periodic statements.

7(b) Identification of Transactions:

Comment 7(b)–1 is revised to clarify that the listed ways for a creditor to identify transactions for multifeatured plans are merely examples of acceptable arrangements.

7(c) Credits:

Comment 7(c)–3 is revised to clarify when additional identification of dates is needed, and also that no specific terminology is required for these date identifications.

7(e) Balance on Which Finance Charge Computed:

Comment 7(e)–2 is revised by indicating that the exception permitting the creditor to disclose one combined balance when split rates (or "break rates") are applied does not extend to the case in which split rates are applied to each day's balance. This change in the updated commentary returns to the position under previous Regulation Z, and corrects the inadvertent reference in comment 7(e)–4. That reference permitted a combined balance, which would not allow verification of the finance charge attributable to periodic rates.

The last sentence of current comment 7(e)–4 (updated comment 7(e)–5) is deleted, and the substance is incorporated in comment 7(e)–2.

Comments 7(e)–4, 5, 6, and 7 of the commentary are redesignated as updated comments 7(e)–5, 6, 7, and 8, and comment 7(e)–8, which deals with the disclosure of the periodic rate balance amount in multifeatured plans, is redesignated as updated comment 7(e)–4.

Updated comment 7(e)–4 (formerly comment 7(e)–8) is revised to give more complete guidance on when separate balances must be disclosed when a plan involves different features.

Comment 7(e)–9 is added to clarify that the creditor could explain its balance computation method only once, even if it discloses more than one balance computed by that same method. The updated comment differs from the proposal by adding two specific examples of when one explanation is sufficient.

7(g) Annual Percentage Rate:

Comment 7(g)–2 is expanded to clarify that, in multifeatured plans, the creditor may give separate annual percentage rate disclosures for each feature or may give a composite actual annual percentage rate for the entire plan.

Section 226.8—Identification of Transactions

8(a) Sale Credit:

Comment 8(a)(2)–5 is added to reflect the position under previous Regulation Z that the debiting date may be considered the transaction date for foreign transactions. The placement of this provision in the proposal inadvertently limited the availability of this provision to three-party transactions. By placing the provision under both § 226.8(a) (2) and (3), the updated commentary makes clear that the provision may also be used in two-party transactions.

In the last sentence of comment 8(a)(3)–2, the inadvertent reference to "creditor's" stores is changed to "seller's" stores.

Comment 8(a)(3)–4 is added, as previously noted, to reflect the position under previous Regulation Z that the debiting date may be considered the transaction date for foreign transactions.

Section 226.9—Subsequent Disclosure Requirements

9(c) Change in Terms:

Comment 9(c)–1 is revised to correspond to the revisions to comment 6(a)(2)–2.

Section 226.13—Billing-Error Resolution

13(d) Rules Pending Resolution:

Comment 13(d)(1)–2 is revised to clarify that, for purposes of § 226.13(d)(1), the creditor need only disclose that payment of "any disputed amount" is not required pending resolution, as was the case under the previous Regulation Z. Language has been added to the proposal to clarify that the disclosure is only required if the creditor bills for disputed amounts.

Section 226.14—Determination of Annual Percentage Rate

14(c) Annual Percentage Rate for Periodic Statements:

The new comment 14(c)–6 identifies the method in § 226.14(c)(3) as an acceptable method for calculating the annual percentage rate when the finance charge results from the application of both daily periodic rates and specific transaction charges. The proposal set forth an alternative calculation method, and comment was solicited on the need for that option. The response did not

demonstrate a current need for the alternative method as proposed.

The § 226.14(c)(3) method includes the rules in Appendix F; the appendix gives examples for determining the denominator of the fraction in this formula. Footnote 1 to the appendix instructs creditors that apply both a daily periodic rate and a specific transaction charge to use the average of daily balances instead of the sum of the balances.

Comments 14(c)–6, 7, and 8 have been redesignated as updated comments 14(c)–7, 8 and 9, respectively.

An editorial change is made to updated comment 14(c)–9 (formerly comment 14(c)–8) to correct the inadvertent use of the term "fees" instead of "finance charges." The change indicates that the optional annual percentage rate formula in § 226.14(c)(4) may be used when total finance charges of 50 cents or less are involved.

14(d) Calculations Where Daily Periodic Rate Applied:

Comment 14(d)–2 is revised merely to cross reference updated comment 14(c)–6. The later comment identifies an acceptable method for calculating the annual percentage rate for plans involving both daily periodic rates and specific transaction charges.

Section 226.15—Right of Rescission

15(a) Consumer's Right To Rescind:

Two changes are made in comment 15(a)(1)–2. First, the dates in the comment, which refer to the three-year trial period in section 125(e) of the act, are changed from March 31, 1985 to September 30, 1985 to reflect the change in the mandatory effective date of the act from April 1, 1982 to October 1, 1982. Second, a sentence is added to clarify that the limited rescission option is available for programs whether or not they existed on the effective date of the act.

Section 226.16—Advertising

16(b) Advertisement of Terms That Require Additional Disclosures:

The first example in comment 16(b)–5 is deleted in order to reflect a long-standing position taken under the previous Regulation Z.

Comment 16(b)–6 is added to make clear that charges excluded from the finance charge under § 226.4 are not required disclosures when a triggering term is used in an advertisement.

Subpart C—Closed-End Credit

Section 226.17—General Disclosure Requirements

17(a) Form of Disclosures:

Comments 17(a)(1)–5 adds three examples of information considered directly related to required disclosures. The first new example, relating to § 226.18(k), clarifies the applicability of the § 226.18(k)(1) disclosure. For purposes of this disclosure, a minimum finance charge in a simple interest transaction is considered a penalty. Some state laws prohibit creditors from charging a penalty in the event of prepayment while permitting the creditor to charge a minimum charge. In this instance the creditor may state that a minimum finance charge may be imposed.

The second addition, relating to § 226.18(f), responds to inquiries about disclosing the fact that a variable-rate feature may produce negative amortization. It permits creditors to disclose this fact when making the other required variable-rate disclosures. The last example permits the inclusion of a title for the disclosure statement.

The proposed revision to comment 17(a)(1)–5 also would have added a fourth example, relating to § 226.18(k)(2). That example is reflected in new comment 18(k)–3, which addresses the application of prepayment disclosures to prepaid finance charges.

17(c) Basis of Disclosures and Use of Estimates:

Comment 17(c)(1)–1 is revised to clarify the meaning of the term "legal obligation." The sentence discussing contracts later deemed unenforceably by a court is modified to include situations in which an individual term, rather than an entire contract, is deemed unenforceable. Portions of comments 17(c)(1)–1 and 2 are restructured for added clarity. The proposed addition to comment 17(c)(1)–1, discussing the effect of certain previous court decisions on the legal obligation, has not been adopted.

Comment 17(c)(1)–4 is revised to clarify the treatment of certain buydown plans, including the Federal National Mortgage Association's Buydown Program, as revised for commitments issued on or after February 16, 1982.

A new comment 17(c)(1)–8 is added to address the disclosure of adjustable rate mortgages that contain a graduated payment feature or an initial payment amount resulting in negative amortization. This comment applies to mortgages such as the graduated payment adjustable mortgage loan authorized by the Federal Home Loan Bank Board (12 CFR 545.6–4b). The new comment has been revised from the proposal to apply to all types of loans containing both graduated payment and adjustable rate features.

New comments 17(c)(3)–2 and 17(c)(4)–3 are added to clarify that a creditor may ignore minor variations in calculating some disclosures without being required to ignore those variations in computing all of the disclosures.

17(d) Multiple Creditors; Multiple Consumers:

Material that was inappropriate for commentary treatment is deleted from comment 17(d)–1.

17(h) Series of Sales—Delay in Disclosures:

Comment 17(h)–2 is added to address the content of disclosures for transactions under § 226.17(h).

17(i) Interim Student Credit Extensions:

Comment 17(i)–1 is amended to clarify the applicability of this provision. No substantive change is made.

Comment 17(i)–2 is revised to provide further guidance on the basis for interim student credit disclosures and the use of estimates.

Comment 17(i)–5 is added as a cross reference to Appendix H, regarding approved disclosure forms.

Section 226.18—Content of Disclosures

18(f) Variable Rate:

Comment 18(f)–3 is added to clarify that the presence of a variable-rate feature in a transaction does not, by itself, make disclosures for that transaction estimates. The comment is revised from the proposal to make clear that estimated disclosures in a variable-rate transaction may nevertheless be appropriate for other reasons.

Comment 18(f)–7 is added to discuss the treatment of growth equity mortgages. The proposal has been rewritten and restructured for added clarity.

Comment 18(f)(3)–1 is revised to include a cross reference to updated comment 17(a)(1)–5, which permits the inclusion of a brief reference to negative amortization in the variable-rate disclosures.

Comment 18(f)(4)–1 is revised to provide further guidance on the basis for the hypothetical example.

Comment 18(f)(4)–2 contains additional examples of transactions that need not make the hypothetical disclosure required in most transactions by § 226.18(f)(4).

18(g) Payment Schedule:

Comment 18(g)–1 is revised to clarify that a prepaid finance charge should not be reflected in the repayment schedule as a separate payment.

Comment 18(g)(2)–1 is revised to clarify that the abbreviated disclosures may be employed when mortgage insurance premium payments gradually

increase over a portion of the loan term. This will occur if the accrual rate exceeds the payment rate for a period and negative amortization causes the unpaid principal balance to increase. During this period, the amount of each premium payment will increase to insure the increasing principal balance. When negative amortization ends, the premiums will decrease in a traditional manner. The language permits the creditor to disclose the lowest and highest payments in the increasing series (with a reference to the variation in payments) followed by the highest and lowest payments in the decreasing series (with a reference to the variation in payments).

18(i) Demand Feature:

Comment 18(i)–2 is revised to clarify that a due-on-sale clause is not a demand feature requiring disclosure.

18(k) Prepayment:

A new comment 18(k)–3 is added to address the application of §226.18(k) to prepaid finance charges. Under the new comment, a prepaid finance charge does not by itself require a disclosure under either § 226.18(k)(1) or § 226.18(k)(2). The comment also permits creditors to further identify the finance charge for which a rebate disclosure is made.

Comment 18(k)(1)–1 is changed to clarify that this disclosure applies not only to interest calculations made daily, but to calculations that are made other than daily while taking into account scheduled reductions in principal. A cross reference to updated comment 17(a)(1)–5 is added to point out the permitted reference to a minimum finance charge in the penalty disclosure.

Comment 18(k)(2)–1 is revised from both the original commentary and the proposal, in order to reflect the treatment of prepaid finance charges under new comment 18(k)–3.

18(r) Required Deposit:

A new comment 18(r)–2 is added to address pledged account or FLIP mortgages, allowing creditors two options in disclosing those types of transactions.

Section 226.19—Certain Residential Mortgage Transactions

19(a) Time of Disclosure:

Comment 19(a)–2 is revised to conform with comment 17(a)(1)–5, regarding explanation of the basis for estimates.

Section 226.20—Subsequent Disclosure Requirements

20(a) Refinancings:

Comment 20(a)–3 is revised to clarify the current commentary position that the addition of a variable-rate feature to a previously fixed-rate transaction requires new disclosures regardless of the manner in which the change is made. It also discusses a variable-rate transaction for which no variable-rate disclosures were ever provided. The comment has been reorganized to clarify that both situations require new disclosures.

Comment 20(a)–5 is added to clarify the coverage of §226.20(a). "Refinancing," as the term is used here, refers only to a new transaction undertaken with the original creditor (or a holder or servicer of the original obligation) to replace the original obligation. The term "refinancing" is sometimes used to refer to a loan, the proceeds of which are used in whole or in part to satisfy an obligation to a different creditor. Under the regulation, that loan is not a refinancing but a new transaction subject to the general coverage rules and disclosure requirements of the regulation.

20(b) Assumptions:

The revision to comment 20(b)–1 clarifies the coverage of § 226.20(b). The following elements must all be present before an assumption under this section requires new disclosures:

- The original obligation must have been a consumer credit obligation that was not originally exempt from the regulation.
- The creditor must expressly agree to the new consumer as a primary obligor.
- The agreement must be in writing.
- The transaction must be a "residential mortgage transaction" as to the new consumer.

To determine if disclosures are required for the transfer of an obligation that is not covered by §226.20(b), the creditor must refer to the general coverage rules in § 226.2 and § 226.3.

Comment 20(b)–6 is deleted from the commentary as unnecessary. Discussion of changes in terms does not significantly assist creditors in determining whether an assumption is subject to § 226.20(b).

Section 226.22—Determination of the Annual Percentage Rate

22(a) Accuracy of the Annual Percentage Rate:

A sentence is added to comment 22(a)(1)–4 to provide an example of the calculation of a composite annual percentage rate, as that term is used in a step-rate transaction.

Section 226.24—Advertising

24(b) Advertisement of Rate of Finance Charge:

Comment 24(b)–4 is added to address the advertisement of special financing involving "effective rates," "payment rates" or "qualifying rates." It requires that when the advertisement includes such rates, the annual percentage rate, the term of the reduced payment schedule, and the rate at which interest accrues also be stated. This comment replaces proposed comment 24(b)–2.

Subpart D—Miscellaneous

Section 226.29—State Exemptions

29(a) General Rule:

Comment 29(a)–4 is added to reflect the exemptions granted by the Board for certain transactions in Connecticut and Maine (47 FR 36961, August 24, 1982). Further exemptions that may be granted by the Board will be reflected in future updates to the commentary.

Appendix D—Multiple-Advance Constructions Loans

Comment app. D–2 is added to permit creditors to omit disclosure of a variable-rate example in multiple-advance construction loans disclosed pursuant to Appendix D, Part I. (See comment 18(f)(4)–2)

Comment app. D–3 is added to clarify that the total of payments disclosure under Appendix D may be calculated as either the sum of the payments or as the amount financed plus the finance charge.

Comment app. D–4 is added to make clear that Appendix D does not require creditors to use the Board's Annual Percentage Rate Tables. The estimated annual percentage rate may be computed under either the actuarial method or the Volume I method.

Appendix F—Annual Percentage Rate Computations for Certain Open-End Credit Plans

Comment app. F–1 is added to cross reference updated comment 14(c)–6. The latter comment discusses the annual percentage rate calculation methods for plans involving both daily periodic rates and specific transaction charges.

Appendix H—Closed-End Model Forms and Clauses

Comments app. H–17 through app. H–20 are added to reflect the approval under section 113 of the act of certain student loan forms issued by the United States Department of Education.

List of Subjects in 12 CFR Part 226

Advertising, Banks, Banking, Consumer protection, Credit, Federal Reserve System, Finance, Penalties, Truth in Lending.

(3) *Text of amendments.* The amendments to the commentary

(Supplement I to Part 226) read as follows:

Supplement I—Official Staff Commentary—TIL-1

Introduction

* * * * *

3. *Status of previous interpretations.* All statements and opinions issued by the Federal Reserve Board and its staff interpreting previous Regulation Z remain effective until October 1, 1982, only insofar as they interpret that regulation. When compliance with revised Regulation Z becomes mandatory on October 1, 1982, the Board and staff interpretations of the previous regulation will be entirely superseded by the revised regulation and this commentary except with regard to liability under the previous regulation.* * *

Subpart A—General

Section 226.2—Definitions and Rules of Construction

2(a) Definitions. * * *

2(a)(3) "Arranger of Credit". * * *

1. *Coverage.* * * *

6. *Real estate brokers.* The general definition does not include a person (such as a real estate broker or salesperson) who, as part of the process of arranging the sale of real property or a dwelling, arranges for the seller to totally or partly finance the purchase, even if the obligation by its terms is simultaneously assigned by the seller to another person. However, a broker or salesperson is not exempt from coverage in all transactions. For example, a real estate broker may be a creditor in the following situations:

- The broker acts as a loan broker to arrange for someone other than the seller to extend credit, provided that the extender of credit (the person to whom the obligation is initially payable) does not meet the "creditor" definition.
- The broker extends credit itself, provided that the broker otherwise meets the "creditor" definition.* * *

2(a)(13) "Consummation".

1. *State law governs.* When a contractual obligation on the consumer's part is created is a matter to be determined under applicable law; Regulation Z does not make this determination. A contractual commitment agreement, for example, that under applicable law binds the consumer to the credit terms would be consummation. Consummation, however, does not occur merely because the consumer has made some financial investment in the transaction (for example, by paying a nonrefundable fee) unless, of course, applicable law holds otherwise. * * *

2(a)(23) "Prepaid Finance Charge". * *

2. *Examples.* Common examples of prepaid finance charges include:

- Buyer's points.
- Service fees.
- Loan fees.
- Finder's fees.
- Loan guarantee insurance.
- Credit investigation fees.

However, in order for these or any other finance charges to be considered prepaid, they must be either paid separately in cash or check or withheld from the proceeds. Prepaid finance charges include any portion of the finance charge paid prior to or at closing or settlement. * * *

2(a)(24) "Residential Mortgage Transaction".

1. *Relation to other sections.* This term is important in six provisions in the regulation:

- Section 226.4(c)(7)—exclusions from the finance charge.
- Section 226.15(f)—exemption from the right of rescission.
- Section 226.18(q)—whether or not the obligation is assumable.
- Section 226.19—special timing rules.
- Section 226.20(b)—disclosure requirements for assumptions.
- Section 226.23(f)—exemption from the right of rescission. * * *

2(a)(25) "Security Interest".

1. *Threshold test.* The threshold test is whether a particular interest in property is recognized as a security interest under applicable law. The regulation does not determine whether a particular interest is a security interest under applicable law. If the creditor is unsure whether a particular interest is a security interest under applicable law (for example, if statutes and case law are either silent or inconclusive on the issue), the creditor may at its option consider such interests as security interests for Truth in Lending purposes. However, the regulation and the commentary do exclude specific interests, such as after-acquired property and accessories, from the scope of the definition regardless of their categorization under applicable law, and these named exclusions may not be disclosed as security interests under the regulation. (But see the discussion of exclusions elsewhere in the commentary to § 226.2(a)(25).)

2. *Exclusions.* The general definition of security interest excludes three groups of interests: incidental interests, interests in after-acquired property, and interests that arise solely by operation of law. These interests may not be disclosed with the disclosures required under § 226.18, but the creditor is not precluded from preserving these rights elsewhere in the contract documents, or invoking and enforcing such rights, if it is otherwise lawful to do so. If the creditor is unsure whether a particular interest is one of the excluded interests, the creditor may, at its option, consider such interests as security interests for Truth in Lending purposes. * * *

Section 226.4—Finance Charge

* * * * *

4(b) Examples of Finance Charge. * * *

Paragraph 4(b)(9). * * *

3. *Determination of the regular price.* The "regular price" is critical in determining whether the difference between the price charged to cash customers and credit customers is a "discount" or a "surcharge," as these terms are defined in amended section 103 of the act. The "regular price" is defined in section 103 of the act as "the tag or posted price charged for the property or service if a single price is tagged or posted, or the price charged for the property or service when payment is made by use of an open-end credit account or a credit card if either (1) no price is tagged or posted, or (2) two prices are tagged or posted. . . ." For example, in the sale of motor vehicle fuel, the tagged or posted price is the price displayed at the pump. As a result, the higher price (the open-end credit or credit card price) must be displayed at the pump, either alone or along with the cash price. Service station operators may designate separate pumps or separate islands as being for either cash or credit purchases and display only the appropriate prices at the various pumps. If a pump is capable of displaying on its meter either a cash or a credit price depending upon the consumer's means of payment, both the cash price and the credit price must be displayed at the pump. A service station operator may display the cash price of fuel by itself on a curb sign, as long as the sign clearly indicates that the price is limited to cash purchases. * * *

4(c) Charges Excluded from the Finance Charge. * * *

Paragraph 4(c)(7).

1. *Real estate or residential mortgage transaction charges.* The list of charges in § 226.4(c)(7) applies both to residential mortgage transactions (which may include, for example, the purchase of a mobile home) and to other transactions secured by real estate. The fees are excluded from the finance charge even if the services for which the fees are imposed are performed by the

creditor's employees rather than by a third party. In addition, credit report fees include not only the cost of the report itself, but also the cost of verifying information in the report. If a lump sum is charged for several services and includes a charge that is not excludable, a portion of the total should be allocated to that service and included in the finance charge. A charge for a lawyer's attendance at the closing or a charge for conducting the closing (for example, by a title company) is excluded from the finance charge if the charge is primarily for services related to items listed in § 226.4(c)(7) (for example, reviewing or completing documents), even if other incidental services, such as explaining various documents or disbursing funds for the parties, are performed. In all cases, charges excluded under § 226.4(c)(7) must be bona fide and reasonable.

4(d) Insurance. * * *

11. *Initial term.* The initial term of insurance coverage determines the period for which a premium amount must be disclosed. In some cases the initial term is clear, for example, a property insurance policy on an automobile written for one year (even though the term of the credit transaction is four years) or a credit life insurance policy for the term of the credit transaction purchased by paying or financing a single premium. In other cases, however, it may not be clear what the initial term of the insurance is, for example, when the consumer agrees to pay a premium that is assessed periodically and the consumer is under no obligation to continue making the payments. In cases such as this, the cost disclosure may be made on the basis of a premium for one year of insurance coverage. The premium must be clearly labeled as being for one year.

12. *Loss-of-income insurance.* The loss-of-income insurance mentioned in § 226.4(d) includes involuntary unemployment insurance, which provides that some or all of the consumer's payments will be made if the consumer becomes unemployed involuntarily. * * *

Subpart B—Open-end Credit

Section 226.5—Géneal Disclosure Requirements

5(a) Form of Disclosures. * * *

Paragraph 5(a)(2).

1. *When disclosures must be "more conspicuous."* The terms "finance charge" and "annual percentage rate", when required to be used with a number, must be disclosed more conspicuously than other required disclosures, except in the two cases provided in footnote 9. At the creditor's option, "finance charge" and "annual percentage rate" may also be disclosed more conspicuously than the other required disclosures even when the regulation does not so require. The following examples illustrate these rules:

- In disclosing the annual percentage rate as required by § 226.6(a)(2), the term "annual percentage rate" is subject to the "more conspicuous" rule.
- In disclosing the amount of the finance charge, required by § 226.7(f), the term "finance charge" is subject to the "more conspicuous" rule.
- Although neither "finance charge" nor "annual percentage rate" need be emphasized when used as part of general informational material or in textual descriptions of other terms, emphasis is permissible in such cases. For example, when the terms appear as part of the explanations required under § 226.6(a) (3) and (4), they may be equally conspicuous as the disclosures required under §§ 226.6(a)(2) and 226.7(g). * * *

5(b) Time of Disclosures.

5(b)(1) Initial Disclosures.

1. *Disclosure before the first transaction.* The rule that the initial disclosure statement must be furnished "before the first transaction" requires delivery of the initial disclosure statement before the consumer becomes obligated on the plan (for example, before the consumer makes the first purchase, receives the first advance, or pays a fee under the plan).

- If the consumer pays a membership fee before receiving the Truth in Lending disclosures, or the consumer agrees to the imposition of a membership fee at the time of application and the Truth in Lending disclosure statement is not given at that time, disclosures are timely as long as the consumer, after receiving the disclosures, can reject the plan. The creditor must refund the membership fee if it has been paid, or clear the account if it has been debited to the consumer's account.
- If the consumer receives a cash advance check at the same time the Truth in Lending disclosures are provided, disclosures are still timely if the consumer can, after receiving the disclosures, return the cash advance check to the creditor without obligation (for example, without paying finance charges).
- Initial disclosures need not be given before the imposition of an application fee under § 226.4(c)(1).
- If, after receiving the disclosures, the consumer uses the account, pays a fee, or negotiates a cash advance check, the creditor may consider the account not rejected for purposes of this section. * * *

5(c) Basis of Disclosures and Use of Estimates.

1. *Legal obligation.* The disclosures should reflect the credit terms to which the parties are legally bound at the time of giving the disclosures.

- The legal obligation is determined by applicable state or other law.
- The fact that a term or contract may later be deemed unenforceable by a court on the basis of equity or other grounds does not, by itself, mean that disclosures based on that term or contract did not reflect the legal obligation.
- The legal obligation normally is presumed to be contained in the contract that evidences the agreement. But this may be rebutted if another agreement between the parties legally modifies that contract. * * *

5(d) Multiple Creditors; Multiple Consumers.

1. *Multiple creditors.* Under § 226.5(d):

- Creditors must choose which of them will make the disclosures.
- A single, complete set of disclosures must be provided, rather than partial disclosures from several creditors.
- All disclosures for the open-end credit plan must be given, even if the disclosing creditor would not otherwise have been obligated to make a particular disclosure. * * *

Section 226.6—Initial Disclosure Statement

2. *Separate initial disclosures permitted.* In a certain open-end credit program involving more than one creditor—a card issuer of travel-and-entertainment cards and a financial institution—the consumer has the option to pay the card issuer directly or to transfer to the financial institution all or part of the amount owing. In this case, the creditors may send separate initial disclosure statements.

6(a) Finance Charge * * *

Paragraph 6(a)(2) * * *

2. *Variable-rate disclosures—coverage.* This section covers open-end credit plans under which rate changes are part of the plan and are tied to an index or formula. A creditor would use variable-rate disclosures (and thus be excused from the requirement of giving a change-in-terms notice when rate increases occur as disclosed) for plans

involving rate changes such as the following:

- Rate changes that are tied to the rate the creditor pays on its 6-month money market certificates.
- Rate changes that are tied to Treasury bill rates.
- Rate changes that are tied to changes in the creditor's commercial lending rate.

In contrast, the creditor's contract reservation to increase the rate without reference to such an index or formula (for example, a plan that simply provides that the creditor reserves the right to raise its rates) would not be considered a variable-rate plan for Truth in Lending disclosure purposes. Moreover, an open-end credit plan in which the employee receives a lower rate contingent upon employment (that is, with the rate to be increased upon termination of employment) is not a variable-rate plan. (With regard to such employee preferential-rate plans, however, see comment 9(c)–1, which provides that if the specific change that would occur is disclosed on the initial disclosure statement, no notice of a change in terms need be given when the term later changes as disclosed.) * * *

6(b) Other Charges * * *

2. *Exclusions.* The following are examples of charges that are not "other charges":

- Fees charged for documentary evidence of transactions for income tax purposes.
- Amounts payable by a consumer for collection activity after default; attorney's fees, whether or not automatically imposed; foreclosure costs; post-judgment interest rates imposed by law; and reinstatement or reissuance fees.
- Premiums for voluntary credit life or disability insurance, or for property insurance, that are not part of the finance charge.
- Application fees under § 226.4(c)(1).
- A monthly service charge for a checking account with overdraft protection that is applied to all checking accounts, whether or not a credit feature is attached.
- Charges for submitting as payment a check that is later returned unpaid. (See the commentary to § 226.4(c)(2).) * * *

Section 226.7—Periodic Statement

2. *Separate periodic statements permitted.* In a certain open-end credit program involving more than one creditor—a card issuer of travel-and-entertainment cards and a financial institution—the consumer has the option to pay the card issuer directly or to transfer to the financial institution all or part of the amount owing. In this case, the creditors may send separate periodic statements that reflect the separate obligations owed to each. * * *

7(b) Identification of Transactions:

1. *Multifeatured plans.* In identifying transactions under § 226.7(b) for multifeatured plans, creditors may, for example, choose to arrange transactions by feature (such as disclosing sale transactions separately from cash advance transactions) or in some other clear manner, such as by arranging the transactions in general chronological order. * * *

7(c) Credits * * *

3. *Date.* If only one date is disclosed (that is, the crediting date as required by the regulation), no further identification of that date is necessary. More than one date may be disclosed for a single entry, as long as it is clear which date represents the date on which credit was given. * * *

7(e) Balance on Which Finance Charge Computed * * *

2. *Split rates applied to balance ranges.* If split rates were applied to a balance because different portions of the balance fall within two or more balance ranges, the creditor need not separately disclose the portions of the balance subject to such different rates since the range of balances to which the rates apply has been separately disclosed. For example, a creditor could disclose a balance of $700 for purchases even though a monthly periodic rate of 1.5 percent applied to the first $500, and a monthly periodic rate of 1 percent to the remainder. This option to disclose a combined balance does not apply when the finance charge is computed by applying the split rates to each day's balance (in contrast, for example, to applying the rates to the average daily balance). In that case, the balances must be disclosed using any of the options that are available if two or more daily rates are imposed. (See comment 7(e)–5.) * * *

Comment 7(e)–8 is redesignated as 7(e)–4.

4. *Multifeatured plans.* In a multifeatured plan, the creditor must disclose a separate balance (or balances, as applicable) to which a periodic rate was applied for each feature or group of features subject to different periodic rates or different balance computation methods. Separate balances are not required, however, merely because a "free-ride" period is available for some features but not others. A total balance for the entire plan is optional. This does not affect how many balances the creditor must disclose—or may disclose—within each feature. (See, for example, comment 7(e)–5.) * * *

Comment 7(e)–4 is redesignated as 7(e)–5.

5. *Daily rate on daily balance.* If the finance charge is computed on the balance each day by application of one or more daily periodic rates, the balance on which the finance charge was computed may be disclosed in any of the following ways for each feature:

- If a single daily periodic rate is imposed, the balance to which it is applicable may be stated as:
  - —A balance for each day in the billing cycle
  - —A balance for each day in the billing cycle on which the balance in the account changes
  - —The sum of the daily balances during the billing cycle
  - —The average daily balance during the billing cycle, in which case the creditor shall explain that the average daily balance is or can be multiplied by the number of days in the billing cycle and the periodic rate applied to the product to determine the amount of the finance charge.
- If two or more daily periodic rates may be imposed, the balances to which the rates are applicable may be stated as:
  - —A balance for each day in the billing cycle
  - —A balance for each day in the billing cycle on which the balance in the account changes
  - —Two or more average daily balances, each applicable to the daily periodic rates imposed for the time that those rates were in effect, as long as the creditor explains that the finance charge is or may be determined by (1) multiplying each of the average balances by the number of days in the billing cycle (or if the daily rate varied during the cycle, by multiplying by the number of days the applicable rate was in effect), (2) multiplying each of the results by the applicable daily periodic rate, and (3) adding these products together.

Comments 7(e)–5, 6, and 7 are redesignated as 7(e)–6, 7, and 8, respectively.

Comment 7(e)–8 is redesignated as 7(e)–4.

9. *Use of one balance computation method explanation when multiple balances disclosed.* Sometimes the creditor will disclose more than one balance to which a periodic rate was applied even though each balance was computed using the same balance

computation method. For example, if a plan involves purchases and cash advances that are subject to different rates, more than one balance must be disclosed even though the same computation method is used for determining the balance for each feature. In these cases, one explanation of the balance computation method is sufficient. Sometimes the creditor separately discloses the portions of the balance that are subject to different rates because different portions of the balance fall within two or more balance ranges, even when a combined balance disclosure would be permitted under comment 7(e)–2. In these cases, one explanation of the balance computation method is also sufficient (assuming, of course, that all portions of the balance were computed using the same method). * * *

7(g) Annual Percentage Rate * * *

2. *Multifeatured plans.* In a multifeatured plan, the actual annual percentage rate that reflects the finance charge imposed during the cycle may be separately stated for each feature, or may be described as a composite for the whole plan. If separate rates are given, a composite annual percentage rate for the entire plan is optional. * * *

Section 226.8—Identification of Transactions

8(a) Sale Credit * * *

8(a)(2) Copy of Credit Document Not Provided—Creditor and Seller Same or Related Person(s) * * *

5. *Date of transaction—foreign transactions.* In a foreign transaction, the debiting date may be considered the transaction date.

8(a)(3) Copy of Credit Document Not Provided—Creditor and Seller Not Same or Related Person(s) * * *

2. *Location of transaction.* The disclosure of the location where the transaction took place generally requires an indication of both the city, and the state or foreign country. If the seller has multiple stores or branches within that city, the creditor need not identify the specific branch at which the sale occurred. * * *

4. *Date of transaction—foreign transactions.* See comment 8(a)(2)–5. * * *

Section 226.9—Subsequent Disclosure Requirements

9(c) Change in Terms:

1. *"Changes" initially disclosed.* No notice of a change in terms need be given if the specific change is set forth initially, such as: rate increases under a properly disclosed variable-rate plan, a rate increase that occurs when an employee has been under a preferential rate agreement and terminates employment, or an increase that occurs when the consumer has been under an agreement to maintain a certain balance in a savings account in order to keep a particular rate and the account balance falls below the specified minimum. In contrast, notice must be given if the contract allows the creditor to increase the rate at its discretion but does not include specific terms for an increase (for example, when an increase may occur under the creditor's contract reservation right to increase the periodic rate). * * *

Section 226.13—Billing-Error Resolution

13(d) Rules Pending Resolution * * *

13(d)(1) Consumer's Right to Withhold Disputed Amount; Collection Action Prohibited * * *

2. *Right to withhold payment.* If the creditor reflects any disputed amount or related finance or other charges on the periodic statement, and is therefore required to make the disclosure under footnote 30, the creditor may comply with that disclosure requirement by indicating that payment of any disputed amount is not required pending resolution. Making a disclosure that only refers to the disputed amount would, of course, in no way affect the consumer's right under § 226.13(d)(1) to withhold related finance and other charges. The disclosure under footnote 30 need not appear in any specific place on the periodic statement, need not state the specific amount that the consumer may withhold, and may be preprinted on the periodic statement. * * *

Section 226.14—Determination of Annual Percentage Rate

14(c) Annual Percentage Rate for Periodic Statements * * *

6. *Daily rate with specific transaction charge.* Section 226.14(c)(3) sets forth an acceptable method for calculating the annual percentage rate if the finance charge results from a charge relating to a specific transaction and the application of a daily periodic rate. This section includes the requirement that the creditor follow the rules in Appendix F in calculating the annual percentage rate, especially footnote 1 to Appendix F which addresses the daily rate/transaction charge situation by providing that the "average of daily balances" shall be used instead of the "sum of the balances." * * *

Comments 14(c)–6, 7, and 8 are redesignated as 14(c)–7, 8, and 9, respectively.

9. *Small finance charges.* Section 226.14(c)(4) gives the creditor an alternative to § 226.14(c)(2) and (c)(3) if small finance charges (50 cents or less) are involved; that is, if the finance charge includes minimum or fixed fees not due to the application of a periodic rate and the total finance charge for the cycle does not exceed 50 cents. For example, while a monthly activity fee of 50 cents on a balance of $20 would produce an annual percentage rate of 30 percent under the rule in § 226.14(c)(2), the creditor may disclose an annual percentage rate of 18 percent if the periodic rate generally applicable to all balances is 1½ percent per month. This option is consistent with the provision in footnote 11 to §§ 226.6 and 226.7 permitting the creditor to disregard the effect of minimum charges in disclosing the ranges of balances to which periodic rates apply.

14(d) Calculations Where Daily Periodic Rate Applied * * *

2. *Daily rate with specific transaction charge.* If the finance charge results from a charge relating to a specific transaction and the application of a daily periodic rate, see comment 14(c)–6 for guidance on an appropriate calculation method. * * *

Section 226.15—Right of Rescission

15(a) Consumer's Right to Rescind Paragraph 15(a)(1) * * *

2. *Exceptions.* Although the consumer generally has the right to rescind with each transaction on the account, section 125(e) of the act provides an exception: Until September 30, 1985, the creditor need not provide the right to rescind at the time of each credit extension made under an open-end credit plan secured by the consumer's principal dwelling to the extent that the credit extended is in accordance with a previously established credit limit for the plan. This limited rescission option is available whether or not the plan existed prior to the effective date of the act. The consumer will have the right to rescind each extension made after September 30, 1985 under such a secured open-end credit plan, whether that plan was established before or after that date. * * *

Section 226.16—Advertising

16(b) Advertisement of Terms That Require Additional Disclosures. * * *

5. *Triggering terms.* The following are examples of terms that trigger additional disclosures:

- "Small monthly service charge on the remaining balance."
- "12 percent Annual Percentage Rate."
- "A $15 annual membership fee buys you $2,000 in credit."

6. *Minimum, fixed, transaction, activity, or similar charge.* The charges to be disclosed under § 226.16(b)(1) are

those that are considered finance charges under § 226.4. * * *

Subpart C—Closed-End Credit

Section 226.17—General Disclosure Requirements

17(a) Form of Disclosures.

Paragraph 17(a)(1). * * *

5. *Directly related.* The segregated disclosures may, at the creditor's option, include any information that is directly related to those disclosures. Directly related information includes, for example, the following:

- A description of a grace period after which a late payment charge will be imposed. For example, the disclosure given under § 226.18(l) may state that a late charge will apply to "any payment received more than 15 days after the due date."
- A statement that the transaction is not secured. For example, the creditor may add a category labelled "unsecured" or "not secured" to the security interest disclosures given under § 226.18(m).
- The basis for any estimates used in making disclosures. For example, if the maturity date of a loan depends solely on the occurrence of a future event, the creditor may indicate that the disclosures assume that event will occur at a certain time.
- The conditions under which a demand feature may be exercised. For example, in a loan subject to demand after five years, the disclosures may state that the loan will become payable on demand in five years.
- When a variable-rate feature is disclosed on other documents under footnote 43 to § 226.18(f), a reference to the variable-rate feature and/or to other documents on which the variable-rate disclosures are made.
- An explanation of the use of pronouns or other references to the parties to the transaction. For example, the disclosures may state, "'You' refers to the customer and 'we' refers to the creditor."
- Instructions to the creditor or its employees on the use of a multiple-purpose form. For example, the disclosures may state, "Check box if applicable."
- A statement that the borrower may pay a minimum finance charge upon prepayment in a simple interest transaction. For example, when state law prohibits penalties, but would allow a minimum finance charge in the event of prepayment, the creditor may make the § 226.18(k)(1) disclosure by stating "You may be charged a minimum finance charge."
- A brief reference to negative amortization in variable-rate transactions. For example, in the variable-rate disclosure, the creditor may include a short statement such as "Unpaid interest will be added to principal." (See the commentary to § 226.18(f)(3).)
- A brief caption identifying the disclosures. For example, the disclosures may bear a general title such as "Federal Truth in Lending Disclosures" or a descriptive title such as "Real Estate Loan Disclosures." * * *

17(c) Basis of Disclosures and Use of Estimates.

Paragraph 17(c)(1).

1. *Legal obligation.* The disclosures should reflect the credit terms to which the parties are legally bound at the outset of the transaction. The legal obligation is determined by applicable state law or other law. (Certain transactions are specifically addressed in this commentary. See, for example, the discussion of buydown transactions elsewhere in the commentary to § 226.17(c).)

- The fact that a term or contract may later be deemed unenforceable by a court on the basis of equity or other grounds does not, by itself, mean that disclosures based on that term or contract did not reflect the legal obligation.

2. *Modification of obligation.* The legal obligation normally is presumed to be contained in the note or contract that evidences the agreement. But this presumption is rebutted if another agreement between the parties legally modifies that note or contract. If the parties informally agree to a modification of the legal obligation, the modification should not be reflected in the disclosures unless it rises to the level of a change in the terms of the legal obligation. For example:

- If the creditor-employer offers a preferential employee rate, the disclosures should reflect the terms of the legal obligation. (See the commentary to § 226.18(f) for an example of a preferred-rate employee transaction that is a variable-rate transaction.)
- If the contract provides for a certain monthly payment schedule but payments are made on a voluntary payroll deduction plan or an informal principal-reduction agreement, the disclosures should reflect the schedule in the contract.
- If the contract provides for regular monthly payments but the creditor informally permits the consumer to defer payments from time to time, for instance, to take account of holiday seasons or seasonal employment, the disclosures should reflect the regular monthly payments. * * *

4. *Consumer buydowns.* In certain transactions, the consumer may pay an amount to the creditor to reduce the payments or obtain a lower interest rate on the transaction. Consumer buydowns must be reflected in the disclosures given for that transaction. To illustrate, in a mortgage transaction, the creditor and consumer agree to a note specifying a 14 percent interest rate. However, in a separate document, the consumer agrees to pay an amount to the creditor at consummation in return for a reduction in the interest rate to 12 percent for a portion of the mortgage term. The amount paid by the consumer may be deposited in an escrow account or may be retained by the creditor. Depending upon the buydown plan, the consumer's prepayment of the obligation may or may not result in a portion of the amount being credited or refunded to the consumer. In the disclosures given for the mortgage, the creditor must reflect the terms of the buydown agreement. For example:

- The amount paid by the consumer is a prepaid finance charge (even if deposited in an escrow account).
- A composite annual percentage rate must be calculated, taking into account both interest rates, as well as the effect of the prepaid finance charge.
- The payment schedule must reflect the multiple payment levels resulting from the buydown.* * *

8. *Graduated payment adjustable rate mortgages.* These mortgages involve both a variable interest rate and scheduled variations in payment amounts during the loan term. For example, under these plans, a series of graduated payments may be scheduled before rate adjustments affect payment amounts, or the initial scheduled payment may remain constant for a set period before rate adjustments affect the payment amount. In any case, the initial payment amount may be insufficient to cover the scheduled interest, causing negative amortization from the outset of the transaction. In these transactions, the disclosures should treat these features as follows:

- The finance charge includes the amount of negative amortization based on the assumption that the rate in effect at consummation remains unchanged.
- The amount financed does not include the amount of negative amortization.
- As in any variable-rate transaction, the annual percentage rate is based on the terms in effect at consummation.

- The schedule of payments discloses the amount of any scheduled initial payments followed by an adjusted level of payments based on the initial interest rate. Since some mortgage plans contain limits on the amount of the payment adjustment, the payment schedule may require several different levels of payments, even with the assumption that the original interest rate does not increase.* * *

Comments 17(c)(1)–8 and 9 are redesignated 17(c)(1)–9 and 10, respectively.

Paragraph 17(c)(3). * * *

2. *Use of special rules.* A creditor may utilize the special rules in § 226.17(c)(3) for purposes of calculating and making all disclosures for a transaction or may, at its option, use the special rules for some disclosures and not others.

Paragraph 17(c)(4). * * *

3.. *Use of special rules.* A creditor may utilize the special rules in § 226.17(c)(4) for purposes of calculating and making some disclosures but may elect not to do so for all of the disclosures. For example, the variations may be ignored in calculating and disclosing the annual percentage rate but taken into account in calculating and disclosing the finance charge and payment schedule. * * *

17(d) Multiple Creditors; Multiple Consumers.

1. *Multiple creditors.* If a credit transaction involves more than one creditor:

- The creditors must choose which of them will make the disclosures.
- A single, complete set of disclosures must be provided, rather than partial disclosures from several creditors.
- All disclosures for the transaction must be given, even if the disclosing creditor would not otherwise have been obligated to make a particular disclosure. For example, if one of the creditors is the seller, the total sale price disclosure under § 226.18(j) must be made, even though the disclosing creditor is not the seller. * * *

17(h) Series of Sales—Delay in Disclosures. * * *

2. *Basis of disclosures.* Creditors structuring disclosures for a series of sales under § 226.17(h) may compute the total sale price as either:

- The cash price for the sale plus that portion of the finance charge and other charges applicable to that sale; or
- The cash price for the sale, other charges applicable to the sale, and the total finance charge and outstanding principal.

17(i) Interim Student Credit Extensions.

1. *Definition.* Student credit plans involve extensions of credit for education purposes where the repayment amount and schedule are not known at the time credit is advanced. These plans include, for example, loans made under the Guaranteed Student Loan program, the PLUS program or any other student credit plan, whether government or private, where the repayment period does not begin immediately. Creditors in interim student credit extensions need not disclose the terms set forth in this paragraph at the time the credit is actually extended but must make complete disclosures at the time the creditor and consumer agree upon the repayment schedule for the total obligation. At that time, a new set of disclosures must be made of all applicable items under § 226.18.

2. *Basis of disclosures.* The disclosures given at the time of execution of the interim note should reflect two annual percentage rates, one for the interim period and one for the repayment period. The use of § 226.17(i) in making disclosures does not, by itself, make those disclosures estimates. Any portion of the finance charge, such as statutory interest, that is attributable to the interim period and is paid by the student (either as a prepaid finance charge, periodically during the interim period, in one payment at the end of the interim period, or capitalized at the beginning of the repayment period) must be reflected in the interim annual percentage rate. Interest subsidies, such as payments made by either a state or the federal government on an interim loan, must be excluded in computing the annual percentage rate on the interim obligation, when the consumer has no contingent liability for payment of those amounts. Any finance charges that are paid separately by the student at the outset or withheld from the proceeds of the loan are prepaid finance charges. An example of this type of charge is the loan guarantee fee. The sum of the prepaid finance charges is deducted from the loan proceeds to determine the amount financed and included in the calculation of the finance charge. * * *

5. *Approved student credit forms.* See the commentary to Appendix H regarding disclosure forms approved for use in certain student credit programs.* * *

Section 226.18—Content of Disclosures

18(f) Variable Rate. * * *

3. *Use of estimates.* The variable rate feature does not, by itself, make the disclosures estimates. (See the commentary to § 226.17(c) for a discussion of basis for estimates.) * * *

Comments 18(f)–3, 4, and 5 are redesignated 18(f)–4, 5, and 6, respectively.

7. *Growth equity mortgages.* Also referred to as payment escalated mortgages, these mortgage plans involve scheduled payment increases to prematurely amortize the loan. The initial payment amount is determined as for a long-term loan with a fixed interest rate. Payment increases are scheduled periodically, based on changes in an index. The larger payments result in accelerated amortization of the loan. In disclosing these mortgage plans, creditors may either:

- Estimate the amount of payment increases, based on the best information reasonably available; or
- Disclose by analogy to the variable rate disclosures, indicating that the payments are subject to increase, describing the circumstances under which the payments would increase, together with limitations on the increase, and providing an example of the increase.

(This discussion does not apply to growth equity mortages in which the amount of payment increases can be accurately determined at the time of disclosure. For these mortages, as for graduated payment mortages, disclosures should reflect the scheduled increases in payments.) * * *

Paragraph 18(f)(3).

1. *Effects.* Disclosure of the effect of an increase refers to an increase in the number or amount of payments or an increase in the final payment. In addition, the creditor may make a brief reference to negative amortization that may result from a rate increase. (See the commentary to § 226.17(a)(1) regarding directly related information.) If the effect cannot be determined, the creditor must provide a statement of the possible effects. For example, if the exercise of the variable-rate feature may result in either more or larger payments, both possibilities must be noted.

Paragraph 18(f)(4).

1. *Hypothetical example.* The example may, at the creditor's option, appear apart from the other disclosures. The creditor may provide either a standard example that illustrates the terms and conditions of that type of credit offered by that creditor or an example that directly reflects the terms and conditions of the particular transaction.

2. *Hypothetical example not required.* The creditor need not provide a hypothetical example in the following transactions with a variable-rate feature:

- Demand obligations with no alternate maturity date.
- Interim student credit extensions.
- Multiple-advance construction loans disclosed pursuant to Appendix D, Part I.

18(g) Payment Schedule.

1. *Amounts included in repayment schedule.* The repayment schedule should reflect all components of the finance charge, not merely the portion attributable to interest. A prepaid finance charge, however, should not be shown in the repayment schedule as a separate payment. The payments may include amounts beyond the amount financed and finance charge. For example, the disclosed payments may, at the creditor's option, reflect certain insurance premiums where the premiums are not part of either the amount financed or the finance charge, as well as real estate escrow amounts such as taxes added to the payment in mortage transactions. * * *

Paragraph 18(g)(2).

1. *Abbreviated disclosure.* The creditor may disclose an abbreviated payment schedule when the amount of each regularly scheduled payment (other than the first or last payment) includes an equal amount to be applied on principal and a finance charge computed by application of a rate to the decreasing unpaid balance. This option is also available when mortage-guarantee insurance premiums, paid either monthly or annually, cause variations in the amount of the scheduled payments, reflecting the continual decrease or increase in the premium due. The creditor using this alternative must disclose the dollar amount of the highest and lowest payments and make reference to the variation in payments. * * *

18(i) Demand Feature. * * *

2. *Covered demand features.* The type of demand feature triggering the disclosures required by § 226.18(i) includes only those demand features contemplated by the parties as part of the legal obligation. For example, this provision does not apply to transactions that covert to a demand status as a result of the consumer's default. A due-on-sale clause is not considered a demand feature. * * *

18(k) Prepayment. * * *

3. *Prepaid finance charge.* The existence of a prepaid finance charge in a transaction does not, by itself, require a disclosure under § 226.18(k). A prepaid finance charge is not considered a penalty under § 226.18(k)(1), nor does it require a disclosure under § 226.18(k)(2). At its option, however, a creditor may consider a prepaid finance charge to be under § 226.18(k)(2). If a disclosure is made under § 226.18(k)(2) with respect to a prepaid finance charge or other finance charge, the creditor may further identify that finance charge. For example, the disclosure may state that the borrower "will not be entitled to a refund of the prepaid finance charge" or some other term that describes the finance charge.

Paragraph 18(k)(1).

1. *Penalty.* This applies only to those transactions in which the interest calculation takes account of all scheduled reductions in principal, as well as transactions in which interest calculations are made daily. The term "penalty" as used here encompasses only those charges that are assessed strictly because of the prepayment in full of a simple-interest obligation, as an addition to all other amounts. Items which are not penalties include, for example:

- Loan guarantee fees.
- Interim interest on a student loan.

However, a minimum finance charge is a penalty in a simple-interest transaction. (See the commentary to § 226.17(a)(1) regarding the disclosure of a minimum finance charge as directly related information.)

Paragraph 18(k)(2).

1. *Rebate of finance charge.* This applies to any finance charges that do not take account of each reduction in the principal balance of an obligation. This category includes, for example:

- Precomputed finance charges such as add-on charges.
- Charges that take account of some but not all reductions in principal, such as mortgage guarantee insurance assessed on the basis of an annual declining balance, when the principal is reduced on a monthly basis.

No description of the method of computing earned or unearned finance charges is required or permitted as part of the segregated disclosures under this section. * * *

18(r) Required Deposit. * * *

2. *Pledged account mortgages.* In these transactions, a consumer pledges as collateral funds that the consumer deposits in an account held by the creditor. The creditor withdraws sums from that account to supplement the consumer's periodic payments. Creditors may treat these pledged accounts as required deposits or they may treat them as consumer buydowns in accordance with the commentary to § 226.17(c)(1). * * *

Comments 18(r)–2, 3, 4, and 5 are redesignated 18(r)–3, 4, 5, and 6, respectively.

Section 226.19—Certain Residential Mortgage Transactions

19(a) Time of Disclosure. * * *

2. *Timing and use of estimates.* Truth in Lending disclosures must be given (a) before consummation or (b) within three business days after the creditor receives the consumer's written application, whichever is earlier. The three-day period for disclosing credit terms coincides with the time period within which creditors subject to RESPA must provide good faith estimates of settlement costs. If the creditor does not know the precise credit terms, the creditor must base the disclosures on the best information reasonably available and indicate that the disclosures are estimates under § 226.17(c)(2). If many of the disclosures are estimates, the creditor may include a statement to that effect (such as "all numerical disclosures except the late-payment disclosure are estimates") instead of separately labelling each estimate. In the alternative, the creditor may label as an estimate only the items primarily affected by unknown information. (See the commentary to § 226.17(c)(2).) The creditor may provide explanatory material concerning the estimates and the contingencies that may affect the actual terms, [either on a separate document or on the same document (but separate from the required disclosures).] in accordance with the commentary to § 226.17(a)(1). * * *

Section 226.20—Subsequent Disclosure Requirements

20(a) Refinancings. * * *

3. *Variable rate.* If a variable-rate feature was properly disclosed under the regulation, a rate change in accord with those disclosures is not a refinancing. For example, a renegotiable rate mortgage that was disclosed as a variable-rate transaction is not subject to new disclosure requirements when the variable-rate feature is invoked. However, even if it is not accomplished by the cancellation of the old obligation and substitution of a new one, a new transaction subject to new disclosures results if the creditor either:

- Increases the rate based on a variable-rate feature that was not previously disclosed, or
- Adds a variable-rate feature to the obligation. * * *

5. *Coverage.* Section 226.20(a) applies only to refinancings undertaken by the original creditor or a holder or servicer of the original obligation. A "refinancing" by any other person is a new transaction under the regulation,

not a refinancing under this section. * * *

20(b) Assumptions.

1. *General definition.* An assumption as defined in § 226.20(b) is a new transaction and new disclosures must be made to the subsequent consumer. An assumption under the regulation requires the following three elements:

- A residential mortgage transaction.
- An express acceptance of the subsequent consumer by the creditor.
- A written agreement.

The assumption of a non-exempt consumer credit obligation requires no disclosures unless all three elements are present. * * *

Comment 20(b)–6 is removed and Comment 20(b)–7 is redesignated 20(b)–6.

Section 226.22—Determination of the Annual Percentage Rate

22(a) Accuracy of the Annual Percentage Rate.

Paragraph 22(a)(1). * * *

4. *Basis for calculations.* When a transaction involves "step rates" or "split rates"—that is, different rates applied at different times or to different portions of the principal balance—a single composite annual percentage rate must be calculated and disclosed for the entire transaction. Assume, for example, a step-rate transaction in which a $10,000 loan is repayable in 5 years at 10 percent interest for the first 2 years, 12 percent for years 3 and 4, and 14 percent for year 5. The monthly payments are $210.71 during the first 2 years of the term, $220.25 for years 3 and 4, and $222.59 for year 5. The composite annual percentage rate, using a calculator with a "discounted cash flow analysis" or "internal rate of return" function, is 10.75 percent. * * *

Section 226.24—Advertising

24(b) Advertisement of Rate of Finance Charge. * * *

4. *Effective rates.* In some transactions the consumer's payments may be based upon an interest rate lower than the rate at which interest is accruing. The lower rate may be referred to as the effective rate, payment rate or qualifying rate. A creditor or seller may advertise such rates by stating: The term of the reduced payment schedule, the interest rate upon which the reduced payments are calculated, the rate at which the interest is in fact accruing, and the annual percentage rate. The advertised annual percentage rate that must accompany this rate must take into account the interest that will accrue but will not be paid during this period. For example, an advertisement may state "An effective first year interest rate of 10 percent. Interest being earned at 14 percent. Annual percentage rate 15 percent."

Subpart D—Miscellaneous * * *

Section 226.29—State Exemptions

29(a) General Rule. * * *

4. *Exemptions granted.* Effective October 1, 1982, the Board has granted the following exemptions from portions of the revised Truth in Lending Act:

- *Maine.* Credit or lease transactions subject to the Maine Consumer Credit Code and its implementing regulations are exempt from chapters 2, 4 and 5 of the federal act. (The exemption does not apply to transactions in which a federally chartered institution is a creditor or lessor.)
- *Connecticut.* Credit transactions subject to the Connecticut Truth in Lending Act are exempt from chapters 2 and 4 of the federal act. (The exemption does not apply to transactions in which a federally chartered institution is a creditor.) * * *

Appendix D—Multiple-Advance Construction Loans

2. *Variable-rate construction loans.* The hypothetical disclosure required in most variable-rate transactions by § 226.18(f)(4) is not required for multiple-advance construction loans disclosed pursuant to Appendix D, Part I.

3. *Calculation of the total of payments.* When disclosures are made pursuant to Appendix D, the total of payments may reflect either the sum of the payments or the sum of the amount financed and the finance charge.

4. *Annual percentage rate.* Appendix D does not require the use of Volume I of the Board's Annual Percentage Rate Tables for calculation of the annual percentage rate. Creditors utilizing Appendix D in making calculations and disclosures may use other computation tools to determine the estimated annual percentage rate, based on the finance charge and payment schedule obtained by use of the appendix. * * *

Appendix F—Annual Percentage Rate Computations for Certain Open-End Credit Plans

1. *Daily rate with specific transaction charge.* If the finance charge results from a charge relating to a specific transaction and the application of a daily periodic rate, see comment 14(c)–6 for guidance on an appropriate calculation method. * * *

Appendix H—Closed-End Model Forms and Clauses

17. *ED–876A 4/82.* Pursuant to section 113(a) of the amended Truth in Lending Act, Form ED–876A 4/82, issued by the U.S. Department of Education for certain student loans, has been approved. This form may be used for all PLUS loans in which the borrower qualifies for an immediate deferment of principal payments under the terms of the note and disclosures are made under the interim student credit rules in § 226.17(i). The following changes may be made to the form:

- Reducing the size of the form.
- Deleting inapplicable disclosures by whiting out, blocking out, filling in "N/A" (not applicable) or "O," crossing out, leaving blanks, or circling applicable items.
- Deleting, whiting out, blocking out, or crossing out the words "Less" and "Equals" in the Itemization of the Amount Financed.
- Adding lines to the Itemization of the Amount Financed to indicate amounts paid to others.

18. *ED–876 1/82.* Pursuant to section 113(a) of the amended Truth in Lending Act, Form ED–876 1/82, issued by the U.S. Department of Education for certain student loans, has been approved. The form may be used for all PLUS loans in which there is no deferment before the borrower begins repayment of both principal and interest. The form may also be used for PLUS loans when the borrower qualifies for a deferment of principal payments and the annual percentage rate to be disclosed is calculated taking account of the irregular payment schedule. The form may also be used for consolidation of previous PLUS loans, whether or not the borrower had a deferment of principal payments under the earlier loans. The following changes may be made to the form:

- Reducing the size of the form.
- Adding lines to the payment schedule disclosure.
- Deleting inapplicable disclosures by whiting out, blocking out, filling in "N/A" (not applicable) or "O," crossing out, leaving blanks, or circling applicable items.
- Deleting, whiting out, blocking out, or crossing out the words "Less" and "Equals" in the Itemization of the Amount Financed.

- Adding lines to the Itemization of the Amount Financed to indicate amounts paid to others.

19. *ED–888 5/82.* Pursuant to section 113(a) of the amended Truth in Lending Act, Form ED–888 5/82, issued by the U.S. Department of Education for certain student loans, has been approved. The form may be used for all Guaranteed Student Loan Program (GSLP) loans for which disclosures are made under the interim student credit rules in § 226.17(i). The following changes may be made to the form:

- Reducing the size of the form.
- Deleting inapplicable disclosures by whiting out, blocking out, filling in "N/A" (not applicable) or "O," crossing out, leaving blanks, or circling applicable items.
- Deleting, whiting out, blocking out, or crossing out the words "Less" and "Equals" in the Itemization of the Amount Financed.
- Adding lines to the Itemization of the Amount Financed to indicate amounts paid to others.

20. *ED–889 5/82.* Pursuant to section 113(a) of the amended Truth in Lending Act, Form ED–889 5/82, issued by the U.S. Department of Education for certain student loans, has been approved. This form may be used for all Guaranteed Student Loan Program (GSLP) loans in which the borrower is making payments of both interest and principal. These borrowers may or may not have received federal interest benefits during the in-school period and the subsequent grace period. The following changes may be made to the form:

- Reducing the size of the form.
- Deleting inapplicable disclosures by whiting out, blocking out, filling in "N/A" (not applicable) or "O," crossing out, leaving blanks, or circling applicable items.
- Deleting, whiting out, blocking out, or crossing out the words "Plus," "Less" and "Equals" in the Itemization of the Amount Financed.
- Adding lines to the Itemization of the Amount Financed to indicate amounts paid to others.

* * * * *

Board of Governors of the Federal Reserve System, September 13, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82–25677 Filed 9–17–82; 8:45 am]

BILLING CODE 6210–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 82–NM–70–AD; Amdt. 39–4462]

Airworthiness Directives: British Aerospace (Hawker Siddeley) H.S. 748 Series; 2A Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) applicable to H.S. 748 airplanes which requires: (1) Inspection of the handle and operating mechanism for the overwing emergency exit panels for excessive play or backlash and correction as required; and (2) a check of certain indicator markings for proper location and correction of any discrepancies, if found to exist. This action is prompted by reports that three emergency overwing exit panels have been lost during flight. Loss of the panel could result in serious or fatal injury to passengers seated in the vicinity of the emergency exit and could result in structural damage to those areas vital to control of the airplane.

DATE: Effective date September 28, 1982.

ADDRESSES: The service bulletin specified in this Airworthiness Directive may be obtained upon request to British Aerospace, Inc., Box 17414, Dulles International Airport, Washington, D.C. 20041, 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 United Kingdom Civil Aviation Authority (CAA) has classified British Aerospace, Inc., H.S. 748 Service Bulletin A52–82 dated May 31, 1979, mandatory. This service bulletin requires inspection of the overwing emergency exit panel handle and operating mechanism, relocation of alignment markings, and adoption of maintenance procedures for reinstallation of the overwing emergency exit. There have been reports of three overwing emergency exit panels becoming detached and lost during flight because the emergency exit panel was not correctly fitted and properly locked. Improper locking of the panel can result because excessive play or backlash exists at the handle due to elongation of the hole in P/N 103D11502, a component in the lock operating mechanism, which permits the handle knob end to clear the Tufnel block and thus appear to be in the panel-locked position while, in fact, the lock is not fully engaged. In order to prevent this from occurring, the CAA is requiring inspection and modifications.

This airplane model is manufactured in the United Kingdom 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 type design registered in the United States, an AD is being issued which requires the above mentioned inspections and modifications.

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 effetive 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:

British Aerospace (formerly Hawker Siddeley): Applies to H.S. 748 Series 2A airplanes certificated in all categories. Compliance is required as indicated, unless already accomplished. To prevent loss of an emergency overwing exit panel during flight, accomplish the following within thirty days after the effective date of this AD:

1. Remove the word "CLOSED" and the associated indicator line from the exterior of the overwing emergency exit panels.

2. Inspect each overwing emergency exit panel for free movement of the handle and lock operating mechanism in accordance with paragraphs 2A (1), (2), (3), and (4) of the H.S. Service Bulletin A52–82, dated May 31, 1979, Accomplishment Instructions.

3. Check the fit of each overwing emergency exit panel in the fuselage aperture in accordance with Chapter 52–20–1 of the H.S. 748 Maintenance Manual or an FAA approved equivalent procedure.

4. Reestablish the indicator marking on the cam lever in accordance with paragraph 2A(4) of the service bulletin if the inspections and checks required in paragraph 2 of this AD show the indicator markings on the cam lever and the lever stop do not coincide.

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

6. 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 28, 1982.

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

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Executive Order 12291. 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 regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption **"FOR FURTHER INFORMATION CONTACT."**

This rule is a final order of the Administrator. Under Section 1006(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1486(a)), it is subject to review by the courts of appeals of the United States or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Washington, on September 8, 1982.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 82-25639 Filed 9-17-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-AWP-20]

Alteration of Transition Area, San Diego, California

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment alters the description of the San Diego, California, 700 foot transition area by adding an extension to the north. This extension is necessary to provide additional controlled airspace for an existing instrument approach procedure.

EFFECTIVE DATE: 0900 G.m.t., December 23, 1982. Comments on the rule must be received by October 14, 1982.

ADDRESSES: Send comments in triplicate to Director, Federal Aviation Administration, Attn: Manager, Airspace and Procedures Branch, AWP-530, 15000 Aviation Boulevard, Lawndale, California 90261. A public docket will be available for examination in the Office of the Regional Counsel, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261; telephone: (213) 536-6270.

FOR FURTHER INFORMATION CONTACT: Thomas A. Rea, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261; telephone (213) 536-6182.

SUPPLEMENTARY INFORMATION:

History

The purpose of this amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to designate a 700 foot transition area extension to provide controlled airspace for existing IFR operations. This amendment represents a change in the technical description of the transition area and imposes no greater constraints on the public than presently exist.

Request for Comments on the Rule

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

The Rule

The purpose of this amendment to subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to alter the description of the San Diego, California, transition area by adding an extension to encompass existing instrument approaches to McClellan-Palomar Airport, Carlsbad, California. 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 an immediate need for a regulation to redesignate the transition area airspace. Therefore, I find that notice of public procedure under 5 U.S.C. 353(b) is contrary to public interest.

List of Subjects in 14 CFR Part 71

Transition area.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) is further amended, effective 0901 GMT, December 23, 1982, as follows:

71.181 San Diego, California

Following * * * "latitude 33°15'00" N., longitude 117°30'30" W:," Delete "latitude 33°15'00" N., longitude 117°02'00"W:," and add "latitude 33°15'00" N., longitude 116°30'00" W:" to "latitude 33°00'00" N., longitude 116°45'00" * * *"

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

Issued in Los Angeles, California, on September 7, 1982.

H. C. McClure,

Director, Western-Pacific Region.

[FR Doc. 82-25646 Filed 9-17-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 97

[Docket No. 23318; Amdt. No. 1225]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

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

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

For Examination—

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

For Purchase—

Individual SIAP copies may be obtained from:

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

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendant of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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

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

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

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

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

List of Subjects in 14 CFR Part 97

Approaches, Standard instrument.

Adoption of the Amendment

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

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

** * * Effective October 28, 1982*

Fort Smith, AR—Fort Smith Muni, VOR or TACAN Rwy 25, Amdt. 17
Fort Smith, AR—Fort Smith Muni, VOR/DME or TACAN Rwy 7, Amdt. 7
Napa, CA—Napa County, VOR Rwy 6, Amdt. 9
Red Bluff, CA—Red Bluff Muni, VOR/DME Rwy 15, Amdt. 1
Red Bluff, CA—Red Bluff Muni, VOR Rwy 33, Amdt. 2
Santa Ana, CA—John Wayne Airport—Orange County, VOR Rwy 1L, Amdt. 2
Santa Ana, CA—John Wayne Airport—Orange County, VOR Rwy 19R, Amdt. 19
Erie, CO—Tri-County, VOR/DME-A, Amdt. 1
Bartow, FL—Bartow Muni, VOR/DME Rwy 9, Amdt. 4, cancelled
Bartow, FL—Bartow Muni, VOR/DME Rwy 9L, Original
Freeport, IL—Albertus, VOR Rwy 24, Amdt. 4
Paducah, KY—Farrington Airpark, VOR/DME-B, Amdt. 1
Rayville, LA—Rayville Muni, VOR/DME-A, Amdt. 1
Eliot, ME—Littlebrook Airpark, VOR-A, Original
Waterville, ME—Waterville Robert LaFleur, VOR/DME Rwy 5, Amdt. 4
Hattiesburg, MS—Hattiesburg Muni, VOR Rwy 13, Amdt. 9
Jackson, MS—Hawkins Field, VOR-A, Amdt. 15, cancelled
Laurel, MS—Hesler-Noble Field, VOR Rwy 13, Amdt. 11, cancelled
Laurel, MS—Hesler-Noble Field, VOR/DME-A, Original
Higginsville, MO—Higginsville Industrial Muni, VOR Rwy 16, Amdt. 2
St. Louis, MO—Arrowhead, VOR Rwy 2, Amdt. 3
St. Louis, MO—Arrowhead, VOR-A, Amdt. 1
Reno, NV—Reno Cannon Intl, VOR-D, Amdt. 3
Lakewood, NJ—Lakewood, VOR Rwy 6, Amdt. 2
Lumberton, NC—Lumberton Muni, VOR Rwy 5, Amdt. 4
Lumberton, NC—Lumberton Muni, VOR Rwy 13, Amdt. 4
Grove, OK—Grove Muni, VOR-A, Original
Erie, PA—Erie Intl, VOR Rwy 6, Amdt. 13
Erie, PA—Erie Intl, VOR/DME Rwy 24, Amdt. 8
Newport, RI—Newport State, VOR Rwy 16, Amdt. 3
Bonham, TX—Jones Field, VOR/DME Rwy 17, Original

Wichita Falls, TX—Tom Danaher, VOR/DME Rwy 35, Original

** * * Effective September 30, 1982*

Batavia, NY—Genesee County, VOR Rwy 28, Amdt. 3
Batavia, NY—Genesee County, VOR-A, Amdt. 1

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

** * * Effective October 28, 1982*

Fort Smith, AR—Fort Smith Muni, LOC BC Rwy 7, Amdt. 6
Napa, CA—Napa County, LOC Rwy 36L, Original
Santa Ana, CA—John Wayne Airport—Orange County, LOC BC Rwy 1L, Amdt. 9
Santa Ana, CA—John Wayne Airport—Orange County, LOC Rwy 19R, Amdt. 8, cancelled
Waterville, ME—Waterville Robert LaFleur, LOC Rwy 5, Amdt. 2
Reno, NV—Reno Cannon Intl, LOC-1 Rwy 16, Original
Reno, NV—Reno Cannon Intl, LOC-2 Rwy 16, Original
Reno, NV—Reno Cannon Intl, LOC/DME BC-B, Amdt. 5
Reno, NV—Reno Cannon Intl, LOC-C, Amdt. 2, cancelled
Whitefield, NH—Whitefield Regional, LOC Rwy 10, Amdt. 2
Newport, RI—Newport State, LOC Rwy 22, Amdt. 2
Greeneville, TN—Greeneville Muni, LOC Rwy 5, Original
Savannah, TN—Savannah-Hardin County, SDF Rwy 18, Original
Houston, TX—David Wayne Hooks Memorial, LOC/DME Rwy 17R, Original

** * * Effective September 30, 1982*

Beverly, MA—Beverly Muni, LOC Rwy 16, Original

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

** * * Effective October 28, 1982*

Mobile, AL—Bates Field, NDB Rwy 14, Amdt. 23, cancelled
Fort Smith, AR—Fort Smith Muni, NDB Rwy 7, Amdt. 5
Fort Smith, AR—Fort Smith Muni, NDB Rwy 25, Amdt. 22
Washington, DC—Washington National, NDB Rwy 15, Amdt. 3
Washington, DC—Washington National, NDB Rwy 36, Amdt. 6
Freeport, IL—Albertus, NDB Rwy 24, Amdt. 10
Shelbyville, IL—Shelby County, NDB Rwy 36, Amdt. 4
Pittsburg, KS—Atkinson Muni, NDB Rwy 16, Amdt. 1
Waterville, ME—Waterville Robert LaFleur, NDB-A, Amdt. 10
Hattiesburg, MS—Hattiesburg Muni, NDB Rwy 13, Amdt. 7, cancelled
Laurel, MS—Hesler-Noble Field, NDB Rwy 13, Amdt. 5
Reno, NV—Reno Cannon Intl, NDB Rwy 16, Amdt. 1
Whitefield, NH—Whitefield Regional, NDB Rwy 10, Amdt. 5
Trenton, NJ—Mercer County, NDB Rwy 6, Amdt. 6
Erie, PA—Erie Intl, NDB Rwy 24, Amdt. 14
Columbia, SC—Columbia Metropolitan, NDB Rwy 11, Amdt. 20
Greer, SC—Greenville-Spartanburg, NDB Rwy 3, Amdt. 11
Savannah, TN—Savannah-Hardin County, NDB Rwy 18, Original
Savannah, TN—Savannah-Hardin County, NDB Rwy 36, Amdt. 3, cancelled
San Antonio, TX—San Antonio Intl, NDB Rwy 3, Amdt. 35
San Antonio, TX—San Antonio Intl, NDB Rwy 12R, Amdt. 19
San Antonio, TX—San Antonio Intl, NDB Rwy 30L, Amdt. 8
Amery, WI—Amery Muni, NDB Rwy 18, Original

** * * Effective October 20, 1982*

Lumberton, NC—Lumberton Muni, NDB Rwy 13, Amdt. 5

Effective September 2, 1982

Vinton, IA—Vinton Veterans Meml Arpk, NDB Rwy 16, Amdt. 1

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

** * * Effective October 28, 1982*

Mobile, AL—Bates Field, ILS Rwy 14, Amdt. 26
Mobile, AL—Bates Field, ILS Rwy 32, Amdt. 4
Fort Smith, AR—Fort Smith Muni, ILS Rwy 25, Amdt. 17
Los Angeles, CA—Los Angeles Intl, ILS Rwy 7L, Original
Los Angeles, CA—Los Angeles Intl, ILS Rwy 25R, Original
Santa Ana, CA—John Wayne Airport-Orange County, ILS Rwy 19R, Amdt. 8
Washington, DC—Dulles Intl, ILS Rwy 19L, Amdt. 7
Washington, DC—Washington National, LDA Rwy 18, Amdt. 11
Washington, DC—Washington National, ILS Rwy 36, Amdt. 32
Laurel-Hattiesburg, MS—Pine Belt Regional, ILS Rwy 18, Amdt. 4
Reno, NV—Reno Cannon Intl, ILS Rwy 16, Amdt. 2
Reno, NV—Reno Cannon Intl, ILS-A, Amdt. 3 cancelled
Trenton, NJ—Mercer County, ILS Rwy 6, Amdt. 5
Erie, PA—Erie Intl, ILS Rwy 6, Amdt. 12
Erie, PA—Erie Intl, ILS Rwy 24, Amdt. 4
Greer, SC—Greenville-Spartanburg, ILS Rwy 3, Amdt. 14
San Antonio, TX—San Antonio Intl, ILS Rwy 3, Amdt. 12
San Antonio, TX—San Antonio Intl, ILS Rwy 12R, Amdt. 9
San Antonio, TX—San Antonio Intl, ILS Rwy 30L, Amdt. 6

** * * Effective September 30, 1982*

Batavia, NY—Genesee County, ILS Rwy 28, Original

** * * Effective July 21, 1982*

Rochester, NY—Rochester-Monroe County, ILS Rwy 28, Amdt. 24

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

** * * Effective October 28, 1982*

Fort Smith, AR—Fort Smith Muni, RADAR-1, Amdt. 4
Washington, DC—Washington National, RADAR-1, Amdt. 22
Erie, PA—Erie Intl, RADAR-1, Amdt. 5

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

** * * Effective October 28, 1982*

Washington, DC—Dulles Intl, RNAV Rwy 1R, Amdt. 4
Freeport, IL—Albertus, RNAV Rwy 6, Amdt. 3
Grove, OK—Grove Muni, RNAV Rwy 18, Original
Grove, OK—Grove Muni, RNAV Rwy 36, Original

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

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

Issued in Washington, D.C. on September 10, 1982.

John M. Howard,
Manager, Aircraft Programs Division.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1980.

[FR Doc. 82-25714 Filed 9-17-82; 8:45 am]
BILLING CODE 4910-13-M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. I

[FPR Temp. Reg. 51, Supp. 2]

Telecommunications Acquisitions

AGENCY: General Services Administration.

ACTION: Temporary regulation supplement.

SUMMARY: The purpose of this regulation is to extend the expiration date of FPR Temporary Regulation 51, Telecommunications Acquisitions, and

to revise Section 1–4.1201–5 concerning the definition of "comparative cost analysis." The basis for this regulatory change is the need to provide agencies with revised guidance. The intended effect is to reflect the present value of money.

DATES: Effective date: This regulation is effective September 30, 1982, but may be observed earlier. Expiration date: This regulation will expire September 30, 1984, unless revised or superseded earlier.

FOR FURTHER INFORMATION CONTACT: Philip G. Read, Director, Office of Federal Procurement Regulations, Office of Acquisition Policy, (202–523–4755).

SUPPLEMENTARY INFORMATION:

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

In 41 CFR Chapter 1, FPR Temporary Regulation 51, Supplement 2 is added to the appendix at the end of the chapter.

General Services Administration,
Washington, D.C., August 27, 1982.

Federal Procurement Regulations, Temporary Regulation 51, Supplement 2

To: Heads of Federal agencies.
Subject: Telecommunications acquistions.

1. *Purpose.* Supplement 2 extends the expiration date of FPR Temporary Regulation 51 and revises § 1–4.1201–5 concerning the definition of "comparative cost analysis."

2. *Effective date.* This regulation is effective September 30, 1982, but may be observed earlier.

3. *Expiration date.* This regulation will expire September 30, 1984, unless revised or superseded.

4. *Background.* FPR Temporary Regulation 51 provides Federal agency guidance on the acquisition of telecommunications. The proposed codification of this temporary regulation is being withheld at this time because of potential legislation and the consideration of a revision to a January 24, 1956 Consent Decree with the American Telephone and Telegraph Company.

5. *Explanation of change.*

a. Subpart 1–4.12 is renumbered Subpart 1–4.13 and the sections within the subpart are renumbered accordingly.

b. Section 1–4.1201–5 is renumbered as § 1–4.1301–5 and is amended to read as follows:

§ 1–4.1301–5 Comparative cost analysis.

"Comparative cost analysis" means a procedure for adjusting the system life cost to the present value of money. The present value is computed by using the discount rate prescribed by OMB Circular A–94 or a higher rate as determined by the procuring agency. The higher rate, if used, is to reflect the agency's desired rate of return to assure the optimal allocation of its limited funds.

c. The expiration date contained in paragraph 3 of FPR Temporary Regulation 51 is revised to

6. *Effect on other directives.* Supplement 1 to FPR Temporary Regulation 51 is canceled.

7. *Submission of comments.* Comments are invited concerning this regulation and its effect and impact on the competitive acquisition of telecommunications. Comments should be forwarded to GSA (CPEP), Washington, D.C. 20405 no later than November 30, 1982.

Gerald P. Carmen,
Administrator of General Services.

[FR Doc. 82–25862 Filed 9–17–82; 8:45 am]

BILLING CODE 6820–61–M

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41 CFR Parts 1–1, 1–6, 1–16, 1–18

[FPR Amendment 224]

Federal Procurement Data System Reporting Requirements

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation incorporates the Federal Procurement Data System reporting requirements into the Federal Procurement Regulations. This action is required to make the latest procurement data reporting requirements applicable to executive agencies. The effect will be to improve procurement statistical reporting.

EFFECTIVE DATE: October 1, 1982.

FOR FURTHER INFORMATION CONTACT: Philip G. Read, Director, Office of Federal Procurement Regulations, Office of Acquisition Policy, (202–523–4755).

SUPPLEMENTARY INFORMATION: Information collection requirements contained in this regulation (§§ 1–1.340, 1–1.341, 1–1.709, 1–6.106, 1–16.401(k), and 1–18.607) have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and have been assigned OMB control numbers 3090–0075, 3090–0094, 3090–0095, 3090–0074, 3090–0009, and 3090–0061, respectively. Sections 1–16.101(a) and 1–16.401(c) contain information collection requirements which are pending review by OMB. FPR Temporary Regulation 48 (44 FR 2388, January 11, 1979) and Supplements 1 (45 FR 27762, April 24, 1980) and 2 (47 FR 25018, June 9, 1982) and FPR Temporary Regulation 58 (46 FR 17780, March 20, 1981) are canceled and deleted from the appendix at the end of 41 CFR Chapter 1.

List of Subjects

41 CFR Part 1–1

Government procurement, Environmental protection, Labor surplus areas, Minority businesses, Recycled materials, Small businesses, Administrative practices and procedures, and Subcontractor gifts and kickbacks.

41 CFR Part 1–6

Government procurement and Foreign purchases.

41 CFR Part 1–16

Government procurement and Procurement forms.

41 CFR Part 1–18

Government procurement, Labor standards, and Construction.

PART 1–1—GENERAL

The table of contents for Part 1–1 is amended to add three entries, as follows:

* * * * *

Subpart 1–1.3—General Policies

* * * * *

Subpart 1–1.3—General Policies

1. Section 1–1.340 is added as follows:

§ 1–1.340 Women-owned business concerns.

§ 1–1.340–1 General.

It is the policy of the Government under Executive Order 12138 that women-owned business concerns shall have the maximum practicable opportunity to participate in Federal contracts. As used in this § 1–1.340, a "women-owned business" concern means a business that is at least 51 percent owned by a woman or women who also control and operate the business. The Women-Owned Business representation set forth in this § 1–1.340–1 shall be included in all solicitations and all contract awards.

Women-Owned Business

The offeror represents that the firm submitting this offer ☐ is, ☐ is not, a women-owned business. A women-owned business is a business that is at least 51 percent owned by a woman or women who also control and operate the business. Control in this context means exercising the power to make policy decisions. Operate in this context means being actively involved in the day-to-day management.

For the purposes of this definition, businesses which are publicly owned, joint stock associations, and business trusts are exempted. Exempted businesses may voluntarily represent that they are or are not women-owned if this information is available. (Approved by the Office of Management and Budget under OMB control number 3090–0075.)

2. Section 1–1.341 is added, as follows:

§ 1-1.341 Contract data reporting.

(a) This section prescribes reporting requirements to provide data concerning the award of contracts. The data provides (1) a basis for recurring and special reports to the President, the Congress, the General Accounting Office, Federal executive agencies, and the general public; (2) a means of measuring and assessing the impact of Federal contracting on the Nation's economy and the extent to which small and small disadvantaged concerns are sharing in Federal contracts; and (3) data for other policy and management control purposes.

(b) Each executive agency, including the Department of Defense, shall report contract actions that obligate or deobligate funds to the General Service Administration, Federal Procurement Data Center, on the forms prescribed in § 1-16.804. Instructions for completing the forms are contained in the Federal Procurement Data System Reporting Manual, Volumes I and II, as supplemented by FPDS Directives. Copies of the manuals may be obtained from Federal Procurement Data Center, 4040 North Fairfax Drive, Suite 900, Arlington, VA 22203. (Approved by the Office of Management and Budget under OMB control numbers 3090-0094 and 3090-0095).

Subpart 1-1.7—Small Business Concerns

Section 1-1.709 is revised, as follows:

§ 1-1.709 Records and reports.

Executive agencies shall, in soliciting bids or proposals, request from any bidder or offeror any information needed to determine whether the bidder or offeror is a small or small disadvantaged business concern. (Approved by the Office of Management and Budget under OMB No. 3090-0074.) Agencies shall report such procurement data on Standard Form 279, FPDS—Individual Contract Action Report (over $10,000), assigned Interagency Report Control Number 0206-GSA-QU, and Standard Form 281 FPDS—Summary of Contract Actions of $10,000 or Less, assigned Interagency Report Control number 0208-GSA-QU, in accordance with § 1-1.341. (Approved by the Office of Management and Budget under OMB control numbers 3090-0095 and 3090-0094, respectively.)

Subpart 1-1.8—Labor Surplus Area Concerns

Section 1-1.807 is revised, as follows:

§ 1-1.807 Records and reports.

Executive agencies shall maintain such records of procurement contracts to be performed in labor surplus areas as are necessary to prepare reports prescribed in § 1-1.341.

Subpart 1-1.13—Minority Business Enterprises

Section 1-1.1302 is amended by removing paragraphs (a)(8) and (a)(9), as follows:

§ 1-1.1302 Agency programs.

(a) * * *

(8) [Removed]

(9) [Removed]

* * * * *

PART 1-6—FOREIGN PURCHASES

The table of contents for Parts 1-6 is amended to add one entry, as follows:

1-6.106 Country of manufacturer.

Subpart 1-6.1—Buy American Act—Supply and Service Contracts

Section 1-6.106 is added as follows:

§ 1-6.106 Country of manufacturer.

The following representation shall be included in all solicitations and all contract awards which exceed $10,000:

Country of Manufacturer

The product which the offeror proposes to furnish ☐ is, ☐ is not, manufactured, mined, or grown in the United States. If the product is not manufactured, mined, or grown in the United States, the country of manufacturer is———. (Approved by the Office of Management and Budget under OMB control number 3090-0061.)

(End of Clause)

PART 1-16—PROCUREMENT FORMS

The table of contents for Part 1-16 is amended to remove nine entries, revise one entry, and add two entries, as follows:

1-16.804 Contract action reports.
1-16.804-1 [Removed]
1-16.804-2 [Removed]
1-16.804-3 [Removed]
1-16.804-4 [Removed]
1-16.804-5 [Removed]
1-16.804-6 [Removed]

* * * * *

1-16.901-37 [Removed]
1-16.901-37A [Removed]

* * * * *

1-16.901-279 FPDS—Individual Action Report (over $10,000).
1-16.901-281 FPDS—Summary of Actions of $10,000 or Less

* * * * *

1-16.902-OF 61 [Removed]

* * * * *

Subpart 1-16.1—Forms for Advertised Supply Contracts

Section 1-16.101(a) is revised as follows:

§ 1-16.101 Contract forms.

* * * * *

(a) Solicitation, Offer, and Award (Standard Form 33, March 1977 edition). Pending the publication of a new edition of the form, the representation Public and Private Organizations for the Handicapped or Handicapped Individuals, prescribed by § 1-1.709-9; the representation Women-owned Business, prescribed by § 1-1.340; and the representation Country of Manufacturer, prescribed by § 1-6.106, shall be added to the representations and certifications on the form. To the provisions that appear on page 1 of the form, add the requirement that each contractor receiving an award over $10,000 will be requested to identify its principal place of performance and furnish its DUNS number if one has been assigned.

* * * * *

Subpart 1-16.4—Forms for Advertised Construction Contracts

Section 1-16.401(c) is revised as follows:

§ 1-16.401 Forms prescribed.

* * * * *

(c) Representations and Certifications (Construction and Architect-Engineer Contract) (Standard Form 19-B, June 1976 edition). Pending the publication of a new edition of the form, the representations Women-owned Business (see § 1-1.340) and Country of Manufacturer (see § 1-18.607) shall be added to the representations and certifications that appear on the form.

* * * * *

Subpart 1-16.8—Miscellaneous Forms

1. Section 1-16.802 is revised as follows:

§ 1-16.802 Bidder's Mailing List Application.

Bidder's Mailing List Application (Standard Form 129, February 1977 edition) is prescribed for use in connection with the establishment and maintenance of bidders mailing lis's in accordance with § 1-2.205. Supplemental information, when required, may be obtained in accordance with agency procedures.

(a) Pending the publication of a new edition of the form, add to the provisions that appear on page 1 of the form, the following representation:

Women-Owned Business

Concern is ☐ is not ☐ a women-owned business. (Approved by the Office of Management and Budget under OMB control number 3090-0009.)

(b) Add to the provisions that appear on page 2 of the form, the following definition:

Women-Owned Business

A women-owned business is a business concern which is at least 51 percent owned, controlled, and operated by a woman or women. Controlled is defined as exercising the power to make policy decisions. Operated is defined as actively involved in the day-to-day management.

For the purposes of this definition, businesses which are publicly owned, joint stock associations, and business trusts are exempted. Exempted businesses may voluntarily represent that they are, or are not, women-owned if this information is available.

(End of Clause)

2. Section 1-16.804 is revised, as follows:

§ 1-16.808 Contract action reports.

The following Standard forms are prescribed for use in reporting contract actions to the Federal Procurement Data Center.

(a) FPDS—Individual Action Report (over $10,000) (Standard Form 279, October 1982 edition).

(b) FPDS—Summary of Contract Actions of $10,000 or Less (Standard Form 281, October 1982 edition).

§§ 1-16.804-1—1-16.804-6 [Removed]

Subpart 1-16.9—Illustration of Forms

1. Sections 1-16.901-37 and 1-16.901-37A are removed as follows:

§§ 1-16.901-37—1-16.901-37A [Removed]

2. Sections 1-16.901-279 and 1-16.901-281 are added, as follows:

BILLING CODE 6820-61-M

§ 1-16.901-279 FPDS—Individual Action Report (over $10,000).

OMB No. 3090-0095

FPDS-INDIVIDUAL CONTRACT ACTION REPORT (OVER $10,000)

INTERAGENCY REPORT CONTROL NO. 0706-GSA-QU

1. REPORTING AGENCY (FPDS Organization Designation Code Manual) — 1 2 3 4
2. CONTRACT NUMBER (Left justified) — 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19
3. MODIFICATION NUMBER — 20 21 22 23
1a. NAME OF REPORTING AGENCY
4. CONTRACTING OFFICE ORDER NUMBER — 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38
5. PURCHASING OR CONTRACTING OFFICE (FPDS Purchase Office Code Manual) — Code 39 40 41 42 43
5a. NAME
6. DATE OF THIS ACTION — CY, Mo. — 44 45 46 47
7. TYPE OF DATA ENTRY — 48
Ø = ORIGINAL
1 = REVERSING
2 = CORRECTING
Items Being Changed:
8. REPORT PERIOD — FY, Qtr — 49 50 51
9. D-U-N-S CONTRACTOR ESTABLISHMENT CODE — 52 53 54 55 56 57 58 59 60
9a. ESTABLISHMENT AND COMPLETE ADDRESS
Contractor Name:
Division Name:
Street Address:
City & State or Country
10. PRINCIPAL PLACE OF PERFORMANCE (STATE OR U.S. OUTLYING AREA OR COUNTRY—FIPS 5 or NBS LC 1067) - (CITY OR PLACE IN 50 STATES ONLY—FIPS 55) — State, City — 61 62 63 64 65 66 67
10a. NAME OF PRINCIPAL PLACE OF PERFORMANCE
11. TOTAL DOLLARS OBLIGATED OR DEOBLIGATED (Round to nearest whole dollar; right justified for report to HDQTRS) (Round to thousands for report to FPDS) (use lead zeros) — 68 69 70 71 72 73 74 75
11a. TYPE OF OBLIGATION
1 = OBLIGATED
2 = DEOBLIGATED
* = INITIAL LOAD OF BOA TYPE CONTRACT (NO DOLLARS)
12. SUBJECT TO STATUTORY REQUIREMENTS — 76
A. Walsh-Healey Act, Manufacturer
B. Walsh-Healey Act, Regular Dealer
C. Service Contract Act
D. Davis-Bacon Act
E. Not subject to Walsh-Healey, Service Contract, or Davis-Bacon Act
13. For Agency Use — 77, 78
14. KIND OF CONTRACT ACTION — 79
1. Initial Letter Contract
2. Definitive Contract Superseding Letter Contract
3. New Definitive Contract
4. Order Under Reporting Agency's Contract
5. Modification
6. GSA Schedule
7. Order under another Agency's Contract
8. Termination for Default
9. Termination for Convenience
15. MULTI-YEAR CONTRACT — 80
1 = Yes
2 = No
16. LABOR SURPLUS AREA (LSA) PREFERENCE — 81
2. Partial Labor Surplus Area Set-Aside Preference (DoD only)
3. Labor Surplus Area – Tie Bid Preference
5. Not a Labor Surplus Area Preference Award
6. Combined Small Business/Partial Labor Surplus Area Set-Aside Preference (DoD only)
7. Total Labor Surplus Area/Small Business Set-Aside Preference (P.L. 96-302)
8. Total Labor Surplus Area Set-Aside Preference (P.L. 96-302)
17. CONSULTANT TYPE AWARD — 82
1 = Yes
2 = No
18. PRINCIPAL PRODUCT OR SERVICE (FPDS Product/Service Code Manual) — Code 83 84 85 86
18a. DESCRIPTION
19. METHOD OF CONTRACTING — 87
1. Two-step Formal Advertising
2. Other Formal Advertising
3. Negotiated Competitive
4. Negotiated Non-competitive
5. Directed Contracts for Foreign Governments
6. Tariff or Regulated Acquisition
20. EXTENT OF COMPETITION IN NEGOTIATION — 88 89
COMPETITIVE
A1. Small Business Total Set-Aside
A2. Small Business Partial Set-Aside
A3. Labor Surplus Area Set-Aside
A4. Labor Surplus Area/Small Business Set-Aside
A9. Other Negotiated Competitive
NON-COMPETITIVE
B1. Buy Indian
B2. B(a) Program
B3. Follow-on After Competition
B9. Other Negotiated Non-Competitive
21. NEGOTIATION EXCEPTION AUTHORITY — 90
A = 10 USC 2304 (a) (applies to DoD, USCG & NASA only)
C = 41 USC 252 (c) (applies to Civilian Agencies) — 91 92
Ø1 Ø2 Ø4 Ø5 Ø6 Ø7 Ø8 Ø9 1Ø 11 12 13 14 15 16 17
Applies only to authority A.
22. TYPE OF CONTRACT OR MODIFICATION — 93
A. Fixed Price Redetermination
J. Firm Fixed Price
K. Fixed Price Economic Price Adjustment
L. Fixed Price Incentive
R. Cost-Plus-Award Fee
S. Cost-No Fee
T. Cost Sharing
U. Cost-Plus-Fixed-Fee
V. Cost-Plus-Incentive Fee
Y. Time and Materials
Z. Labor Hour
23. TYPE OF BUSINESS — 94 95
A1. Small Business-Disadvantaged 8(a)
A2. Small Business-Owned by Minority Group
A3. Other Small Business or Individuals
B1. Large Minority Business
B2. Other Large Business
C1. Non-Profit-Private Educational Organization
C2. Non-Profit-Hospital
C3. Non-Profit-Research Institution, Foundation, Laboratory
C4. Other Non-Profit Institutions
D1. State/Local Government-Educational
D2. State/Local Government-Hospital
D3. State/Local Government-Research Organization
D4. Other State/Local
E1. Acquired and Used Outside U.S./Outlying Areas
E2. Acquired Outside U.S./Outlying Areas and Used Inside U.S./Outlying Areas
24. WOMAN OWNED BUSINESS — 96
Ø = Exempt
1 = Yes
2 = No
3 = Not Certified
25. For Agency Use — 97
26. For Agency Use — 98 99 100 101
27. FOREIGN TRADE DATA — 102
A. Number of Bidders Offering Foreign Item — 103 104
B. Buy American Act Percent Difference — 105 106
C. Country of Manufacturer
CONTRACTING OFFICER OR REPRESENTATIVE (Typed name and Signature)
TELEPHONE NO.
DATE SUBMITTED

SPECIMEN

NSN 7540-01-074-7031 PREVIOUS EDITION NOT USABLE 279-103

STANDARD FORM 279 (REV. 10-82)
Prescribed by GSA (41 CFR 1-1.341)
FAR (48 CFR 53.204-2(a))

☆ GPO : 1982 O - 360-498 (54)

§ 1-16.901-281 FPDS—Summary of Contract Actions of $10,000 or Less.

FPDS–SUMMARY OF CONTRACT ACTIONS OF $10,000 OR LESS	INTERAGENCY REPORT CONTROL NUMBER 0208-GSA-OU	REPORT PERIOD FY Qtr.

REPORTING AGENCY *(FPDS Organization Designation Code Manual)* Code Name:

PURCHASING OR CONTRACTING OFFICE *(Do not use for reporting to FPDC)* Code Name:

PART I – TOTAL PRIME CONTRACT ACTIONS OF $10,000 OR LESS

METHODS OF CONTRACTING (a)	NUMBER OF ACTIONS (b)	NET DOLLAR AMOUNT *(Round to nearest thousand)* TOTAL (c)	SMALL BUSINESS CONCERNS (d)	LARGE BUSINESS CONCERNS (e)	EDUCATIONAL AND NON-PROFIT INSTITUTIONS (f)	OUTSIDE U.S./ OUTLYING AREAS (g)
1. TOTAL *(2 + 7 + 8)*						
2. Subtotal *(3 + 4 + 5 + 6)*						
3. Formally Advertised *(Including 2 Step)*						
4. Negotiated Competitive						
5. Negotiated Non-Compatitive						
6. Procurement Under Another Agency's Contracts						
6a. GSA Schedules						
6b. Another Agency's Contracts						
7 Directed Contracts for Foreign Govern-Governments						
8. Tariff or Regulated Acquisitions						

SPECIMEN

PART II – STATISTICS ON SELECTED TYPES OF ACQUISITION *(Breakdown of contract actions reported in Part I)*

TYPE OF ACQUISITION (a)	NUMBER OF ACTIONS (b)	NET DOLLAR AMOUNT *(Round to nearest thousand)* (c)
9. Small Business Total Set-Asides		
10. Small Business Partial Set-Asides		
11. Total Labor Surplus Area Set-Asides		
12. Total Labor Surplus Area/Small Business Set-Asides		
13. Acquisitions from Minority and Disadvantaged Business Enterprises *(13(a) + 13(b))*		
13a. Direct to Large or Small Minority Business Enterprises		
13b. Small Business–Disadvantaged 8(a)		
14. Woman-Owned Business		

REMARKS

DATE SUBMITTED	CONTRACTING OFFICER OR REPRESENTATIVE *(Typed name and signature)*	TELEPHONE NUMBER

NSN 7540-01-091-9674 PREVIOUS EDITION NOT USABLE 281-103

STANDARD FORM 281 (REV. 10-82)
Prescribed by GSA 41 CFR 1-1.341
FAR (48 CFR 53.204-2(b))

BILLING CODE 6820-61-C

3. Section 1-16.902-OF 61 is removed as follows:

§ 1-16.902-OF 61 [Removed]

PART 1-18—PROCUREMENT OF CONSTRUCTION

The table of contents for Part 1-18 is amended to add one entry as follows:

1-18.607 Country of manufacturer.

Subpart 1-18.6—Buy American Act

Section 1-18-607 is added as follows:

§ 1-18.607 Country of manufacturer.

The following representation shall be included in all solicitations and all contract awards which exceed $10,000:

Country of Manufacturer

The product which the offeror proposes to furnish ☐ is, ☐ is not manufactured, mined, or grown in the United States. If the product is not manufactured, mined, or grown in the United States, the country of manufacturer is _____.

(Approved by the Office of Management and Budget under OMB control number 3090-0061)

(End of Clause)

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: August 19, 1982.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 82-23730 Filed 9-17-82; 8:45 am]

BILLING CODE 6820-61-M

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41 CFR Parts 101-20, 101-26

[FPMR Amendment D-79]

Management of Buildings and Grounds and Federal Buildings Fund; Reimbursable Services

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: In response to findings of a General Accounting Office (GAO) report, GSA is amending its regulations to change the billing procedure for reimbursable services from fixed-price billing in advance to quarterly billing in an amount equal to obligations accumulated for the billing period, for all except recurring above-standard-level reimbursable work. GSA is also delegating greater authority to client agencies for accomplishing alterations that are not provided by PBS under the Standard Level User Charge (SLUC). This regulation is expected to improve the management of the reimbursable program.

EFFECTIVE DATE: September 20, 1982.

FOR FURTHER INFORMATION CONTACT: Dominick Pastore, Office of Program Support (PF), (202-566-1954).

SUPPLEMENTARY INFORMATION: GAO in its audit report 25-1026-P, GSA's Management of Reimbursable Building Services Needs Improvement, of July 8, 1981, expressed concern over agency complaints of high prices and the perception of frequent overcharging due to faulty fixed-price estimates. The change in billing policy will result in agencies being charged actual cost for most reimbursable services.

GSA will continue to provide cost estimates for which agencies must certify availability of funds. Billing for most reimbursable services will be on a quarterly basis in an amount equal to obligations accumulated for the billing period. At completion, a final bill or refund will be rendered to adjust to the actual cost of the services performed.

Recurring above-standard-level reimbursable services will continue to be provided on a fixed-price basis with billing in advance of the services provided. For the purpose of clarification, recurring above-standard-level reimbursable services are those services, such as additional cleaning or utilities, which are so intermixed with the same services performed under the standard level that it is not possible to isolate their actual cost.

GAO, in the same report, also expressed concern over the slow delivery and increasing backlog of reimbursable work. The increase in the authority delegated to agencies to contract for their own alterations should result in elimination of a large number of smaller reimbursable work requests and allow GSA to more effectively use its resources to provide better services.

GSA, in its efforts to improve the management of the reimbursable program, will delegate greater authority to client agencies for accomplishing alterations which are not provided by PBS under the Standard Level User Charge (SLUC). Under the delegation, agencies may accomplish, within PBS guidelines and standards, alterations valued at $10,000 or less where GSA has an ongoing indefinite quantity contract or unit price agreement and contract directly for alterations valued at $10,000 or less, where GSA contracts are not available.

GSA has determined that this regulation will not be considered a major rule under Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or result in significant adverse effects. GSA has based all administration decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

The information requirements contained in this regulation [section 101-20.105(a)(2)] have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and have been assigned OMB control numbers 3090-0800 and 3090-0071.

List of Subjects

41 CFR Part 101-20

Fire prevention, Blind, Safety, Concessions, Crime, Federal buildings and facilities, Government property management, Security measures.

41 CFR Part 101-21

Federal buildings and facilities and Government property management.

GSA is amending Part 101-20 as follows:

PART 101-20—MANAGEMENT OF BUILDINGS AND GROUNDS

Subpart 101-20.1—Building Operations, Maintenance, Protection, and Alterations

1. Section 101-20.105 is amended by revising paragraph (a) to read as follows:

§ 101-20.105 Reimbursable services.

* * * * *

(a) Special Space alterations, except for communication/security systems, required by occupant agencies above the standard level provided by GSA and prescribed in § 101-20.102.

(1) Where GSA has operative indefinite quantity contracts and unit price agreements for accomplishment of space alterations in Government-owned and -leased buildings, respectively, agencies may order against these contracts and agreements. Agencies wishing to use this authority shall submit names and addresses of proposed ordering officials and their alternates to the GSA buildings manager, who will submit them to the GSA contracting officer. Each agency shall be limited to one designated ordering official and one alternate in any building. The contracting officer shall designate in writing the ordering official and alternate by name and will authorize the contractor to accept orders

from only the designated ordering official or alternate. The GSA contracting officer will advise the agencies' ordering officials and their alternates in writing of their responsibilities, authorities, and limitations under these contracts and agreements. Designated agency ordering officials may, with the prior written approval of the GSA buildings manager on each order, order special space alteration services available under these contracts and agreements. The GSA buildings manager with the assistance of the GSA contracting officer, Real Estate or Buildings Management Divisions, where applicable, shall review and approve the orders and modifications thereto based on, but not limited to, the following criteria:

(i) The work is compatible with, and will not adversely affect, building structures, fire and safety systems, mechanical/electrical systems, or historically preserved building features.

(ii) The work conforms to GSA standards for safety, space utilization, fire protection, and handicapped access.

(iii) In leased buildings, the work is acceptable to the lessor, not the responsibility of the lessor, and within the Economy Act Limitations.

(iv) Whether it is feasible for Government (force account) personnel to perform the work.

(v) Whether it is feasible to combine the work with other similar scheduled work in a building.

(vi) In Government-owned buildings, the work is not already included in a prospectus.

(vii) Only scheduled items have been ordered.

(2) No individual order or combination of orders for a special space alteration project against GSA contracts or agreements shall exceed $10,000. Requirements aggregating more than $10,000 shall not be split into several orders of less than $10,000. Agencies shall use Standard Form 147, GSA Form 300, Order for Supplies or Services, or any other approved purchasing document to order special space alteration services under these GSA contracts and agreements. Any disputes between an agency ordering official and a contractor concerning the provisions of, or performance under, an indefinite quantity contract or unit price agreement that cannot be resolved by mutual agreement shall be referred to the GSA contracting officer for appropriate action. For all orders against GSA contracts or agreements, agency ordering officials shall furnish within 10 days of preparation one copy each of the ordering document and final payment document to the buildings manager and to the GSA Contracting Officer. The final payment voucher shall be supported with the following documents:

(i) GSA Form 1142, Release of Claims, or equivalent forms.

(ii) GSA Form 2419, Certification of Payments to Subcontractors and Suppliers.

(iii) Certification that work has been inspected and accepted and meets the provisions of the contract, and that the contractor has complied with all provisions of the contract regarding the subject delivery order.

(3) Where no GSA contracts or agreements are in effect or where specific items are not available under existing contracts or agreements, an agency may contract directly for services up to a maximum of $10,000 per project, after obtaining written approval of the GSA buildings manager. Agencies contracting directly must provide the GSA buildings manager with complete documentation of the scope of work and contract specifications at the time of submission for approval. GSA review and approval for agency-written contracts will be based on the same criteria applied to orders against GSA contracts and agreements.

(4) Agencies shall be responsible for inspecting and certifying satisfactory completion of the ordered work and for contractor compliance with the provisions of all agency-ordered work, whether against GSA contracts and agreements or agency-written contracts. Agencies shall institute procedures that are adequate to ensure separation of the ordering process from the inspection and acceptance process. Where alterations will affect the classification or utilization of space, or involve special wall finishes or other non-standard items or facilities, Real Estate Division's approval is required. The agency's initial approval submission on all alterations under this delegation of authority must include a layout of the agency's space to assist in the evaluation. The agency must identify the amount of alterations subject to the Economy Act limitation, and, if GSA advises that the 25 percent limit has been reached, the agency must prepare a Certificate of Determination before the work will be approved. As-built drawings must be submitted within 30 days of completion.

* * * * *

GSA is amending Part 101-21 as follows:

PART 101-21—FEDERAL BUILDINGS FUND

Subpart 101-21.6—Billings, Payments, and Related Budgeting Information for Space and Services Furnished by the General Services Administration

2. Section 101-21.604 is amended by revising paragraphs (c) through (h) to read as follows:

§ 101-21.604 Billing procedures for reimbursable charges.

* * * * *

(c) Rates charged for recurring above-standard-level reimbursable services shall be fixed to recover the approximate cost incurred by GSA in providing such services. Recurring above-standard-level reimbursable services are those recurring services, such as cleaning or utilities, which cannot readily be differentiated from the same type of services included in the standard level.

(d) The following basic types of reimbursable work are also performed by GSA but on an actual cost basis:

(1) Non-recurring services performed above standard levels of service, such as out-of-cycle painting;

(2) Recurring services not included in the standard level for which the actual cost can be readily identified;

(3) Repairs and alterations in buildings not controlled by GSA;

(4) Special space alterations and adjustments performed by GSA in GSA-operated buildings, which are requested and financed by other agencies in accordance with § 101-20.105, Reimbursable services; and

(5) Services financed by other agencies but performed by GSA personnel on construction and alteration projects.

(e) GSA Form 2957, reimbursable Work Authorization, must be completed before reimbursable work is begun. This authorization must describe the work or services ordered and include an estimate of the cost of the work described. Work authorizations must be signed by a responsible official capable of authorizing the obligation and committing the agency to payment of the charges, must contain a citation to the appropriation or funds to be charged, and must have a statement that funds in the amount of the stated estimate are available for immediate obligation for the requested work. GSA will make every effort to obtain approval and certification of additional funds before incurring any obligations in excess of the estimate; however, failure of GSA to notify the agency that obligations will

exceed the estimate does not relieve the agency of paying full actual costs.

(f) Bills for recurring above-standard-level services (identified by prefix "R" in the first position of the work authorization number on GSA Form 2957) are rendered in advance at a fixed-price equal to the estimated amount. This type of work authorization, with the right to cancel (subject to incurred costs and obligations) upon 60 days notice by either party must be completed and forwarded to GSA prior to the commencement of the period for which services are required. With the exception of recurring work authorizations for utilities, which GSA may limit to 3-month periods, each "R" type work authorization must authorize charges for the full period during the fiscal year that the services will be required. These work authorizations must always begin and end within the same fiscal year.

(g) Bills for all other reimbursable services are rendered quarterly in an amount equal to the obligations accumulated for the billing period. A final adjustment to actual cost will be made upon completion of the services.

(h) Agencies shall ensure that bills for special space alteration services ordered by them under provisions of § 101-20.105(a) shall be rendered by the contractor or lessor directly to the agencies' paying office. The agencies shall be responsible for timely payment and resolving any billing problems regarding orders they place under the contracts or agreements.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: August 23, 1982.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 82-25841 Filed 9-17-82; 8:45 am]

BILLING CODE 6820-23-M

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41 CFR Part 101-26

[FPMR Amdt. E-251]

Federal Property Management Regulations; Procurement Sources and Programs; Purchase of New Motor Vehicles

AGENCY: Transportation and Public Utilities Service, General Services Administration.

ACTION: Final rule.

SUMMARY: This amendment revises the number of consolidated volume procurements of standard sedans and station wagons made by GSA each year and revises the time schedules for consolidation of agency requirements for sedans, station wagons, and light trucks. This amendment also sets forth circumstances under which GSA will grant authority for purchase of motor vehicles to the ordering agency without a specific waiver request. In addition, this amendment provides information on GSA's centralized motor vehicle leasing program. Finally, the amendment clarifies administrative requirements for the submission of motor vehicle requisitions and updates form titles and organizational and Federal standard references. The intent of this change is to improve procurement service to the Federal agencies and expedite delivery of vehicles.

EFFECTIVE DATE: July 31, 1982.

FOR FURTHER INFORMATION CONTACT: William Hoffarth, Procurement Division, Office of Automotive Management (202-275-1617).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Part 101-26

Government property management.

PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

1. The table of contents for Part 101-26 is amended by adding the following entry:

Subpart 101-26.5—GSA Procurement Programs

2. Section 101-26.501 is amended by revising the introductory material in paragraph (a) and paragraphs (b) and (c) to read as follows:

§ 101-26.501 Purchase of new motor vehicles.

(a) With respect to the procurement of new sedans, station wagons, and light trucks other than those to be used for law enforcement, it shall be the policy to procure standard vehicles (unless other than standard vehicles are specifically required) as follows:

Sedans, class IA-small, class IB-subcompact, or class II-compact; station wagons, class IB-subcompact or class II-compact vehicles, as described in Federal standard No. 122; and light trucks, as defined in Federal standard Nos. 292 and 307. (Federal standard Nos. 122, 292 and 307 as used in this section mean the latest editions.) Requisitions submitted to GSA for motor vehicles shall be in conformance with the requirements of subparts 101-38.9 and 101-38.13.

* * * * *

(b) Requisitions submitted to GSA for new passenger vehicles and light trucks shall contain a certification by the agency head or a designee that the acquisition is in conformance with Pub. L. 94-163 and Executive Order 12003. The certification may be placed on the requisition or on an appropriate attachment thereto. Agency passenger vehicle requisitions omitting this certification will not be processed until such certification is received.

(c) Light trucks shall be requisitioned in accordance with the provisions of this § 101-26.501 and Federal standard Nos. 292 and 307.

* * * * *

3. Section 101-26.501-1 is amended by revising paragraphs (b) and (c) to read as follows:

§ 101-26.501-1 General.

* * * * *

(b) When it is determined by the ordering activity that requirements for passenger motor vehicles and trucks indicate the need for procurement by buying activities other than GSA, a request for waiver justifying the procurement shall be submitted in writing to the General Services Administration (TCP), Washington, DC 20406. GSA will notify agencies in writing whether a waiver has been granted. Justification may be based on the urgency of need or that the vehicle having unique characteristics such as a special purpose body or equipment that may require close supervision by agency personnel to ensure proper installation of the equipment by the contractor; e.g. when a medical van is to be equipped with Government or contractor-supplied equipment. Requests for procurement through sources other than GSA will be handled on an individual basis provided full justification is submitted therefor.

(c) When it is determined by GSA that procurement of an individual agency requirement by GSA would offer no advantage over local purchase of the

item, GSA may grant the ordering activity authority for local purchase. When such a determination is made, the order will be returned to the ordering agency with written authority for local purchase.

4. Section 101-26.501-2 is amended by revising paragraphs (a), (b), and (c) to read as follows:

§ 101-26.501-2 Consolidated purchase program.

(a) To achieve maximum benefits and economies, GSA makes consolidated procurements of all motor vehicle types each year as follows:

(1) Two volume procurements of sedans and station wagons of the types covered by Federal standard No. 122 and a possible third such volume procurement under circumstances described in § 101-26.501-4(a).

(2) Three volume procurements of light trucks of the types covered by Federal standard Nos. 292 and 307.

(b) Such volume consolidated purchases are made subsequent to consolidation of requirements in accordance with the dates set forth in § 101-26.501-4(a). To assure delivery within a given fiscal (model) year and to obtain the greatest possible savings, agencies shall submit at least 75 percent of their annual requirements, for the types of vehicles covered by Federal standard Nos. 122, 292, and 307 that can be competitively procured, to GSA in time for inclusion in the first or second volume consolidated purchase ((a)(1), above).

(c) When justified as indicated in § 101-26.501-4, requirements for sedans, station wagons, and light trucks will be consolidated and procured on a monthly basis.

* * * * *

5. Section 101-26.501-3 is revised to read as follows:

§ 101-26.501-3 Submission of orders.

Orders for all motor vehicles shall be submitted on GSA Form 1781, Motor Vehicle Requisition-Delivery Order, or DD Form 448, Military Interdepartmental Purchase Request (MIPR), to the General Services Administration, (TC), Washington, DC 20406, and shall contain required FEDSTRIP data for mechanized processing. The Department of Defense shall ensure that appropriate MILSTRIP data are entered on DD Form 448.

(a) Requisitions covering vehicle types not included in Federal standard Nos. 122, 292, or 307, in a military specification, or in an agency specification on file with GSA, shall contain complete descriptions of the vehicles required, the intended use of the vehicles, and terrain where the vehicles will be used.

(b) Requisitions for vehicles within the category of Federal standard Nos. 122, 292, or 307 but for which deviations from such standards are required, unless already waived by the Commissioner, Transportation and Public Utilities Service, shall include with the requisition a justification supporting each deviation from the standards and shall contain a statement of the intended use of the vehicles, including a description of the terrain where the vehicles will be used. Prior approval of deviations shall be indicated on the requisition by citing the waiver authorization number.

(c) GSA Form 1781, Motor Vehicle Requisition-Delivery Order (illustrated at § 101-26.4902-1781), has been specifically designed for agency use to expedite ordering of all vehicles. Agencies are requested to use GSA Form 1781 as a single-line-item requisition for nonstandard as well as standard vehicles. echicles. When ordering standard vehicles, the appropriate item number for such vehilces equipped to meet specific operational needs may be selected from the applicable table in the Federal standards. Additional systems and equipment may be added by inserting in the "Standard Option(s)" portion of block 9 of the form the appropriate code for the selected items from the table of options in the standard. When ordering nonstandard vehicles or options, the instructions on the reverse of GSA Form 1781 shall be followed. Submission of GSA Form 1781, properly completed, will satisfy the requirements regarding the submission of requisitions as set forth in paragraph (a) of this section.

(d) Each requisition shall indicate the appropriation/fund code to be charged and must bear the original signature of an officer authorized to obligate cited funds.

(e) Separate requisitions shall be submitted for each vehicle type and consignee.

6. Section 101-26.501-4 is amended by revising paragraphs (a), (b), and (d) to read as follows:

§ 101-26.501-4 Procurement time schedules.

(a) *Volume consolidated purchases.* Requisitions covering vehicle types included in Federal standard Nos. 122, 292, or 307, will be consolidated for volume procurement unless there is included a statement justifying the need for delivery other than the delivery times indicated in § 101-26.501-4(d). Requisitions containing a statement of justification will be handled on a monthly basis in accordance with § 101-26.501-4(b)(1), or on an emergency basis in accordance with § 101-26.501-4(c).

TIME SCHEDULE FOR VOLUME CONSOLIDATIONS

Vehicle category	Consolidation date
A. Sedans and station wagons of types covered by Fed. Std. 122.	I March 10 to September 9. II September 10 to January 9. III January 10 to March 9 [1]
B. Light trucks of types covered by Fed. Std. Nos. 292 and 307.	I March 10 to August 9. II August 10 to December 15. III December 16 to March 9.

[1] Agencies are cautioned that a solicitation covering requisitions for sedans and station wagons received during this consolidation period will be issued only if it is determined by GSA prior to issuance that competitive bids can be obtained. Otherwise, such requisitions will be held for inclusion in the next volume consolidated procurement.

(b) *Monthly consolidated purchases.* (1) Requirements for vehicles to be included in monthly consolidated purchases must be received by GSA by the dates indicated in the schedule set forth below. Requirements received after these dates will be carried over to the following month's purchase. In the interest of timely and orderly preparation of solicitations, ordering agencies are urged to submit each requirement as soon as it is finalized instead of holding it for submission with later requirements. Such requisitions need not specify a delivery date since delivery will be in accordance with delivery times indicated in § 101-26.501-4(d). Requests for special handling of other than strictly emergency requirements shall not be submitted.

TIME SCHEDULE

Vehicle category	Monthly consolidation dates
(i) Passenger carrying vehicles, light trucks of types not covered by Fed. Std. Nos. 122, 292, or 307 and ambulances.	20th of each month.
(ii) Buses, trucks (other than light trucks in category (i) above), and trailers of not less than 5,000 lbs.	Last day of each month.
(iii) All other categories and types of vehicles.	Last day of each month.

(2) Solicitations issued in September for the consolidated purchase of vehicles will cover only the requirements of those executive agencies whose requisitions are required by § 101-26.501-1 to be placed with GSA. (Submission of requirements for vehicles in categories (i) and (ii) above, is mandatory to the extent provided in § 101-26.501-1.)

(3) No assurance can be given as to price and time of delivery of passenger cars and light trucks on requisitions received by GSA after the 9th of March. This is because of the industry practice of closing out the production of the

current year's model and retooling for new models. Agencies should bear this in mind when programing their requirements. GSA will notify agencies submitting requisitions for sedans and station wagons that cannot be placed on contract before the end of the fiscal year in which submitted.

* * * * *

(d) *Delivery time.* Delivery times for motor vehicles requirements submitted for monthly consolidated and volume consolidated purchases will range from 210 to 330 days after final dates for consolidation of requisitions provided in § 101–26.501–4 (a) and (b)(1). Included in delivery time estimates are 90 to 105 days required for soliciting and receiving bids, 30 to 45 days for evaluation and award of contracts, 90 to 180 days from date of award for delivery of vehicles to the consigned locations. For buses, ambulances and other special duty vehicles procured under monthly consolidated purchases, 240 to 270 days from date of award are usually required to effect delivery. However, special purpose vehicles with unique characteristics, such as certain types of firetrucks, may require longer delivery. In such instances, every effort will be made by GSA to facilitate deliveries and keep the requisitioning agencies informed of any unauthorized delay.

7. Section 101–26.501–6(c) is revised to read as follows:

§ 101–26.501–6 Forms used in connection with delivery of vehicles.

* * * * *

(c) GSA Form 6317, Instructions to Consignee Receiving New Motor Vehicles Purchased by General Services Administration. This form is furnished to each consignee with copies of the delivery order. Personnel responsible for receipt and operation of Government motor vehicles should be familiar with the instructions and information contained in GSA Form 6317.

8. Section 101–26.501–8 is amended to revise the list of manufacturers following paragraph (a) and to revise the GSA address in paragraph (b) to read as follows:

§ 101–26.501–8 Notification of vehicle defects.

* * * * *

Addresses of Manufacturers

American Motors, Corp., Fleet Sales Department, 14250 Plymouth Road, Detroit, MI 48232
AM General Corporation, Logistics Division, 701 West Chippewa Avenue, South Bend, IN 46623
Chevrolet Motors Division, Service Operations, 136–150 Chevrolet Central House, 30007 Van Dyke Avenue, Warren, MI 48090
Ford Customer Service Division, Field Recall Section, General Offices, Park Lane Towers West, 1 Park Lane Boulevard, Dearborn, MI 48126
Director of Services, FWD Corporation, 105 East 12th St., Clintonville, WI 54929
International Harvester Co., Suite 900, 1707 L Street, NW., Washington, DC 20036
Field Service and Engineering, Chrysler Motors Corp., Government Sales Dept., P.O. Box 716, Detroit, MI 48231
General Parts and Service Manager, GMC Truck and Coach Division, General Motors Corp., 660 South Boulevard, East, Pontiac, MI 48053
Mack Trucks, Inc., Service Operations, P.O. Box 1000, Somerville, NJ 08876
Supervisor, Vehicle Service and Safety Programs, Volvo White Truck Corp., P.O. Box D–1, Greensboro, NC 27402

(b) When motor vehicles are manufactured by a concern other than one for whom an address is shown in § 101–26.501–8(a) and the address of the manufacturer is not known, agencies shall inform GSA of the vehicle location address. (This includes those vehicles manufactured by the General Motors Corporation other than the Chevrolet Motor Division and the GMC Truck and Coach Division.) In these cases, agencies shall forward the vehicle location address to the General Services Administration (TCP), Washington, DC 20406. GSA will forward the vehicle location address to the manufacturer or advise the agency concerned.

* * * * *

9. Section 101–26.501–9 is added as follows:

§ 101–26.501–9 Centralized motor vehicle leasing program.

GSA has a centralized leasing program to provide an additional source of motor vehicle support to all Federal agencies. This program relieves Federal agencies that use it from both the time constraints and administrative costs associated with independently entering into lease contracts. The centralized leasing program covers subcompact and compact sedans, station wagons, and certain types of light trucks (pickups and vans). Participation in the Centralized Leasing Program is mandatory on all executive agencies of the Federal Government (excluding the Department of Defense and the U.S. Postal Service) within the 48 contiguous states and Washington, DC. However, agencies must obtain GSA authorization to lease in accordance with § 101–39.601 prior to using these established mandatory use contracts. For further information on existing contracts, including vehicles covered, rates, and terms and conditions of the contract(s), contact General Services Administration (TC), Washington, DC 20406.

Subpart 101–26.49—Illustrations of Forms

10. Section 101–26.4902–1781 is revised to read as follows:

§ 101–26.4902–1781 GSA Form 1781, Motor Vehicle Requisition—Delivery Order.

Note.—The form illustrated in this § 101–26.4902–1781 is filed with the original document and does not appear in this volume.

(Sec. 205(c), 63 Stat. 390; 40 (U.S.C. 486(c))

Dated: August 19, 1982.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 82–25849 Filed 9–17–82; 8:45 am]

BILLING CODE 6820–AM–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6408]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the flood plain management requirements of the program. If FEMA receives documentation that the community has adopted the required flood plain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register.**

EFFECTIVE DATES: The third date ("Susp.") listed in the fourth column.

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

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction

from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fourth column, so that as of that date flood insurance is no longer available in the community. However, those communities which, prior to the suspension date, adopt and submit documentation of legally enforceable flood plain management measures required by the program, will continue their eligibility for the sale of insurance. Where adequate documentation is received by FEMA, a notice withdrawing the suspension will be published in the **Federal Register.**

In addition, the Director of Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard areas of communities not participating in the NFIP, with respect to which a year has elapsed since identification of the community as having flood prone areas, as shown on the Federal Emergency Management Agency's initial flood insurance map of the community. This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 533(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

Pursuant to the provision of 5 U.S.C. 605(b), the Associate Director of State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local flood plain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate flood plain management, thus placing itself in non-compliance of the Federal standards required for community participation.

In each entry, a complete chronology of effective dates appears for each listed community.

List of Subjects in 44 CFR Part 64

Flood insurance, Flood plains.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
Alaska: Southeast Fairbanks Division.	Delta Junction, city of	020104B	Aug. 28, 1975, emergency, Sept. 16, 1982, regular, Sept. 16, 1982, suspended.	Oct. 25, 1977	Sept. 16, 1982.
Arkansas: Baxter	Mountain Home, city of	050351A	Feb. 9, 1976, emergency, Sept. 16, 1982, regular, Sept. 16, 1982, suspended.	Feb. 14, 1975	Do.
Colorado: Montrose	Olathe, town of	080128B	June 5, 1975, emergency, Sept. 16, 1982, regular, Sept. 16, 1982, suspended.	June 28, 1974, Dec. 19, 1975.	Do.
Connecticut: Tolland	Columbia, town of	090160B	Aug. 14, 1975, emergency, Sept. 16, 1982, regular, Sept. 16, 1982, suspended.	Aug. 27, 1976, Nov. 8, 1974.	Do.
Delaware: Kent	Dover, city of	100006C	July 24, 1975, emergency, Sept. 16, 1982, regular, Sept. 16, 1982, suspended.	July 22, 1977, May 31, 1974, Jan. 2, 1976.	Do.
Florida:					
Brevard	Unincorporated areas	125092C	Nov. 13, 1970, emergency, Sept. 22, 1972, regular, Sept. 16, 1982, suspended.	July 1, 1974, Sept. 6, 1976, Sept. 22, 1972.	Do.
Do	Cape Canaveral, city of	125094D	March 19, 1971, emergency, Sept. 29, 1972, regular, Sept. 16, 1982, suspended.	July 1, 1974, Aug. 15, 1974, May 20, 1974, Sept. 30, 1972.	Do.
Do	Cocoa Beach, city of	125097D	Nov. 20, 1970, emergency, June 16, 1972, regular, Sept. 16, 1982, suspended.	July 1, 1974, Dec. 26, 1975, May 20, 1977, June 16, 1972.	Do.
Dixie	Cross City, town of	120074B	June 26, 1975, emergency, June 26, 1975, regular, Sept. 16, 1982, suspended.	Jan. 30, 1976, Sept. 13, 1974.	Do.
Volusia	Daytona Beach, city of	125099C	Sept. 11, 1970, emergency, Sept. 7, 1973, regular, Sept. 16, 1982, suspended.	Sept. 7, 1973, July 1, 1974, May 27, 1977.	Do.
Do	Daytona Beach Shores, city of	125100C	Jan. 29, 1971, emergency, Sept. 7, 1973, regular, Sept. 16, 1982, suspended.	May 27, 1977, Sept. 7, 1973.	Do.
Do	New Smyrna Beach, city of	125132C	May 14, 1971, emergency, Dec. 7, 1973, regular, Sept. 16, 1982, suspended.	Dec. 7, 1973, May 27, 1977.	Do.
Do	Ormond Beach, city of	125136C	Nov. 20, 1970, emergency, Sept. 7, 1973, regular, Sept. 16, 1982, suspended.	Sept. 7, 1973, July 1, 1974, May 27, 1977.	Do.
Do	Ponce Inlet, town of	125312C	May 28, 1974, emergency, Oct. 8, 1976, regular, Sept. 16, 1982, suspended.	Aug. 9, 1974, Feb. 13, 1976, Oct. 8, 1976.	Do.
Georgia: Liberty	Hinesville, city of	130125B	June 13, 1975, emergency, Sept. 16, 1982, regular, Sept. 16, 1982, suspended.	Feb. 25, 1977	Do.
Illinois:					
McHenry and Lake	Island Lake, village of	170370B	Jan. 24, 1975, emergency, Sept. 16, 1982, regular, Sept. 16, 1982, suspended.	Mar. 8, 1974, June 4, 1976.	Do.
Perry	Pinckneyville, city of	170540B	July 2, 1975, emergency, Sept. 16, 1982, regular, Sept. 16, 1982..	Mar. 22, 1974, Oct. 10, 1975, Nov. 9, 1979.	Do.
Indiana:					
Knox	Decker, town of	180322C	Aug. 4, 1975, emergency, Nov. 9, 1979, regular, Sept. 16, 1982, suspended.	Feb. 1, 1974, June 11, 1976.	Do.
Dearborn	Greendale, town of	180040B	Mar. 19, 1975, emergency, Sept. 16, 1982, regular, Sept. 16, 1982, suspended.	Jan. 16, 1974, Dec. 12, 1975.	Do.
Crawford	Marengo, town of	180033B	Jan. 6, 1976, emergency, Sept. 16, 1982, regular, Sept. 16, 1982, suspended.	Feb. 1, 1974, Sept. 19, 1975.	Do.
Massachusetts: Worcester	Leominster, city of	250314B	Jan. 24, 1975, emergency, Sept. 16, 1982, regular, Sept. 16, 1982, suspended.	Mar. 22, 1974, Oct. 17, 1975, Oct. 22, 1980.	Do.
Michigan: Kent	Grandville, city of	260271B	Mar. 30, 1973, emergency, Sept. 16, 1982, regular, Sept. 16, 1982, suspended.	July 13, 1973, June 18, 1976.	Do.

—Continued

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
Minnesota:					
Marshall	Oslo, city of	270272B	May 15, 1974, emergency, Sept. 16, 1982, regular, Sept. 16, 1982, suspended.	July 19, 1974, Dec. 20, 1974.	Do.
Do	Stephen, city of	270273B	Apr. 26, 1974, emergency, Sept. 16, 1982, regular, Sept. 16, 1982, suspended.	May 17, 1974, June 4, 1976.	Do.
Missouri: Lincoln	Silex, village of	290212B	Nov. 1, 1976, emergency, Sept. 16, 1982, regular, Sept. 16, 1982, suspended.	Nov. 22, 1974, Dec. 5, 1975.	Do.
New Hampshire: Strafford	Rochester, city of	330150B	July 22, 1975, emergency, Sept. 16, 1982, regular, Sept. 16, 1982, suspended.	Nov. 8, 1977	Do.
New Jersey:					
Gloucester	Greenwich, township of	340204B	Apr. 18, 1973, emergency, Sept. 16, 1982, regular, Sept. 16, 1982, suspended.	Jan. 23, 1974, Nov. 25, 1977.	Do.
Ocean	Jackson, township of	340375A	Jan. 12, 1973, emergency, Sept. 16, 1982, regular, Sept. 16, 1982, suspended.	Jan. 24, 1975	Do.
New York:					
Genesee	Batavia, city of	360279B	July 25, 1973, emergency, Sept. 16, 1982, regular, Sept. 16, 1982, suspended.	Dec. 28, 1973, July 16, 1976.	Do.
Schoharie	Esperance, village of	361542B	July 27, 1976, emergency, Sept. 16, 1982, regular, Sept. 16, 1982, suspended.	Jan. 24, 1975, Jan. 30, 1976.	Do.
Oswego	Granby, town of	360650B	June 30, 1975, emergency, Sept. 16, 1982, regular, Sept. 16, 1982, suspended.	May 3, 1974	Do.
Do	Scriba, town of	360663B	Sept. 15, 1975, emergency, Sept. 16, 1982, regular, Sept. 16, 1982, suspended.	July 19, 1974, Aug. 6, 1976.	Do.
Texas: Wharton	Wharton, city of	480654C	June 11, 1974, emergency, Sept. 16, 1982, regular, Sept. 16, 1982, suspended.	June 11, 1974, July 19, 1977, July 3, 1979.	Do.
Virginia: Sussex	Stony Creek, town of	510159C	Apr. 9, 1974, emergency, Sept. 16, 1982, regular, Sept. 16, 1982, suspended.	Aug. 9, 1974, Apr. 30, 1976, Mar. 16, 1979.	Do.
New Mexico: Valencia	Belen, city of	350088B	June 23, 1975, emergency, Sept. 16, 1982, regular, Sept. 16, 1982, suspended.	June 7, 1974, Apr. 2, 1976.	Do.
Alaska: Wrangell-Petersburg Division.	Petersburg, city of	020074C	July 25, 1975, emergency, June 1, 1982, regular, Sept. 16, 1982, suspended.	June 14, 1974, Feb. 4, 1977.	Do.
Oregon: Josephine	Cave Junction, city of	410107B	May 13, 1975, emergency, June 10, 1980, regular, Sept. 16, 1982, suspended.	NSFHA	Do.
Alaska: Sitka Division	Sitka, city and borough of	020006B	Nov. 8, 1974, emergency, June 1, 1982, regular, Sept. 16, 1982, suspended.	June 28, 1974, Sept. 12, 1975.	Do.

[1] Date certain Federal assistance no longer available in special flood hazard area.

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

Issued: September 1, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-25786 Filed 9-17-82; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 33, 75, 94, 160, 180, and 192

[CGD 79-167]

Life Floats and Buoyant Apparatus; Requirements for Painters With Float-Free Links and Other Changes

AGENCY: Coast Guard, DOT.

ACTION: Final rules.

SUMMARY: These regulations require life floats and buoyant apparatus on tank vessels, passenger vessels, cargo and miscellaneous vessels, small passenger vessels, and oceanographic vessels to be secured to the vessel by means of a painter and a float-free link. A new specification regulation is included for the float-free link, and the specification regulations for life floats and buoyant apparatus have been revised to require that each new life float and buoyant apparatus be equipped with a painter attachment fitting. These regulations are intended to prevent life floats and buoyant apparatus from quickly drifting away from a vessel casualty. The need for this action arises from a vessel casualty in which some loss of life might have been prevented if the buoyant apparatus had not been carried away. In addition, these amendments include revised specification regulations for life floats and buoyant apparatus that require each new life float and buoyant apparatus to be equipped with retroreflective material in order to make it more visible in night searches. A number of other amendments to the specification regulations bring construction methods and documents incorporated by reference up to date.

EFFECTIVE DATES: (a) The amendments affecting Subparts 160.010, 160.027, and 160.073 become effective on March 20, 1983.

(b) The remainder of the amendments affecting Parts 33, 75, 94, 180, and 192 become effective on September 20, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Markle, Office of Merchant Marine Safety (G-MVI-3/12), Department of Transportation, U.S. Coast Guard Headquarters, Washington, DC 20593, (202) 426-1444.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking was published in the **Federal Register** of October 8, 1981 (46 FR 49914). The comment period on that proposal (CGD 79-167) ended on January 6, 1982. A total of 39 comments were received from 14 parties.

Drafting Information

The principal persons involved in drafting these regulations are: Mr. Robert Markle, Office of Merchant Marine Safety, and Mr. Michael Mervin, Office of the Chief Counsel.

Discussion of Comments on Painters and Float-Free Links for Life Floats and Buoyant Apparatus

The National Transportation Safety Board (NTSB) commented that the proposal was consistent with its Safety Recommendation M-79-7. This recommendation was based on the NTSB analysis of the capsizing of the Dixie Lee II.

Five comments including those from two vessel operators and three groups of vessel operators, were generally negative, stating that it had no practical value, that the proposal should be withdrawn, and that the capsizing of the Dixie Lee II was a single unusual occurrence that should not be the basis for a regulation change. Although the NTSB recommendations were specific only to the accident involving the Dixie Lee II, the Coast Guard examined three other accidents that had been the subject of formal investigation. It was evident that in two of those three cases the apparatus quickly floated away from the scene of the accident as it had in the case of the Dixie Lee II ("apparatus" refers to both life floats and buoyant apparatus throughout this discussion). It was also evident that the apparatus did not provide a satisfactory level or protection from hypothermia (exposure). The best solution to these shortcomings would be to require inflatable liferafts on the small passenger vessels and other vessels affected by these regulations. These rafts should be provided in sufficient numbers to accommodate all persons on board the vessel, plus additional rafts in reserve. The rafts would be secured to the vessel by the standard painter and float-free link arrangement. The Coast Guard rejected this solution as being too costly to apply to all classes of affected vessels, and instead proposed that the same painter and float-free link arrangement be used for the existing apparatus. In this way the problem of apparatus floating away from the scene of an accident could be rectified at minimum cost. (The question of requiring inflatable liferafts for specific classes of vessels may be considered at a later date.)

Eight comments expressed some concern about the use of float-free links. They included statements to the effect that the float-free link could deteriorate and break at some load other than the design load resulting in loss of the apparatus, that the link results in the apparatus floating away anyway, that the link on the apparatus would allow it to break away if the apparatus was towed alongside, that the link should be located at the vessel end of the painter rather than at the apparatus end, and that the link would be unnecessary on vessels restricted to waters of 100 ft. depth or less.

The proposal would have required the link to be located between the apparatus and the painter so that if the painter became fouled on the sinking vessel, the link would allow the apparatus to break free. The comments that noted the disadvantages of this arrangement are correct. The primary purpose of the painter is to hold the apparatus alongside while the vessel is still afloat. If the float-free link is on the apparatus, forces from wind and waves could cause the link to part resulting in the loss of the apparatus. If the link were attached between the vessel and the painter, the apparatus could be held alongside with the painter tied off beyond the link so that the apparatus would not be lost. This would still allow the apparatus to float free in the event that the vessel sinks. In considering these comments, the proposed rules were compared to the requirements for inflatable liferafts which are also secured to the vessel with a painter and a float-free link. These rafts once had the float-free link at the raft end of the painter, and it was found that rafts were

frequently carried away by wind and waves. Consequently, the float-free link was moved to a point between the vessel and the painter. These regulations have therefore been revised to locate the float-free link between the vessel and the painter rather than between the painter and the apparatus.

The comment that stated that the float-free link was unnecessary in waters of depth less than the 100 ft. painter length is also correct. The regulations have been revised to allow the float-free link to be omitted for those vessels operating solely in waters that are not as deep as the length of the painter.

There were a number of comments concerning the 30 m (100 ft.) long painter. Five comments pointed out that it was too long. Disadvantages noted included lack of space for that much 2 in. circumference line, and the possibility that multiple painters would foul on vessels with more than one apparatus. Another comment recommended that 200 or 250 ft. of painter should be provided. Two comments suggested that smaller sized synthetic rope should be permitted, and one of these suggested that the size of the rope could be determined by the size of the apparatus that it has to handle. In order to evaluate these comments, the proposed apparatus painter requirements were compared to the painter requirements for inflatable liferafts, since both painters perform a similar function. These requirements are in § 160.051-7(b)(8) of Title 46 of the Code of Federal Regulations. The rafts are required to have a painter at least 100 ft. long of nylon or equivalent material with a breaking strength of at least 3,000 lb. for rafts of 10 persons or more capacity, and 1,500 lb. for rafts of less than 10 persons capacity. On the basis of this comparison and the analysis originally done for the proposal, it was concluded that 30 m (100 ft.) is the appropriate minimum length for the painter. As written, the proposal allowed the use of synthetic rope materials, but the term "plastic" was used which may have been misleading. The term "plastic" has been changed to "synthetic" to be consistent with common terminology used in connection with cordage. The proposal would have required the painter to have a breaking strength of 17 kN (3,800 lb.). This represented no change in the strength of the painter as compared to the previous requirements, however, this is almost 10 times stronger than the required strength of the largest float-free link. The required strength of the painter was therefore revised to be similar to the requirement for inflatable liferafts. The painter is required to have a breaking strength of a least 6.7 kN (1,500 lb.), except that if the capacity of the apparatus is 50 persons or more, the required breaking strength is 13.4 kN (3,000 lb.). (The buoyant force of a 50 person apparatus is comparable to the buoyant force of a 10 person inflatable liferaft.) The substantial reduction in the breaking strength of the painter will result in a significantly smaller painter, thereby reducing the problem of stowage space and reducing the economic impact of the rule. Finally, in order to reduce the problem of fouling of multiple painters, the rule was revised to allow the apparatus to be grouped and secured to the vessel by a single painter, provided that the weight of the group does not exceed 185 kg (400 lb.). The size of the painter and float-free link would be based on the combined capacity of the group of apparatus.

Discussion of Comments on the Float-Free Link Specification Regulation

One comment was received relative to the float-free link specification regulation. This comment was that its 1800 N (400 lb.) breaking strength is too high for a 25 person apparatus. An 1800 N (400 lb.) to 2400 N (536 lb.) strength link is required for apparatus of 21 persons or more capacity. The minimum buoyancy of an apparatus in this group is 3045 N (672 lb.), so there is no problem with the apparatus having sufficient buoyancy to break the link. Therefore, no change was made as a result of this comment.

Discussion of Comments on the Buoyant Apparatus and Life Float Specification Regulations

Four comments expressed general support for the revised buoyant apparatus and life float specification regulations, or supported a particular part of them without objecting to any other part.

Two comments noted that if the apparatus was supporting a large number of persons in the water, the retroreflective material on the apparatus could be obscured. One of the comments, from a manufacturer of retroreflective material, suggested that more material be applied. No change has been made as a result of these comments. The amount and placement of retroreflective material conforms with Resolution A.274(VIII) of the Intergovernmental Maritime Consultative Organization (IMCO). It will provide about the same or slightly more area of retroreflective material above the waterline than a life preserver equipped with this material. Accordingly, it will be visible at roughly the same distance. Furthermore, if a large number of people are gathered around an apparatus, it is probable that one or more of those people will have a life preserver equipped with retroreflective material. Therefore, it is concluded that a group of survivors gathered around an apparatus will be able to be spotted under night search conditions whether or not the retroreflective material on the apparatus is obscured.

A manufacturer of retroreflective material suggested that the material should be retrofitted to apparatus in service, not just applied to new apparatus. This suggestion has not been adopted. The addition of retroreflective material is not one of the primary regulatory objectives growing out of the casualty investigations. By phasing in retroreflective material on new life floats and buoyant apparatus, an estimated $95,000 retrofit cost is saved, and the retroreflective material can be applied under the manufacturer's production control. This will make sure that the material is applied under the optimum environmental conditions and that the materials used are compatible. It is expected that retroreflective material applied in this way will last for the life of the device. Nothing in the regulations prohibits the retrofit of retroreflective material on existing apparatus, if desired.

One comment suggested that the retroreflective material should be 100 mm (4 in.) wide and of shorter length, rather than a continuous strip 50 mm (2 in.) wide. The comment stated that this would result in a brighter reflected light. This comment has not been adopted. In a number of nighttime tests, it has been found that the brightness of light reflected from retroreflective material depends on the area of the material provided and not its shape. Therefore, wider and shorter material having the same area would not result in a brighter reflected light.

One comment questioned the need for a painter attachment fitting on the apparatus, and stated that the painter could be attached directly to the apparatus. The requirement for the painter attachment fitting was not changed because the manufacturer of the device should determine how and where the painter should be attached since this connection is used to break the float-free link. The connection point needs to be strong enough to break the link and must be designed in such a way that the apparatus is not damaged when tension is applied to the painter.

Final Evaluation

One comment stated that the draft evaluation underestimated the economic impact of the proposed rules primarily because the labor time estimated to be needed to make the changes was too low. In fact, the draft evaluation did not take any labor time requirements into account, except for the time required to fabricate the float-free link, which was estimated at about ten minutes. The reason for not including the time to attach the painter and the float-free link to the apparatus was that it is expected to be negligible, in that it would be done in the course of preparing the vessel for a season of operation, or in the case of a vessel not in seasonal operation, it would be done in the course of a regular examination of the equipment. This was considered reasonable since a one year period is being provided to comply with these rules, and such an outfitting or inspection should take place at least once during the one-year period. The comment estimated that just to move the float, splice or replace the painter, and restow would require 10 hours. This does not appear to be a realistic estimate. Although an extremely inefficient worker might take that long, it is not representative of the level of effort required to complete these relatively simple tasks.

A Final Evaluation has been prepared for these regulations in accordance with the Department of Transportation's Order on Regulatory Policies and Procedures. That order (DOT 2100.5, 5/22/80, 44 FR 11034, February 26, 1979 as amended by 44 FR 28126, May 14, 1979) requires that the evaluation quantify, to the maximum extent practicable, the estimated cost of the regulations to the private sector, consumers, and federal, state and local governments, as well as the anticipated benefits and impact of the regulations. The Final Evaluation also includes the Environmental Assessment required by the National Environmental Policy Act of 1969 (Pub. L. 91-190). This proposed rule making has also been evaluated under Executive Order 12291 ("Federal Regulation," February 17, 1981, 46 FR 13193, February 19, 1981), and has been determined not to be a "major rule" as defined in that order since the annual effect on the economy would be less than $100 million and no major increase in prices will result.

These regulations are expected to affect approximately 5000 small vessels having an average of two life floats or buoyant apparatus each. This would result in an initial cost of about $150,000 and a recurring annual cost of about $30,000. This is a reduction from the $175,000 initial cost and $35,000 annual cost estimated in the draft evaluation. The reductions result from the change in the painter strength requirement in the final rule, which allows the use of a smaller and therefore less expensive painter. These costs will be imposed directly on the private sector (the manufacturers of life floats and buoyant apparatus, and operators of affected vessels). The manufacturers and operators are expected to pass the costs through to the ultimate consumers of affected maritime services in the form of price increases. However, because of the low overall cost of the proposal, increases in individual prices will be negligible. The average initial cost of these proposed regulations would be about $30 for each affected vessel, with an average annual upkeep or replacement cost of approximately $6. There is no effect on federal, state, and local governments except in their capacities as users of life floats and buoyant apparatus and as consumers of maritime services. Implementation and enforcement of these rules would be accomplished within the scope of current Coast Guard marine safety activities, so that there will not be any need for additional federal budget commitments.

The primary benefit identified for the proposal is improvement of the effectiveness of life floats and buoyant apparatus by preventing them from floating away from the scene of a vessel casualty. Because of the low number of affected vessels, there is no valid statistical basis for predicting the number of lives that might be saved by these regulations. In order to determine the potential benefit of the regulations, four small passenger vessel casualties involving loss of life were reviewed. These casualties occurred between 1973 and 1977 and were formally investigated by the Coast Guard. Three were investigated by the National Transportation Safety Board. In three of the four cases, the apparatus drifted away from the scene of the casualty and could not be used by some or all of the persons on board the vessel. Since those that died in these casualties apparently did not have access to a means of floatation, availability of apparatus could have prevented some of the loss of life. These regulations are intended to prevent the apparatus from quickly drifting away so that they will be available to persons in the water.

Under the Regulatory flexibility Act (Pub. L. 96-354), it is certified that this rule will not have a significant economic impact on a substantial number of small entities. The small entities that are affected by the rule are primarily the owner-operators of tour, fishing, and charter boat businesses. As stated above, the costs are minimal and not a significant impact on any operator. Many life float and buoyant apparatus manufacturers are small businesses. This proposed rule making would add about $12.50 to the cost of each device produced. The average price of these devices at retail is about $500. The added cost would not be a significant impact on these producers.

List of Subjects

46 CFR Part 33

Barges, Marine safety, Tank vessels.

46 CFR Parts 75 and 180

Marine safety, Passenger vessels.

46 CFR Part 94

Cargo vessels, Marine safety.

46 CFR Part 160

Marine safety.

46 CFR Part 192

Marine safety, Oceanographic vessels.

In consideration of the foregoing, Chapter I of Title 46 of the Code of Federal Regulations is amended as set forth below.

Clyde T. Lusk, Jr.,

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

July 6, 1982.

SUBCHAPTER D—TANK VESSELS

PART 33—LIFESAVING EQUIPMENT

1. By adding § 33.20-25 to the table of contents for Part 33 as follows:

* * * * *

Subpart 33.20—Stowage of Lifeboats, Liferafts, and Buoyant Apparatus

* * * * *

33.20-25 Stowage of buoyant apparatus—TB/LBR.

* * * * *

2. By revising Table 33.15-15(a) to read as follows:

§ 33.15-15 Required equipment for rigid type liferafts and buoyant apparatus—TB/LBR.

* * * * *

TABLE 33.15-15(A)

Letter identification	Item	Liferaft		Buoyant apparatus—All waters
		Great Lakes	Lakes, bays, sounds, rivers	
a	Boathook	1	1	None
b	Lifeline	[1] 1	[1] 1	[1] 1
c	Matches (boxes)	1	None	None
d	Oars (units)	[2] 1	[2] 1	None

TABLE 33.15-15(A)—Continued

Letter identification	Item	Liferaft		Buoyant apparatus—All waters
		Great Lakes	Lakes, bays, sounds, rivers	
e	Oil, storm (gallons).	1	None	None
f	Painter	1	1	[3]1
g	Rowlocks (units)	[3]1	[2]1	None
h	Sea anchor	1	None	None
i	Signals, distress (units).	[2]1	None	None
j	Water light	1	None	[4 5]1

[1] Not required on Type A liferafts.
[2] For description of unit see Section 33.15-20.
[3] See § 33.20-25(a)(3).
[4] Not required on buoyant apparatus for less than 25 persons.
[5] Applies to ocean, coastwise and Great Lakes routes.

(46 U.S.C. 391a; 49 CFR 1.46)

3. By revising § 33.15-20(f) to read as follows:

§ 33.15-20 Description of equipment for liferafts and buoyant apparatus—TB/LBR.

* * * * *

(f) *Painter.* Liferaft painters must be of manila rope not less than 69mm (2-3¾ in.) in circumference, or equivalent, and of a length not less than 3 times the distance between the deck on which the liferafts are stowed and the light draft of the vessel. Painters for buoyant apparatus are described in § 33.20-25(a)(3).

(46 U.S.C. 391a; 49 CFR 1.46)

4. By revising §33.20-20 as follows:

§ 33.20-20 Hydraulic releases—TB/ALL.

Each hydraulic release used in the installation of any liferaft, inflatable liferaft, or buoyant apparatus must meet Subpart 160.062 of this chapter.

(46 U.S.C. 91a; 49 CFR 1.46)

5. By adding a new § 33.20-25 to read as follows:

§ 33.20-25 Stowage of buoyant apparatus—TB/LBR.

(a) Each buoyant apparatus must be secured to the vessel by a painter and a float-free link.

(1) The float-free link must be—

(i) Certified to meet Subpart 160.073 of this chapter,

(ii) Of proper strength for the size of the buoyant apparatus as indicated on its identification tag, and

(iii) Secured to the painter at one end and secured to the vessel on the other end.

(2) The means by which the float-free link is attached to the vessel must—

(i) Have a breaking strength of at least the breaking strength of the painter,

(ii) If synthetic, be of a dark color or of a type certified to be resistant to deterioration from ultraviolet light, and

(iii) If metal, be corrosion resistant.

(3) The painter must—

(i) Be at least 30 m (100 ft.) long,

(ii) Have a breaking strength of at least 6.7 kN (1500 lb.), except that if the capacity of the buoyant apparatus is 50 persons or more, the breaking strength must be at least 13.4 kN (3000 lb.),

(iii) If synthetic, be of a dark color or be of a type certified to be resistant to deterioration from ultraviolet light, and

(iv) Be stowed in such a way that it runs out freely when the buoyant apparatus floats away from the sinking vessel.

(4) If the buoyant apparatus does not have a painter attachment fitting, a means for attaching the painter must be provided by a wire or line that—

(i) Encircles the body of the device,

(ii) Will not slip off,

(iii) Has a breaking strength that is at least the breaking strength of the painter, and

(iv) If synthetic, is of a dark color or is of a type certified to be resistant to deterioration from ultraviolet light.

(b) The float-free link described in paragraphs (a)(1) and (a)(2) of this section is not required if the vessel operates solely in waters which have a depth less than the length of the painter.

(c) If the vessel carries more than one buoyant apparatus, the buoyant apparatus may be grouped and each group secured by a single painter, *Provided,* That—

(1) The combined weight of each group of buoyant apparatus does not exceed 185 kg (400 lb.),

(2) Each buoyant apparatus is individually attached to the painter by a line that meets paragraphs (a)(3)(ii) and (a)(3) (iii) of this section and which is long enough so that each buoyant apparatus can float without contacting any other buoyant apparatus in the group, and

(3) The strength of the float-free link under paragraph (a)(1)(ii) of this section and the strength of the painter under paragraph (a)(3)(ii) of this section is determined by the combined capacity of the group of buoyant apparatus.

(46 U.S.C. 391a, 49 CFR 1.46)

SUBCHAPTER H—PASSENGER VESSELS

PART 75—LIFESAVING EQUIPMENT

6. By revising § 75.15-10(d) and -10(e) to read as follows:

§ 75.15-10 Stowage.

* * * * *

(d) Each life float and buoyant apparatus must be secured to the vessel by a painter and a float-free link.

(1) The float-free link must be—

(i) Certified to meet Subpart 160.073 of this Chapter,

(ii) Of proper strength for the size of the life float or buoyant apparatus as indicated on its identification tag, and

(iii) Secured to the painter at one end and secured to the vessel on the other end.

(2) The means by which the float-free link is attached to the vessel must—

(i) Have a breaking strength of at least the breaking strength of the painter,

(ii) If synthetic, be of a dark color or of a type certified to be resistant to deterioration from ultraviolet light, and

(iii) If metal, be corrosion resistant.

(3) If the life float or buoyant apparatus does not have a painter attachment fitting, a means for attaching the painter must be provided by a wire or line that—

(i) Encircles the body of the device,

(ii) Will not slip off,

(iii) Has a breaking strength that is at least the breaking strength of the painter, and

(iv) If synthetic, is of a dark color or is of a type certified to be resistant to deterioration from ultraviolet light.

(4) The float-free link described in paragraphs (d)(1) and (d)(2) of this section is not required if the vessel operates solely in waters which have a depth less than the length of the painter.

(5) If the vessel carries more than one life float or buoyant apparatus, the life floats and buoyant apparatus may be grouped and each group secured by a single painter, provided that—

(i) The combined weight of each group of life floats and buoyant apparatus does not exceed 185 kg (400 lb.),

(ii) Each life float and buoyant apparatus is individually attached to the painter by a line that meets §§ 75.20-35 (d)(2) and (d)(3) and which is long enough so that each can float without contacting any other life float or buoyant apparatus in the group, and

(iii) The strength of the float-free link under paragraph (d)(1)(ii) of this section and the strength of the painter under § 75.20-35(d)(2) is determined by the combined capacity of the group of life floats and buoyant apparatus.

(6) Stowing of life floats and buoyant apparatus must allow easy launching. Life floats and buoyant apparatus over 185 kg (400 lb.) must not require lifting before launching.

(7) Life floats and buoyant apparatus must not be secured to the vessel except by the painter and by lashings which can be easily released or hydraulic releases. They must not be stowed in more than four tiers. When stowed in tiers, the separate units must be kept apart by spacers.

(8) There must be means to prevent shifting.

(e) Each hydraulic release used in the installation of any life raft, inflatable life raft, life float, or buoyant apparatus must meet Subpart 160.062 of this chapter.

(46 U.S.C. 481, 49 U.S.C. 1655(b)(1); 49 CFR 1.46)

7. By revising § 75.20–35(d) as follows:

§ 75.20–35 Description of equipment for life floats and buoyant apparatus.

* * * * *

(d) *Painter.* The painter must—

(1) Be at least 30 m (100 ft.) long, but not less than 3 times the distance between the deck on which the life floats and buoyant apparatus are stowed and the light draft of the vessel.

(2) Have a breaking strength of at least 6.7 kN (1500 lb.), except that if the capacity of the life float or buoyant apparatus is 50 persons or more, the breaking strength must be at least 13.4 kN (3000 lb.),

(3) Be of a dark color if synthetic, or of a type certified to be resistant to deterioration from ultraviolet light, and

(4) Be stowed in such a way that it runs out freely when the life float or buoyant apparatus floats away from the sinking vessel.

(46 U.S.C. 481, 49 U.S.C. 1655(b)(1); 49 CFR 1.46)

SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

PART 94—LIFESAVING EQUIPMENT

8. By revising § 94.15–10(d) and –10(e) to read as follows:

§ 94.15–10 Stowage.

(d) *Life float and buoyant apparatus stowage.* Each life float and buoyant apparatus must be secured to the vessel by a painter and a float-free link.

(1) The float-free link must be—

(i) Certified to meet Subpart 160.073 of this Chapter,

(ii) Of proper strength for the size of the life float or buoyant apparatus as indicated on its identification tag, and

(iii) Secured to the painter at one end and secured to the vessel on the other end.

(2) The means by which the float-free link is attached to the vessel must—

(i) Have a breaking strength of at least the breaking strength of the painter,

(ii) If synthetic, be of a dark color or of a type certified to be resistant to deterioration from ultraviolet light, and

(iii) If metal, be corrosion resistant.

(3) If the life float or buoyant apparatus does not have a painter attachment fitting, a means for attaching the painter must be provided by a wire or line that—

(i) Encircles the body of the device,

(ii) Will not slip off,

(iii) Has a breaking strength that is at least the breaking strength of the painter, and

(iv) If synthetic, is of a dark color or is of a type certified to be resistant to deterioration from ultraviolet light.

(4) The float-free link described in paragraphs (d)(1) and (d)(2) of this section is not required if the vessel operates solely in waters which have a depth less than the length of the painter.

(5) If the vessel carries more than one life float or buoyant apparatus, the life floats and buoyant apparatus may be grouped and each group secured by a single painter, provided that—

(i) The combined weight of each group of life floats and buoyant apparatus does not exceed 185 kg (400 lb.),

(ii) Each life float and buoyant apparatus is individually attached to the painter by a line that meets §§ 94.20–35 (d)(2) and (d)(3) and which is long enough so that each can float without contacting any other life float or buoyant apparatus in the group, and

(iii) The strength of the float-free link under paragraph (d)(1)(ii) of this section and the strength of the painter under § 94.20–35(d)(2) is determined by the combined capacity of the group of life floats and buoyant apparatus.

(6) Stowing of life floats and buoyant apparatus must allow easy launching. Life floats and buoyant apparatus over 185 kg (400 lb.) must not require lifting before launching.

(7) Life floats and buoyant apparatus must not be secured to the vessel except by the painter and by lashings which can be easily released or hydraulic releases. They must not be stowed in more than four tiers. When stowed in tiers, the separate units must be kept apart by spacers.

(8) There must be means to prevent shifting.

(e) Each hydraulic release used in the installation of any life raft, inflatable life raft, life float, or buoyant apparatus must meet Subpart 160.062 of this Chapter.

(46 U.S.C. 481, 49 U.S.C. 1655(b)(1); 49 CFR 1.46)

9. By revising § 94.20–35(d) as follows:

§ 94.20–35 Description of equipment for life floats and buoyant apparatus.

* * * * *

(d) *Painter.* The painter must—

(1) Be at least 30 m (100 ft.) long, but not less than 3 times the distance between the deck on which the life floats and buoyant apparatus are stowed and the light draft of the vessel,

(2) Have a breaking strength of at least 6.7 kN (1500 lb.), except that if the capacity of the life float or buoyant apparatus is 50 persons or more, the breaking strength must be at least 13.4 kN (3000 lb.),

(3) Be of a dark color if synthetic, or of a type certified to be resistant to deterioration from ultraviolet light, and

(4) Be stowed in such a way that it runs out freely when the life float or buoyant apparatus floats away from the sinking vessel.

(46 U.S.C. 481, 49 U.S.C. 1655(b)(1); 49 CFR 1.46)

SUBCHAPTER Q—EQUIPMENT, CONSTRUCTION AND MATERIALS: SPECIFICATIONS AND APPROVAL

PART 160—LIFESAVING EQUIPMENT

10. By revising Subpart 160.010 to read as follows:

Subpart 160.010—Buoyant Apparatus for Merchant Vessels

Authority: 46 U.S.C. 481; 49 U.S.C. 1655(b); 49 CFR 1.46.

Subpart 160.010—Buoyant Apparatus for Merchant Vessels

§ 160.010–1 Incorporations by reference.

(a) Certain materials are incorporated by reference into this subpart with the approval of the Director of the Federal Register. The Office of the Federal Register publishes a table, "Material Approved for Incorporation by Reference," which appears in the Finding Aids section of this volume. In that table is found the date of the edition approved, citations to the particular sections of this part where the material is incorporated, addresses where the material is available, and the date of the approval by the Director of the Federal Register. To enforce any edition other than the one listed in the table, notice of change must be published in the **Federal Register** and the material made available. All approved material is on file at the Office of the Federal Register, Washington, DC 20408, and at the U.S. Coast Guard, Survival Systems Branch (G–MVI–3), Washington, DC 20593.

(b) The materials approved for incorporation by reference in this subpart are:

National Bureau of Standards (NBS)

"The Universal Color Language" and "The Color Names Dictionary" in *Color: Universal Language and Dictionary of Names*, National Bureau of Standards Special Publication 440.

Military Specifications

MIL-P-19644 C—Plastic Molding Material (Polystyrene Foam, Expanded Bead).

MIL-R-21607 C—Resins, Polyester, Low Pressure Laminating, Fire Retardant.

MIL-P-21929 B—Plastic Material, Cellular Polyurethane, Foam-In-Place, Rigid (2 and 4 Pounds per Cubic Foot).

MIL-P-40619 A—Plastic Material, Cellular, Polystyrene (For Buoyancy Applications).

§ 160.010-2 Definitions.

(a) *Buoyant apparatus.* Buoyant apparatus is flotation equipment (other than lifeboats, liferafts, and personal flotation devices) designed to support a specified number of persons in the water, and of such construction that it retains its shape and properties and requires no adjustment or preparation for use. The types of buoyant apparatus generally in use are the box-float type and the peripheral-body type defined in paragraphs (b) and (c) of this section.

(b) *Box-float.* Box-float is buoyant apparatus of a box-like shape.

(c) *Commandant (G-MVI-3).* Commandant (G-MVI-3) is the Chief of the Survival Systems Branch, U.S. Coast Guard Office of Merchant Marine Safety.

(d) *Peripheral-body.* Peripheral body is buoyant apparatus with a continuous body in the shape of either an ellipse or rectangle with a circular, elliptical, or rectangular body cross-section.

§ 160.010-3 General requirements for buoyant apparatus.

(a) Each buoyant apparatus must be capable of passing the tests in § 160.010-7.

(b) Materials not covered in this subpart must be of good quality and suitable for the purpose intended.

(c) Buoyant apparatus must be effective and stable, floating either side up.

(d) Each buoyant apparatus must be of such size and strength that it can be handled without the use of mechanical appliances, and its weight must not exceed 185 kg (400 lb.).

(e) The buoyant material must be as near as possible to the sides of the apparatus.

(f) Each buoyant apparatus must have a life line securely attached around the outside, festooned in bights no longer than 1 m (3 ft.), with a seine float in each bight, unless the line is of an inherently buoyant material and absorbs little or no water. The life line must be at least 10 mm (⅜ in.) diameter and have a breaking strength of at least 5400 N (1215 lb.).

(g) Pendants must be fitted approximately 450 mm (18 in.) apart around the outside of each buoyant apparatus. Each pendant must be at least 6 mm (¼ in.) diameter, at least 3.5 m (12 ft.) long, secured in the middle, and have a breaking strength of at least 2400 N (540 lb.). Each pendant must be made up in a hank, and the hank secured by not more than two turns of light twine.

(h) Each peripheral body type buoyant apparatus without a net or platform on the inside must also have a life line and pendants around the inside.

(i) Synthetic line or webbing must not be used unless it is of a type represented by its manufacturer as ultraviolet light resistant, or it is pigmented in a dark color. A typical method of securing lifelines and pendants to straps of webbing is shown in Figure 160.010-3(i). If webbing is used to secure life lines and pendants, it must be at least 50 mm (2 in.) wide and must have a breaking strength of at least 3.4 kN (750 lb.) for apparatus of under 25 persons capacity, and 6.7 kN (1,500 lb.) for apparatus of 25 persons capacity and higher.

BILLING CODE 4910-14-M

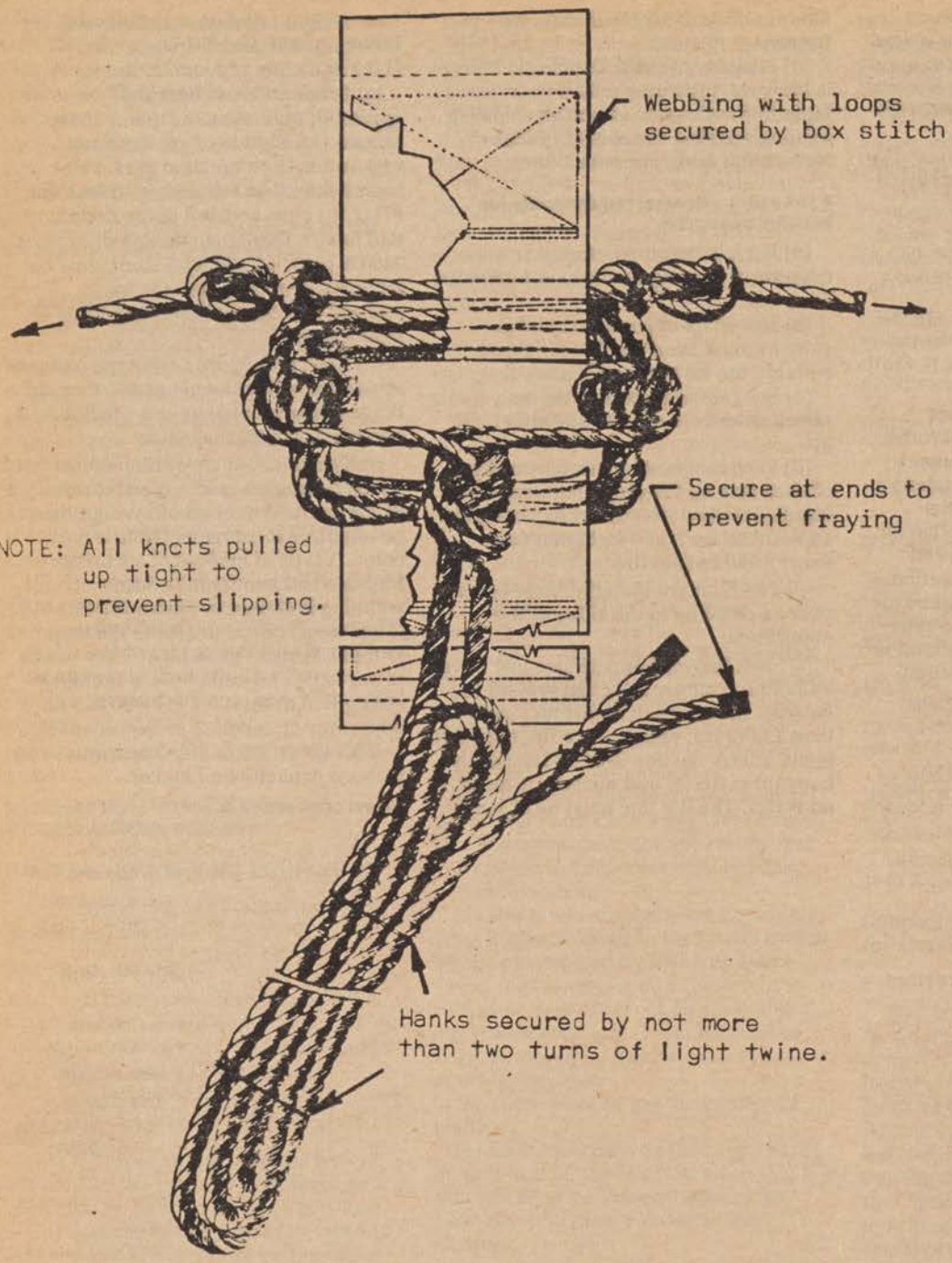

Figure 160.010-3(i)-Acceptable method of rigging a pendant.

BILLING CODE 4910-14-C

(j) Buoyant apparatus must have a fitting with an inside diameter of at least 50 mm (2 in.) for the attachment of a painter.

(k) Each edge and exposed corner must be well rounded. Buoyant apparatus with a rectangular cross-section must have corners rounded to a radius of at least 75 mm (3 in.).

(l) Buoyant apparatus must not have any evident defects in workmanship.

(m) Each metal part of a buoyant apparatus must be—

(1) 410 stainless steel or have salt water and salt air corrosion characteristics equal or superior to 410 stainless steel; and

(2) Galvanically compatible with each other metal part in contact with it.

(n) The color of the buoyant apparatus must be primarily vivid reddish orange as defined by Sections 13 and 14 of the "Color Names Dictionary."

(o) When fibrous-glass-reinforced plastic is used in the construction of a buoyant apparatus, each cut edge of laminate must be protected from entry of moisture by resin putty or an equivalent method.

(p) Each buoyant apparatus must have Type II retroreflective material meeting subpart 164.018 of this chapter on each side and end. The material must be in strips at least 50 mm (2 in.) wide extending from top to bottom over the side or end and continuing over the top and bottom surfaces of the apparatus. For peripheral body apparatus, each strip must extend completely over the top and bottom surface of the body. For box type apparatus, the strip must extend at least 300 mm (12 in.) inboard from the edge over the top and bottom surface. Each strip must be positioned near the center of the side or end, but so that it is not obscured by any strap. A typical arrangement is shown in Figure 160.010–3(p).

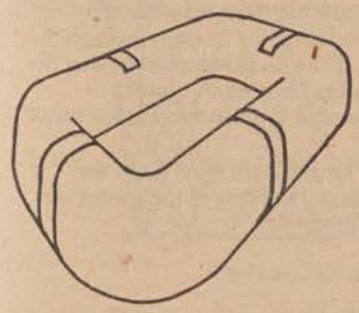

Figure 160.010-3(p)-Typical arrangement of retroreflective material (body fittings omitted).

§ 160.010–4 Buoyant apparatus with plastic foam buoyancy.

(a) Buoyant apparatus with plastic foam buoyancy must have a plastic foam body with an external protective covering. The body may be reinforced as necessary to meet the tests in § 160.010–7.

(b) Plastic foam used in the construction of buoyant apparatus must be a unicellular type accepted by the Commandant (G–MVI–3) as meeting one of the following:

(1) Subpart 164.015 of this chapter.

(2) MIL–P–19644.

(3) MIL–P–21929.

(4) MIL–P–40619.

(c) The external protective covering must be—

(1) Fibrous-glass-reinforced plastic, constructed of a polyester resin listed on the current Qualified Products List for MIL–P–21607, or accepted by the Commandant (G–MVI–3) as meeting MIL–P–21607;

(2) Elastomeric vinyl accepted by the Commandant (G–MVI–3) as meeting § 160.055–3(j) of this Chapter; or

(3) Any other material accepted by the Commandant (G–MVI–3) as providing equivalent protection for the body of the apparatus.

§ 160.010–6 Capacity of buoyant apparatus.

(a) The number of persons for which a buoyant apparatus is approved must be the lowest number determined by the following methods:

(1) Final buoyancy of the buoyant apparatus in Newtons after the watertight integrity test as described in § 160.010–7(e) and (f), divided by 145 (divided by 32 if buoyancy is measured in pounds). The divisor must be changed to 180 (40 if buoyancy is measured in pounds) if the apparatus is designed so that persons supported are only partially immersed or where facilities are provided for climbing on top of the apparatus.

(2) Number of 300 mm (1 ft.) increments in the outside perimeter of the buoyant apparatus. The inside edge of peripheral-body type buoyant apparatus is not considered in determining the capacity.

§ 160.010–7 Methods of sampling, inspections and tests.

(a) *General.* Production tests must be conducted under the procedures in Subpart 159.007 of this chapter. An inspector from the independent laboratory must inspect the place of manufacture, observe the various operations involved in the construction process and determine that buoyant apparatus are made in accordance with this subpart and of materials and parts conforming strictly with the plans and specifications submitted by the manufacturer and approved by the Commandant (G–MVI–3).

(b) *Sampling of production lots.* A production lot must consist of not more than 300 buoyant apparatus of the same design and capacity manufactured by one factory. Samples for production tests must be selected at random from each lot. The required sample size for various lot sizes is given in Table 160.010–7(b).

TABLE 160.010–7(b)—SAMPLE SIZE FOR VARIOUS LOT SIZES

Lot size	Sample size
1 to 30	1
31 to 60	2
61 to 90	3
91 to 300	4

(c) *Testing of sample buoyant apparatus from production lots.* Each sample buoyant apparatus selected for test from a production lot must be subjected to the tests described in paragraphs (d) through (g) of this section. The stability test in paragraph (h) must be performed whenever a question of stability arises.

(d) *Strength tests.* The buoyant apparatus tested for approval must be subjected to the drop test. Buoyant apparatus tested for production lot inspections must also be subjected to the drop test except that in the case of peripheral body type apparatus, the beam loading test may be substituted.

(1) *Drop test.* Drop the complete sample buoyant apparatus into still water from a height of 18 m (60 ft.) twice, once flat and once endwise. There must be no damage that would render the apparatus unserviceable.

(2) *Beam loading test.* The buoyant apparatus must be stood on edge on one of its longer sides. A wood block 600 mm (24 in.) long and wide enough to cover the body of the apparatus must be centered on the top edge of the apparatus. A loading beam must be set at right angles to the float at a height so that the beam is in a horizontal position with its center on the center of the wood block. The loading beam must be hinged at one end and a load applied at the other end at a uniform rate of 225 kg (500 lb.) per minute until the load at the end of the beam as shown on Table 160.010–7(d)(2) is reached. The beam is then held stationary for 10 minutes. The device used to apply the load must be a chain fall, hydraulic cylinder or other device that allows the device to unload as the strain on the buoyant apparatus relieves. At the end of the 10 minute

period, the drop in the load on the device must not exceed the maximum permissible drop shown in Table 160.010–7(d)(2). If the buoyant apparatus is not one of the sizes listed in the table, the loads must be determined by linear interpolation.

Note.—Because of the lever ratio of the beam loading apparatus described here, the actual loads applied to the apparatus are twice the loads shown in the Table.

TABLE 160.010–7(d)(2).—BEAM LOADING TEST

Size of buoyant apparatus (persons)	Test load (kg (lb.))	Maximum permissible drop (kg (lb.))
60	2,400 (5,280)	120 (264)
40	1,800 (3,960)	90 (198)
25	1,500 (3,300)	75 (165)
15	1,200 (2,640)	60 (132)
10	900 (1,980)	45 (100)

(e) *Buoyancy test.* Known weights are loaded on the sample buoyant apparatus until it is awash. The buoyancy is the downward force exerted by the weights loaded on the apparatus. A raised platform of known weight having two runners on edge spaced so as to bear on the apparatus may be used to support the weights out of water to avoid the necessity for making allowances for the displacement of submerged weights. This test is not a required production test if the manufacturer—

(1) Uses the same plastic buoyancy foam used in previous production lots,

(2) Determines that the density of each batch of foam used is within a range specified on the approved plans, and

(3) Closely controls the amount of foam used in each apparatus.

(f) *Watertight integrity test.* The buoyant apparatus is submerged for 24 hours at a depth of 3 m (10 ft.) or equivalent water pressure. The final buoyancy of the buoyant apparatus is determined in accordance with paragraph (e) of this section. The final buoyancy must be at least 145 N (32 lb.) per person capacity of the buouyant apparatus or 180 N (40 lb.) per person capacity if the apparatus is designed so that persons supported are only partially immersed or if facilities are provided for climbing on top of the apparatus. The loss of buoyancy must not exceed 5 percent of the initial buoyancy. This test is not a required production test if the manufacturer uses the plastic buoyancy foam controls permitted as an alternative to the buoyancy test in paragraph (e) of this section.

(g) *Painter attachment strength test.* The apparatus must be positioned with its painter attachment fitting at the lowest point of the apparatus, directly below the center of buoyancy. The apparatus must be suspended in this position from the highest side. A load equal to twice the buoyancy of the apparatus must be suspended from the painter attachment fitting for 10 minutes. The fitting must remain firmly attached to the buoyant apparatus and the apparatus must not sustain any visible damage.

(h) *Stability test.* With the sample buoyant apparatus floating in water, a weight of 22.5 kg of iron per meter of length (15 lb. per foot) must be suspended in the water from the life lines along one of the longer edges. The same test must be performed along one of the shorter edges. The minimum weight along any one edge must be 27 kg (60 lb.). The buoyant apparatus must neither capsize nor become partially awash under either of these tests.

(i) *Weight test.* One buoyant apparatus of the lot submitted for approval must be weighed. The weight of the complete buoyant apparatus must be within the limit required in § 160.010–3(d).

(j) *Lot acceptance or rejection.* Inability of a sample buoyant apparatus to pass any one or more of the tests required in this section causes rejection of the lot. Each buoyant apparatus in a rejected lot must be reworked by the manufacturer to correct the defects found before the lot is resubmitted for inspection and testing.

§ 160.010–8 Nameplate and marking.

(a) A substantial nameplate must be permanently attached to each buoyant apparatus. The nameplate must contain the name of the manufacturer, lot designation or serial number, approval number, dimensions, and number of persons capacity. Space must be provided for the date, and the identification of the independent laboratory.

(b) The nameplates of buoyant apparatus accepted must be marked with the identification of the independent laboratory and the date.

§ 160.010–9 Procedure for approval.

(a) A buoyant apparatus is approved by the Coast Guard under the procedures in Subpart 159.005 of this chapter.

(b) The test required for approval are those in § 160.010–7, and must be performed on the first production lot of buoyant apparatus produced by the manufacturer.

§ 160.010–10 Independent laboratory.

(a) The approval and production tests in this subpart must be conducted by an independent laboratory accepted by the Coast Guard under Subpart 159.010 of this Chapter.

11. By revising Subpart 160.027 to read as follows:

Subpart 160.027—Life Floats for Merchant Vessels

Authority: 46 U.S.C. 481; 49 U.S.C. 1655(b); 49 CFR 1.46.

Subpart 160.027—Life Floats for Merchant Vessels

§ 160.027–2 Type.

(a) Each life float must meet the requirements in Subpart 160.010 of this chapter for a peripheral body type buoyant apparatus designed so that persons supported are only partially immersed (180 N (40 lb.) of buoyancy per person required).

§ 160.027–3 Additional requirements for life floats.

(a) Each life float must have a platform designed to drop through the center of the float, whichever way the life float is floating. A typical arrangement is shown in Figure 160.027–3(a).

(b) The platform must meet the requirements of one of the following subparagraphs:

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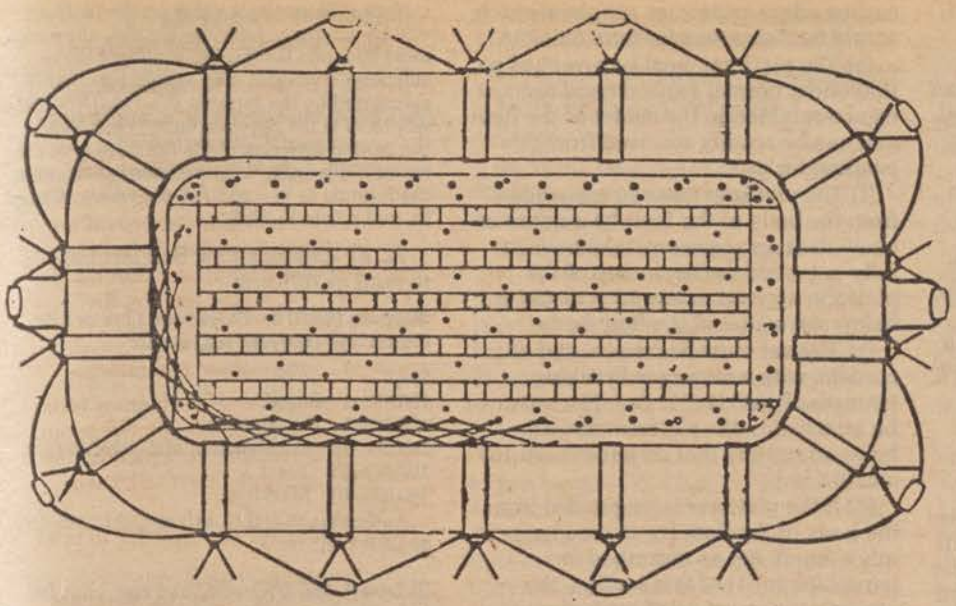
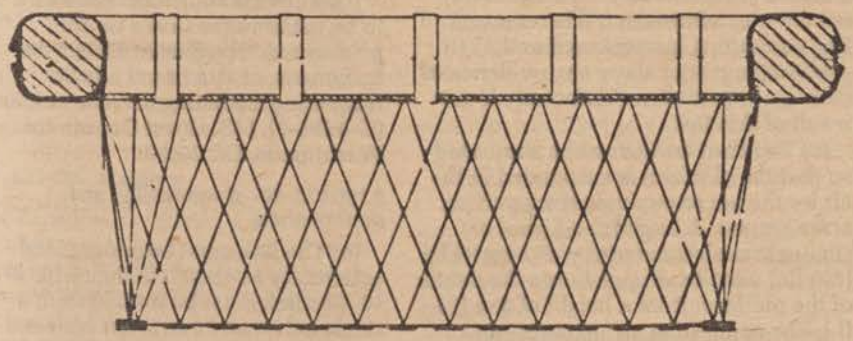


PLAN

PROFILE



SECTION THRU FLOAT

Figure 160.027-3(a) - Typical Life Float.

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(1) A lattice type platform must be of western red cedar, port orford cedar, sitka spruce, northern white pine, or southern cypress slats constructed on an oak frame. The slats must have nominal cross-section dimensions not less than 90 mm (3⅝ in.) by 9.5 mm (⅜ in.). The frame members must have nominal cross-section dimensions not less than 100 mm (4 in.) by 12.5 mm (½ in.). The space between adjacent slats must not exceed the width of the slats. The space between each frame member and the adjacent slat must not exceed twice the width of the slats. The platform must be riveted together at each intersection of—

(i) Frame members,

(ii) Slats, and

(iii) Frame members and slats.

(2) A plywood platform must be made of exterior or marine type plywood with surfaces that are either "A" or "B" grade as commonly designated in the plywood industry. Holes 35 mm (1⅜ in.) to 50 mm (2 in.) in diameter must be drilled through the platform. The number of holes must be at least the number equal to (L–25) (W–25)/225, where L is the length of the platform in cm and W is the width of the platform in cm. (The formula is (L–10)(W–10)/36 where L and W are measured in inches.) The thickness of the plywood must be at least—

(i) 12.5 mm (½ in.) for life floats of 10 persons capacity and under,

(ii) 16 mm (⅝ in.) for life floats between 11 and 25 persons capacity inclusive, and

(iii) 19 mm (¾ in.) for life floats of 26 persons capacity and over.

(3) A platform of construction differing from that described in either (1) or (2) of this paragraph will be approved if it has holes to permit the passage of water and if it passes the tests in § 160.027–7. The number of holes must be the same as required for a plywood platform. If the platform is netting on a frame, the netting must be constructed of cordage with a breaking strength of at least 1600 N (355 lb.). The netting must be constructed on not more than 5 cm (2 in.) centers and must be knotted together at each point where the lines intersect.

(c) Each platform must be of a material that is resistant to deterioration by exposure to weather or must have a surface that protects it from deterioration by exposure to weather. For a wood platform, this surface must be at least two coats of water resistant spar varnish, or two coats of marine paint.

(d) Each part of the platform, including surfaces, edges, and rivets must be smooth and must not have cutting edges, points, or splinters which would be dangerous for bare feet.

(e) The platform must be arranged so that under normal stowed conditions, it can be retained in the center of the float and can be readily released from this position for use.

(f) The platform must be suspended from the body of the float by a net or an equivalent arrangement, which when fully extended, holds the top of the platform approximately 900 mm (36 in.) below the center of the float body.

(1) The net must be constructed of cordage with a minimum breaking strength of 1600 N (355 lb.). The net must be attached to the platform through holes on centers that do not exceed 165 mm (6½ in.).

(2) If the platform is suspended from the body of the float by an arrangement other than a net as described in paragraph (c)(1) of this section, the arrangement must be of equivalent to the net in terms of strength, resistance to tangling, and allowing the platform to freely pass through the center of the life float body.

§ 160.027–7 Pre-approval tests for alternate platform designs.

(a) The tests in this section are for life float platforms that do not meet the requirements of either § 160.027–3(b) (1) or (2).

(b) The float body must be supported so that the platform is suspended in the air by the net or equivalent supporting arrangement. The platform must be loaded evenly with a weight equal to 60 percent of the weight of the total number of persons for which the float is to be rated, assuming a weight of 75 kg (165 lb.) per person. The weight must be allowed to remain on the platform for ten minutes after which it is removed. The supporting arrangement and platform must not show any evidence of damage or permanent deformation as a result of this test.

(c) The float body must be supported so that the platform is suspended in the air by the net or equivalent supporting arrangement. A bag of sand, shot or similar granular material weighing 90 kg (200 lb.) must be dropped onto the center of the platform from a height of 3 m (10 ft.). The supporting arrangement and platform must not show any damage that would affect the serviceability of the float or platform.

(d) As part of the buoyancy test required in § 160.010–7(e) of this chapter, the platform must be loaded with weights equal to ½ the rated capacity of the float. There must be no damage to the supporting arrangement or platform as a result of this test.

Note.—Since the weights on the platform will be submerged during this test, allowance must be made for the displacement of the submerged weights. The weight required is calculated by the formula $W=(18d)/(d-4895)$, where W is the required submerged weight per person (in kg) and d is the density of the material (in kg/m^3). (In customary U.S. units, the formula is $W=40d)/(d-63)$ where W is in lb. and d is in $lb./ft.^3$).

12. By adding a new Subpart 160.073 to read as follows:

Subpart 160.073—Float-Free Link or Life Floats and Buoyant Apparatus

Authority: 46 U.S.C. 481; 49 U.S.C. 1655(b); 49 CFR 1.46.

Subpart 160.073—Float-Free Link for Life Floats and Buoyant Apparatus

§ 160.073–1 Scope.

(a) This subpart contains requirements for a float-free link used for connecting a life float or buoyant apparatus painter to a vessel. The float-free link is designed to be broken by the buoyant force of the life float or buoyant apparatus so that the float or apparatus breaks free of a vessel that sinks in water deeper than the length of the painter.

§ 160.073–5 Certification.

(a) The float-free link is not approved by the Coast Guard. The manufacturer of the link must certify that it meets all of the requirements of this subpart by application of the markings required in § 160.073–20.

(b) If the manufacturer wants the link to be listed in the Coast Guard publication "Equipment Lists," the manufacturer must send a letter requesting the listing to Commandant (G–MVI–3), U.S. Coast Guard, Washington, DC 20593.

§ 160.073–10 Construction and performance.

(a) The link must be constructed essentially as shown in figure 160.073–10. The link must be formed from a single salt water corrosion-resistant wire. A loop at least 50 mm (2 in.) in diameter must be provided at each end of the wire. Each loop must be permanently secured.

(b) The breaking strength of each link must be between:

(1) 450 N (100 lb.) and 600 N (134 lb.) for links intended for life floats and buoyant apparatus of 10 persons and less capacity.

(2) 900 N (200 lb.) and 1200 N (268 lb.) for links intended for life floats and buoyant apparatus of 11 to 20 persons capacity.

(3) 1800 N (400 lb.) and 2400 N (536 lb.) for links intended for life floats and buoyant apparatus of 21 persons and more capacity.

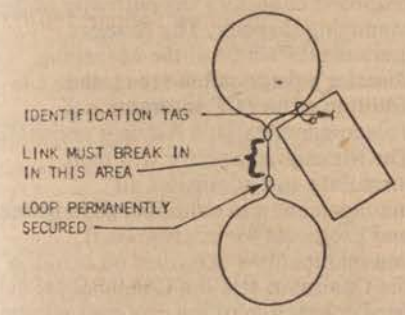

Figure 160.073-10. Typical configuration of float-free link for life floats and buoyant apparatus.

47

§ 160.073-15 Tests.

(a) The manufacturer shall perform a tensile test on the first three links made from a particular spool of wire. The test must be done by slowly loading the link until it breaks. The link must break between the limits specified in § 160.073-10(b). The break must occur in the length of wire at or between the points where the loops are secured (see Figure 160.073-10).

(b) If each of the three links passes the test, each link constructed in the same manner from the same spool of wire may be certified by the manufacturer as meeting the requirements of this subpart.

(c) If one or more of the three links fails the test, no link manufactured in the same manner and from the same spool of wire as the test links may be certified as meeting the requirements of this subpart.

§ 160.073-20 Marking.

(a) Each link certified by the manufacturer to meet the requirements of this subpart must have a corrosion resistant, waterproof tag attached to it that has the following information on it (the manufacturer must make the appropriate entries in the indicated space):

FLOAT-FREE LINK FOR LIFE FLOATS AND BUOYANT APPARATUS
Of *(10 or less) (11 to 20) (21 or more)* persons capacity.
Normal breaking strength ——.
Meets U.S. coast guard
Requirements—46 CFR 160.073.
Made by: *(name and address)* ————
(Date)——

SUBCHAPTER T—SMALL PASSENGER VESSELS (UNDER 100 GROSS TONS)

PART 192—LIFESAVING EQUIPMENT

13. By revising § 180.15-5 (c) as follows:

§ 180.15-5 Description of equipment for life floats and buoyant apparatus.

* * * * *

(c) *Painter.* The painter must—

(1) Be at least 30 m (100 ft.) long,

(2) Have a breaking strength of at least 6.7 kN (1500 lb.), except that if the capacity of the life float or buoyant apparatus is 50 persons or more, the breaking strength must be at least 13.4 kN (3000 lb.),

(3) Be of a dark color if synthetic, or of a type certified to be resistant to deterioration from ultraviolet light, and

(4) Be stowed in such a way that it runs out freely when the life float or buoyant apparatus floats away from the sinking vessel.

(46 U.S.C. 481, 49 U.S.C. 1655 (b)(1); 49 CFR 1.46)

14. By revising § 180.20-1 to read as follows:

§ 180.20-1 Stowage of lifesaving appliances.

(a) Each life float and buoyant apparatus must be secured to the vessel by a painter and a float-free link.

(1) The float-free link must be—

(i) Certified to meet Subpart 160.073 of this Chapter,

(ii) Of proper strength for the size of the life float or buoyant apparatus as indicated on its identification tag, and

(iii) Secured to the painter at one end and secured to the vessel on the other end.

(2) The means by which the float-free link is attached to the vessel must—

(i) Have a breaking strength of at least the breaking strength of the painter,

(ii) If synthetic, be of a dark color or of a type certified to be resistant to deterioration from ultraviolet light, and

(iii) If metal, be corrosion resistant.

(3) If the life float or buoyant apparatus does not have a painter attachment fitting, a means for attaching the painter must be provided by a wire or line that—

(i) Encircles the body of the device,

(ii) Will not slip off,

(iii) Has a breaking strength that is at least the breaking strength of the painter, and

(iv) If synthetic, is of a dark color or is of a type certified to be resistant to deterioration from ultraviolet light.

(4) The float-free link described in paragraphs (a)(1) and (a)(2) of this section is not required if the vessel operates solely in waters which have a depth less than the length of the painter.

(5) If the vessel carries more than one life float or buoyant apparatus, the life floats and buoyant apparatus may be grouped and each group secured by a single painter, provided that—

(i) The combined weight of each group of life floats and buoyant apparatus does not exceed 185 kg (400 lb.),

(ii) Each life float and buoyant apparatus is individually attached to the painter by a line that meets § 180.15-5(c)(2) and (c)(3) and which is long enough so that each can float without contacting any other life float or buoyant apparatus in the group, and

(iii) The strength of the float-free link under paragraph (a)(1)(ii) of this section and the strength of the painter under § 180.15-5(c)(2) is determined by the combined capacity of the group of life floats and buoyant apparatus.

(6) Stowing of life floats and buoyant apparatus must allow easy launching. Life floats and buoyant apparatus over 185 kg (400 lb.) must not require lifting before launching.

(7) Life floats and buoyant apparatus must not be secured to the vessel except by the painter and by lashings which can be easily released or hydraulic releases. They must not be stowed in tiers more than 1.2 m (4 ft.) high. Tiers of life floats or buoyant apparatus must not interfere with navigation of the vessel. When stowed in tiers, the separate units must be kept apart by spacers.

(8) There must be means to prevent shifting.

(e) Each hydraulic release used in the installation of any liferaft, inflatable liferaft, lifefloat, or buoyant apparatus must meet Subpart 160.062 of this chapter.

(46 U.S.C. 481, 49 U.S.C. 1655(b)(1); 49 CFR 1.46)

SUBCHAPTER U—OCEANOGRAPHIC VESSELS

PART 192—LIFESAVING EQUIPMENT

15. By revising § 192.15-10(d) and 10(e) to read as follows:

§ 192.15-10 Stowage.

* * * * *

(d) *Life float and buoyant apparatus stowage.* Each life float and buoyant apparatus must be secured to the vessel by a painter and a float-free link.

(1) The float-free link must be—

(i) Certified to meet Subpart 160.073 of this Chapter,

(ii) Of proper strength for the size of the life float or buoyant apparatus as indicated on its identification tag, and

(iii) Secured to the painter at one end and secured to the vessel on the other end.

(2) The means by which the float-free

link is attached to the vessel must—

(i) Have a breaking strength of at least the breaking strength of the painter,

(ii) If synthetic, be of a dark color or of a type certified to be resistant to deterioration from ultraviolet light, and

(iii) If metal, be corrosion resistant.

(3) If the life float or buoyant apparatus does not have a painter attachment fitting, a means for attaching the painter must be provided by a wire or line that—

(i) Encircles the body of the device,

(ii) Will not slip off,

(iii) Has a breaking strength that is at least the breaking strength of the painter, and

(iv) If synthetic, is of a dark color or is of a type certified to be resistant to deterioration from ultraviolet light.

(4) The float-free link described in paragraphs (d)(1) and (d)(2) of this section is not required if the vessel operates solely in waters which have a depth less than the length of the painter.

(5) If the vessel carries more than one lifefloat or buoyant apparatus, the lifefloats and buoyant apparatus may be grouped and each group secured by a single painter, provided that—

(i) The combined weight of each group of lifefloats and buoyant apparatus does not exceed 185 kg (400 lb.),

(ii) Each lifefloat and buoyant apparatus is individually attached to the painter by a line that meets § 192.20–35 (d)(2) and (d)(3) and which is long enough so that each can float without contacting any other lifefloat or buoyant apparatus in the group, and

(iii) The strength of the float-free link under paragraph (d)(1)(ii) of this section and the strength of the painter under § 192.20–35(d)(2) is determined by the combined capacity of the group of lifefloats and buoyant apparatus.

(6) Stowing of lifefloats and buoyant apparatus must allow easy launching. Lifefloats and buoyant apparatus over 185 kg (400 lb.) must not require lifting before launching.

(7) Lifefloats and buoyant apparatus must not be secured to the vessel except by the painter and by lashings which can be easily released or hydraulic releases. They must not be stowed in more than four tiers. When stowed in tiers, the separate units must be kept apart by spacers.

(8) There must be means to prevent shifting.

(e) Each hydraulic release used in the installation of any liferaft, inflatable liferaft, lifefloat, or buoyant apparatus must meet Subpart 160.062 of this chapter.

(46 U.S.C. 481, 49 U.S.C. 1655(b)(1); 49 CFR 1.46)

16. By revising § 192.20–35(d) as follows:

§ 192.20–35 Description of equipment for lifefloats and buoyant apparatus.

* * * * *

(d) *Painter.* The painter must—

(1) Be at least 30 m (100 ft.) long, but not less than 3 times the distance between the deck on which the lifefloats and buoyant apparatus are stowed and the light draft of the vessel,

(2) Have a breaking strength of at least 6.7 kN (1500 lb.), except that if the capacity of the lifefloat or buoyant apparatus is 50 persons or more, the breaking strength must be at least 13.4 kN (3000 lb.),

(3) Be of a dark color if synthetic, or of a type certified to be resistant to deterioration from ultraviolet light, and

(4) Be stowed in such a way that it runs out freely when the lifefloat or buoyant apparatus floats away from the sinking vessel.

(46 U.S.C. 481, 49 U.S.C. 1655(b)(1); 49 CFR 1.46)

[FR Doc. 82–25540 Filed 9–17–82; 8:45 am]

BILLING CODE 4910–14–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[FCC 82–408]

Amendment To Reflect a Change in the Office of Managing Director

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending §§ 0.11 and 0.12 of its Rules to establish an FCC International Telecommunications Advisor and staff in the Office of Managing Director. This action was taken to improve the coordination, administration and management of international communications policies and programs. Section 0.12 is also amended to add to the Office of Managing Director a Management By Objectives/Program Evaluation Staff and a Labor Management Relations Office approved by the Commission in March, 1982. No public impact is anticipated.

EFFECTIVE DATE: September 3, 1982.

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Terry D. Johnson, Office of Managing Director, (202) 632–7513.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 0

Organization and functions (government agencies).

Adopted: September 2, 1982.

Released: September 3, 1982.

1. The Commission has before it a proposed change in the authority of the Managing Director. The changes increase the scope of the Managing Director's responsibilities by the addition of an FCC International Telecommunications Advisor and staff. The Managing Director will then formulate and adminster all management and administrative policies and programs for international communications activities on behalf of the Chairman and the Commission. Implementation of the proposal requires amendments to §§ 0.11 and 0.12 of the Commission's rules and regulations.

2. Section 0.12 of the Commission's rules and regulations is further amended to add the Management By Objectives/Program Evaluation Staff and the Labor Management Relations Office to give proper recognition to units approved by the Congress on March 22, 1982.

3. The amendments adopted herein pertain to agency organization. The prior notice procedure and effective date provisions of Section 4 of the Administrative Procedure Act do not apply. Authority for the amendments adopted herein is contained in Sections 4(i) and 5(b) of the Communications Act of 1934, as amended.

4. Therefore, it is ordered, effective September 3, 1982 that Part 0 of the Rules and Regulations is amended as set forth in the Appendix hereto.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 0—COMMISSION ORGANIZATION

Part 0 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended by adding a new paragraph (l) in § 0.11 and by revising § 0.12 in its entirety to read as follows:

§ 0.11 Functions of the Office.

* * * * *

(l) Ensure that the resource and administrative aspects of the Commission's international activities are fully coordinated with other Commission programs and functions. Formulate and administer all

management and administrative policies and programs for international communications activities on behalf of the Chairman and the Commission.

§ 0.12 Units in the Office.

(a) Immediate Office of the Managing Director.

(b) FCC International Telecommunications Advisor.

(c) Labor Management Relations Office.

(d) Management By Objectives/ Program Evaluation Staff.

(e) Associate Managing Director for Information Management.

(1) Network Management Staff.

(2) Computer Applications Division.

(3) Information Processing Division.

(4) Planning and Analysis Division.

(f) Associate Managing Director for Operations.

(1) Financial Management Division.

(2) Operations Support Division.

(g) Emergency Communications Division.

(h) Internal Review and Security Division.

(i) Personnel Management Division.

(j) The Secretary.

[FR Doc. 82-25710 Filed 9-17-82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82-309; RM-4094]

FM Broadcast Station in Deer Lodge, Montana; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Channel 244A to Deer Lodge, Montana, in response to a petition filed by Deer Lodge Broadcasting, Inc. The assigned channel could provide a first FM service to Deer Lodge.

DATE: Effective November 8, 1982.

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

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

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: August 31, 1982.

Released: September 8, 1982.

1. The Commission has under consideration a Notice of Proposed Rule Making, 47 FR 26865, published June 22, 1982, proposing the assignment of Channel 244A to Deer Lodge, Montana, as that community's first FM assignment. The Notice was issued in response to a petition filed by Deer Lodge Broadcasting, Inc. ("petitioner"). Petitioner filed comments in support of the proposal and reaffirmed its interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements. No opposing comments were received.

2. Canadian concurrence has been received.

3. The Commission has determined that the public interest would be served by assigning Channel 244A to Deer Lodge, Montana, since it would provide the community with an opportunity for its first FM broadcast service.

4. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act, as amended, and §§ 0.204(b) and 0.281 of the Commission's rule is amended with respect to the following community, effective November 8, 1982.

City	Channel No.
Deer Lodge, Montana	244A

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

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-25708 Filed 9-17-82; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 192

[Amdt. No. 192-41; Docket No. PS-65]

Transportation of Natural and Other Gas by Pipeline; Incorporation by Reference

AGENCY: Materials Transportation Bureau (MTB), RSPA, DOT.

ACTION: Technical amendment.

SUMMARY: This amendment updates the existing incorporation by reference of the 1978 edition of the industry specification for thermoplastic pipe to the 1981 edition of that document. The updating provides for the use of current technology, materials, and practices.

EFFECTIVE DATE: This amendment becomes effective October 20, 1982.

FOR FURTHER INFORMATION CONTACT: Ralph T. Simmons, 202-426-2392.

ADDRESS: Copies of the amendment may be obtained from the Dockets Branch, Room 8426, Materials Transportation Bureau, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION: Part 192 incorporates by reference parts of the American Society for Testing and Materials (ASTM) Specification D2513 "Standard Specification for Thermoplastic Gas Pressure Pipe, Tubing, and Fittings." This document is referenced in § 192.59 as a manufacturing qualification for the use of plastic pipe, in § 192.63 as a standard for marking thermoplastic pipe, in § 192.281 as a standard for solvent cement, and in § 192.283 as burst test requirements in qualifying joining procedures for thermoplastic pipe.

The 1978 edition is the latest edition of ASTM D2513 that is referenced in Part 192, as indicated by the listings in Appendixes A and B to the part. This edition has now been superseded by the 1981 edition, which was published by ASTM in August 1981. In response to a recent petition by the City of Charlottesville, Virgina (Petition No. 82-6W), MTB has reviewed the 1981 edition and finds that it reflects the latest developments in materials and plastic pipe technology, and includes the new material, PE 3408. Accordingly, it is in the interest of operators and the public to allow the use of this latest published edition for pipelines subject to Part 192. Therefore, MTB is by this document changing the edition of ASTM D2513 listed in Appendixes A and B of Part 192 to the 1981 edition.

Because this document does not change any of the substantive requirements of Part 192, notice and public procedure are unnecessary, and in accordance with 5 U.S.C. 553, the amendment is final.

Also, since the amendment will have a positive effect on the economy of less than $100 million a year, will result in a cost savings to consumers and industry, and no adverse effects are anticipated, this action is not "major" under E.O. 12291 or "significant" under DOT procedures.

List of Subjects in 49 CFR Part 192

Pipeline safety, Incorporation by reference.

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

In consideration of the foregoing, Appendixes A and B of Part 192 of Title 49 of the Code of Federal Regulations are amended as follows:

1—In Appendix A—Incorporated by Reference, under subdivision II.B, item (21) is amended by removing "(D2513–78ES)" and adding in its place "(D2513–81)".

2—In Appendix B—Qualification of Pipe, under subdivision I, the listing for ASTM D2513 is amended by removing "(1978)" and adding in its place "(1981)".

(49 U.S.C. 1672 and 1804; 49 CFR 1.53 and Appendix A to Part 1)

Issued in Washington, D.C., on September 9, 1982.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 82-25709 Filed 9-17-82; 8:45 am]

BILLING CODE 4910-60-M

Proposed Rules

Federal Register
Vol. 47, No. 182
Monday, September 20, 1982

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

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 68

Adjustment of Fees for Federal Rice Inspection Service

AGENCY: Federal Grain Inspection Service [1], USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Grain Inspection Service (FGIS) proposes to increase the fees for Federal rice inspection services. A fee increase is necessary to generate sufficient revenue to as nearly as possible cover the cost of providing this service during the next fiscal year and to begin to gradually reestablish an operating reserve. Rice inspection is a permissive service made available upon request of the applicant. A public meeting will be held to discuss these proposed changes.

DATES: Comments must be submitted on or before October 20, 1982; public meeting, October 14, 1982, 1:00 p.m. to 3:30 p.m.

ADDRESS: Comments must be submitted in writing, in duplicate, to Lewis Lebakken, Jr., Regulations and Directives Management, USDA, FGIS, Room 1636, South Building, 1400 Independence Avenue, SW., Washington, D.C. 20250, telephone (202) 382–0231. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

The public meeting will be held in Room 2096, South Agriculture Building, 1400 Independence Avenue, SW., Washington, D.C.

[1] Authority to exercise the functions of the Secretary of Agriculture contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627) concerning inspection and standardization activities related to grain and similar commodities and products thereof has been delegated to the Administrator, Federal Grain Inspection Service (7 U.S.C. 75a; 7 CFR 68.2(e)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., address as above, telephone (202) 382–0231.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This proposed rule has been issued in conformance with Executive Order 12291 and Secretary's Memorandum 1512–1. The action has been classified as "nonmajor" because it does not meet the criteria for major regulation established in the Order.

The Administrator has determined that a 30-day public comment period on this proposed rule is adequate because it is necessary to adjust fees as soon as possible to more nearly equate revenue with the cost of providing service and to begin to gradually reestablish an operating reserve which has been totally depleted. Also, FGIS is holding a public meeting to discuss these proposed fee increases with interested parties.

Regulatory Flexibility Act Certification

Kenneth A. Gilles, Administrator, FGIS, has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities because most users of rice inspection services do not meet these requirements for small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Public Meeting

Representatives from the rice industry and other interested parties are invited to attend the scheduled public meeting. At this meeting, Dr. Gilles, Administrator, FGIS, will discuss the proposed changes in the fees and the need for the changes. A question and answer period will follow the presentation and written comments will be accepted from interested parties.

Rice Inspection Service Fee Increase

Section 203(h) of the Agricultural Marketing Act of 1946 (the Act) provides for the collection of such fees as will be reasonable and as nearly as possible cover the cost of the services rendered. Fees currently in effect do not cover the costs incurred by FGIS in providing this service. Accordingly, it has been determined that a fee increase is necessary in order to continue providing rice inspection services. This fee increase is being proposed in conjunction with continuing FGIS cost-saving measures such as reductions in staff and reviews of field office areas of responsibility to reduce administrative expenses and thereby provide service more economically.

The rice inspection service fees were intentionally set below the cost of providing service from July 1977 until August 1980 to reduce the size of the operating reserve. An operating reserve is maintained for contingencies when fees may not cover the cost of providing service. This resulted in a return of funds to industry. In August 1980, the fees were increased to slow the rate of depletion of this operating reserve. In November 1981, the fees were again increased which along with numerous cost reducing actions were intended to equate as nearly as possible the revenue with the cost of providing rice inspection service. Costs have been reduced from the same time period last year. However, there was only a small increase in revenue due at least in part to unexpected decreases in the demand for official rice inspection services. Consequently, rice inspection costs have continued to exceed revenue and the operating reserve has been totally depleted. This fee increase is intended to halt the losses and to begin to gradually replenish the operating reserve. FGIS, in order to minimize the size of this fee increase, plans to rebuild this operating reserve to a nominal level over a period of time. Therefore, FGIS is proposing to increase all rice inspection service fees (commitment, non-commitment, appeals, inspection for quality, and factor analysis) by an average of approximately 18.2 percent. FGIS also proposes to increases the charge for providing extra copies of certificates and to increase the charge for providing interpretive line samples. These proposed changes are needed to meet estimated FY 1983 costs and to begin to replenish the operating reserve.

Appeal Inspection Fees

FGIS proposes to assess a fee for all rice appeal inspection services performed by FGIS regardless of the result of the appeal. Currently FGIS, while incurring the cost of performing an appeal inspection, does not assess a fee if the result indicates there was a material error in the inspection being appealed. However, FGIS incurs the cost to perform each appeal and such costs are reflected in the present fees. FGIS

proposes to assess the applicable inspection fee each time the service is performed regardless of a material error determination.

Mileage, Travel Time, Per Diem/ Subsistence and Commercial Transportation Fees for Rice Inspection and Appeal Inspection Services

FGIS proposes to assess a separate fee to recover costs for mileage, travel time, per diem/subsistence and/or commercial transportation when services are performed more than 20 miles from the FGIS field office location or assigned duty station. FGIS considers a normal commuting area to be within 20 miles of the field office or assigned duty station as defined in AMS/FGIS Instruction 467–6.

Currently, FGIS does not assess a fee for these services until the FGIS representative arrives at the point of service. When the point of service is located more than 20 miles from the FGIS field office location or assigned duty station, FGIS incurs considerable travel and salary costs while traveling to the service point. At the present time, these costs are included in the rice inspection fees. FGIS proposes to assess the hourly fee per service representative from the time the representative(s) leaves the FGIS field office or assigned duty station until the representative(s) returns to the FGIS field office or assigned duty station for all rice inspection services performed more than 20 miles from the FGIS field office or assigned duty location. FGIS also proposes to assess a mileage fee of $.20 per mile for all miles driven to provide service at any points more than 20 miles from the field office or assigned duty station. FGIS also proposes to charge the requestor of these services for any per diem or subsistence and commercial transportation costs FGIS incurs in performing these services more than 20 miles from the FGIS field office location or assigned duty station.

Standby Services

FGIS proposes to assess fees for standby services whenever a representative has been requested to provide service at a specified location; is on duty and ready to provide the service; is unable to perform the service because of a delay by the applicant for any reason; and FGIS officials determine that the representative cannot be utilized to provide services elsewhere.

Currently, FGIS does not assess standby fees if the applicant releases the representative(s) for the performance of other duties. In many instances when the applicant has requested the service and FGIS representatives are on duty and ready to provide that service it is not feasible to reassign the representatives to perform service elsewhere. FGIS incurs the cost of maintaining these employees. The present fees for services include these costs.

Application of Fees if Request for Service Is Withdrawn

FGIS propose to assess the applicable minimum service fees, charges for travel time and expenses, and/or charges for standby services if the request for service is withdrawn by the applicant or FGIS, after the Service representative(s) depart for the point of service. Currently, FGIS assesses fees only for costs incurred until the request is withdrawn. In some instances, FGIS may incur costs, such as travel after the request is withdrawn. Therefore, FGIS proposes to assess these fees as applicable.

Conclusion

FGIS proposes to increase rice inspection service fees by an average of approximately 18.2 percent, to increase the charge for providing extra copies of certificates, to increase the charge for providing interpretive line samples, and to alter the method of assessing the fees as described in this proposal in order to cover the costs of providing the Service. Any deviation from these proposed changes, the method of assessment of the fees or the level thereof would result in a need to further evaluate such proposed changes to assure that the fees generate sufficient revenue to cover costs. FGIS is and will continue to review this program in order to determine the need for the program and its cost effectiveness. However, in order to continue to provide service it is necessary to increase the revenue generated from fees for these services.

List of Subjects in 7 CFR Part 68

Administrative practices and procedures—FGIS, Agricultural commodities, Export.

PART 68—REGULATION AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Accordingly, 7 CFR Part 68 of the regulations are proposed to be amended by revising §§ 68.42c, 68.43(a)(1) and (3), 68.44, 68.45 and are proposed to read as follows:

1. Section 68.42c is amended by revising paragraph (b) to read as follows:

§ 68.42c Fees for Federal rice inspection services.

* * * * *

(b) *Noncommitant service.* (1) A noncommitant service is provided for applicants who do not enter into a commitment service agreement with FGIS or for all hours not covered under a commitment service agreement. Service on a noncommitment basis will be furnished to applicants if personnel are available and in the order in which requests are received, insofar as is consistent with good management, efficiency, and economy. Precedence will be given, when necessary, to (1) commitment service participants, (2) requests for appeal service, (3) requests by Government agencies, and (4) requests by regular users of the service. Hourly rates shall begin when the official inspection personnel arrive at the point of service and shall end when they depart from the point of service, computed to the nearest quarter hour (less mealtime, if any). Hourly rates include the cost of local travel and transportation to perform the service requested and the original and three copies of each certificate. This hourly rate service includes sampling, grading, weighing, and other services as requested by the applicant when performed at the service point.

(2) If service is provided at a location more than 20 miles from the field office from which the service is requested, fees will also be assessed for: (1) Travel time expended by the service representative(s) from the field office location to the service point and return; (2) miles driven in an automobile from the field office location to the service point and return; (3) costs incurred by FGIS for any per diem or subsistence paid to the service representative(s) in connection with providing the service; and, (4) costs incurred by FGIS for commercial transportation for service representative(s) to travel from the field office location to the service point and return. Standby time per person is to be charged at the applicable hourly rates. The minimum fee per callout or inspection visit for noncommitment service is charged at the applicable hourly rate with a 2-hour minimum.

(3) The fees shown in Tables 1 and 2 apply to the Federal rice inspection services:

TABLE 1.—HOURLY RATES [1]

[Rates per hour per person]

	Day [2]	Night and [3] week-end [4]	Holiday [5]
(1) Commitment Service	$25.60	$30.80	$36.20
(2) Non commitment Service [6] [7]	34.00	39.00	44.40
(i) Travel time [8]	34.00	39.00	44.40
(ii) Mileage (per mile driven) [8]	.20	.20	.20
(iii) Per diem subsistence	(9)	(9)	(9)
(iii) Commercial Transportation [9]	(9)	(9)	(9)

[1] The hourly rate includes sampling, grading, weighing, and other services requested by the applicant if performed at the point of service.

[2] 6 a.m. to 6 p.m.

[3] 6 p.m. to 6 a.m.

[4] Midnight Friday through midnight Sunday.

[5] Holiday means the legal public holiday specified in paragraph (a) of section 6103, title 5, of the United States Code (5 U.S.C. 6103(a)) and any other day declared to be a holiday by Federal Statute or Executive Order. If the specified legal public holiday falls on a Saturday, the preceding Friday shall be considered to be the holiday, or if the specified legal public holiday falls on a Sunday, the following Moday shall be considered to be the holiday.

[6] Minimum fee per person per callout or inspection visit for noncommitment service is 2 hours at the applicable hourly rate.

[7] Standby time per person per hour shall be charged at the applicable hourly rate.

[8] Applicable to noncommitment service round trip travel expenses at locations more than 20 miles from the field office.

[9] Actual cost incurred by the Service in connection with providing the service.

TABLE 2.—OTHER SERVICES

	Rough rice	Brown rice for processing	Milled rice
(1) Appeal [1]			
(2) Extra copies of certificates, per copy	$3.00	$3.00	$3.00
(3) Inspection for quality per lot, sublot, or sample inspection [2]	19.00	16.25	13.50
(4) Factor analysis for any single factor, per factor	5.50	5.50	5.50
(5) Interpretive line samples [3]			
(a) Milling degree, per set			60.00
(b) Parboiled light, per sample			15.00

[1] The same inspection fee is charged as would have been charged if the inspection were not an appeal.

[2] Includes kind, class, grade, factor analysis, equal to type, milling yield, or any other quality designation as defined in the U.S. Standards for Rice or applicable instructions, whether singly or combined; per lot, sublot, or sample inspection when performed at other than the point of service.

[3] Interpretive line samples may be purchased from the U.S. Department of Agriculture, Federal Grain Inspection Service, Field Management Division, Board of Appeals and Review, Richards-Gebaur AFB, Building #221, Grandview, MO 64030. Interpretive line samples are also available for examination at selected FGIS field offices. A list of the field offices may be obtained from the Deputy Director, Field Management Division, USDA, FGIS, Washington, D.C. 20250.

The interpretive line samples illustrate the lower limit for milling degrees only and the color limit for the factor "Parboiled Light" rice.

2. Section 68.43 is amended by revising subparagraphs (a)(1) and (a)(3) to read as follows:

§ 68.43 Fees; general provisions.

(a) * * *

(1) All fees shown shall include the cost of travel and transportation to perform the service requested except as provided in § 68.42c.

* * * * *

(3) Standby time shall be computed whenever the Division representative (i) has been requested by the applicant to perform a service at a specified time and location, (ii) is on duty and ready and willing to perform the service requested, and (iii) is unable to perform the service requested because of a delay by the applicant for any reason, and (iv) cannot be utilized to provide service elsewhere based on a determination made by FGIS. Standby time shall be computed to the nearest quarter hour.

* * * * *

3. Section 68.44 is revised to read as follows:

§ 68.44 Fees for appeal inspection.

Fees for appeal inspection shall be in accordance with §§ 68.42a, 68.42c and 68.43.

4. Section 68.45 is revised to read as follows:

§ 68.45 Fees when an application for inspection or appeal inspection is withdrawn or any inspection service is refused.

In the event an application for inspection or appeal inspection is withdrawn or any inspection service (including original inspection or appeal inspection) is refused pursuant to the applicable provisions of the regulations, the interested party who made the application for the inspection service shall pay only such expenses as were incurred in connection with the service prior to, and for rice inspection services after the withdrawal or refusal.

(Sec. 203(h), Pub. L. 79–733, 60 Stat. 1087 (7 U.S.C. 1622))

Dated: September 7, 1982.

D. R. Galliart,

Acting Administrator.

[FR Doc. 82–25843 Filed 9–17–82; 8:45 am]

BILLING CODE 3410–EN–M

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7 CFR Part 800

Fees for Original Inspection, Official Weighing (Class X), Supervision of Weighing (Class Y), Reinspection, Appeal Inspection, and Supervision of Official Services

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Grain Inspection Service (FGIS or Service) has reviewed and is proposing changes to Sections 800.71 through 800.73 of the regulations under the U.S. Grain Standards Act, as amended. This review also is in compliance with the requirements for periodic review of existing regulations. FGIS is proposing to increase fees to cover as nearly as practicable the estimated cost to the Service for official inspection, official weighing (Class X) and supervision of weighing (Class Y) services in the United States and Canada, including related supervisory and administrative costs. FGIS is also proposing to reduce fees for supervision of truck inspection and protein reinspection services provided by delegated States and designated official agencies. In addition, FGIS proposes to change the method of assessment of fees for some services by: (1) Assessing hourly fees for all original inspection and official weighing services; (2) assessing a fee for all appeal inspection, reinspection and review of weighing services; (3) assessing a fee for travel time and costs for special services related to original inspection and official weighing, and all appeal and reinspection services, performed more than 20 miles from an FGIS field office location; (4) assessing a fee for standby time when it is not feasible to reassign Service representatives to perform service at a different location; (5) assessing a fee for all equipment and scale testing services; (6) assessing "factor only" inspection fees for a maximum of two factors for FGIS supervision of delegated States and designated official agencies. FGIS proposes to increase or decrease fees and alter the methods of assessing the fees in order to cover the costs of providing the services.

DATES: Comments must be submitted on or before October 20, 1982; public meeting, October 13, 1982, 9:00 a.m. to 11:30 a.m.

ADDRESSES: Comments must be submitted in writing, in duplicate, to Lewis Lebakken, Jr., Regulations and Directives Management, USDA, FGIS, Room 1636, South Building, 1400 Independence Avenue, SW., Washington, D.C. 20250; telephone (202) 382–0231. All written comments received will be made available for public inspection at the above office during regular business hours (7 CFR 1.27(b)).

The public meeting will be held in Thomas Jefferson Memorial Auditorium, Room 1072, South Agriculture Building, 1400 Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., address as above, telephone (202) 382–0231.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This proposed rule has been reviewed under USDA procedures pursuant to the Secretary's Memorandum 1512–1 and Executive Order 12291 and has been determined to be "nonmajor" because it does not meet the criteria for major regulatory actions.

Regulatory Flexibility Act Certification

Dr. Kenneth A. Gilles, Administrator, FGIS, has determined that this proposed rule does not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because: (1) It applies to a limited number of delegated States and designated official agencies under the Act which are not considered to be small entities because they are dominant in their area of operation based on the delegation/designation process; and (2) most other users of FGIS services are not considered to be small entities. Further, FGIS is required by statute to make the services available and to cover as nearly as practicable the costs of the service from the users of the service.

The Administrator has also determined that a 30-day public comment period on this proposed rule is adequate because it is necessary to adjust fees as soon as possible to more nearly equate revenues to costs, and FGIS is holding a public meeting to discuss these proposed fee changes with interested parties.

Public Meeting

Representatives from the grain industry, delegated States, designated official agencies, and other interested parties are invited to attend the scheduled public meeting. At this meeting, Dr. Gilles, Administrator, FGIS, will discuss the proposed changes to the fees and the need for these changes. A question-and-answer period will follow Dr. Gilles' presentation and written comments wil be accepted from interested parties.

Original Inspection, Official Weighing (Class X), and Supervision of Weighing (Class Y) Fee Increases in the United States

The United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) requires that FGIS charge and collect reasonable fees that as nearly as practicable cover the estimated cost to the Service incident to the performance of official inspection and weighing services in the United States and Canada, including related administrative and supervisory costs.

FGIS continually monitors costs and revenues to determine if fees are at the minimum level necessary to assure program accomplishment. In Fiscal Year 1982, FGIS reduced staffing levels and the related costs in an effort to provide cost-effective services. In Fiscal Year 1983, FGIS plans to further reduce costs. However, a review and analysis has shown that the present original inspection and official weighing fees for services performed in the United States are not generating sufficient revenue to cover current or projected costs. Therefore, FGIS proposes to increase official weighing (Class X) fees by approximately 6 percent and original inspection fees by approximately 15 percent.

In addition, FGIS proposes to increase fees for supervision of weighing services (Class Y). This service was implemented in June 1981. At the time this service was implemented there was no historical data available on the utilization or cost of the service upon which fees could be based. Fees were based on the best cost estimates available at that time. Currently, Class Y weighing service costs represent less than 1 percent of the total weighing program costs. Current cost and revenue data show that these fees must be increased in order to cover costs. Therefore, FGIS proposes to increase the fees for this service by approximately 28 percent.

Original Inspection Fees for Other Than Online Services

FGIS proposes to assess fees on an hourly basis for all original inspection services performed. Currently fees for original inspection services, when the sample for grading is taken from other than a running stream of grain, are generally assessed on a per-unit carrier basis. This proposed change to an hourly method of assessment will provide the applicant for service with the option of contracting at a reduced rate for these services which would allow the Service to more efficiently and effectively schedule and utilize employees.

Original Inspection and Official Weighing Fee Increases in Canada

FGIS proposes to increase fees for most original inspection and official weighing services performed in Canada by approximately 10 percent. Fluctuations in revenue generated by fees, due to seasonal operations in Canada, result in costs exceeding the revenue generated from fees for a portion of the year. FGIS needs to maintain a nominal operating reserve to cover costs during these periods. Current cost and revenue data show that these fees must be increased to cover estimated program costs and maintain a nominal operating reserve.

Reinspection, Appeal Inspection and Review of Weighing Services in the United States and Canada

FGIS is proposing to increase fees for reinspection, appeal inspection and review of weighing services performed in the United States and Canada. The amount of the increase varies by type of service. However, for some services the increase will be greater than in others. Most of these fees have not been adjusted since the fees published in the **Federal Register** (42 FR 61988) on December 8, 1977, which became effective on January 9, 1978. The fees for special services, minimum fee and standby time related to reinspections and appeal inspections performed during the nonregular workday were increased effective October 1, 1981, (46 FR 7042) in order to reflect the cost difference between regular and nonregular workdays. However, this change did not impact on the services normally requested. This increase in fees is necessary because the program costs are exceeding the revenue generated from fees and the operating reserve has been totally depleted. This increase is proposed to generate sufficient revenue to cover costs and begin to replenish the depleted nominal operating reserve for this program, over a period of time.

FGIS also proposes to assess a fee for grading of all reinspections or all appeal inspections whether or not a material error is found, and an additional fee for sampling if the reinspection or appeal inspection is based on a new sample. Specifically, FGIS proposes to assess fees on a per unit-sample basis for all reinspection and appeal inspection grading services performed in the United States and Canada. In addition, FGIS proposes to assess fees on an hourly basis for reinspection and appeal inspection sampling services when the reinspection or appeal inspection is based on a new sample. FGIS also proposes to assess an hourly fee for all review of weighing services whether or not a material error is found. In addition, FGIS proposes to assess the applicable fee each time a reinspection, appeal inspection and review of weighing is performed regardless of a material error determination.

Currently most reinspection and appeal inspection service fees are assessed on a per unit-carrier or unit-of-grain (per 1,000 bushels) basis which includes sampling and grading. The FGIS Advisory Committee discussed the methods of assessment of fees for these services and advised FGIS to establish a fee on a per unit-sample basis for

reinspection and appeal inspection grading services.

In addition, FGIS does not currently assess a fee if the reinspection or appeal inspection result indicates that there was a material error in the inspection from which a reinspection, appeal inspection or Board appeal inspection is taken. In a similar manner, the service does not assess a fee if the review of weighing indicates there was a material error in the results of a Class X or Class Y weighing service. However, FGIS incurs the cost to perform each reinspection, appeal inspection and review of weighing performed and such costs are reflected in the present fees.

FGIS Equipment and Scale Services

FGIS proposes to assess the special services hourly fee for all scale, weight and equipment testing services performed by FGIS, on applicant owned equipment. These services include but are not limited to testing of grain hopper and vehicle scales, testing of railroad track scales, testing of platform scales, reverification of test weights, evaluation of weight and inspection equipment, and testing of diverter-type mechanical samplers. Currently, FGIS does not assess a fee for evaluation of all weighing and insection equipment or all regular semi-annual scale testing services. However, FGIS incurs costs to perform these services and such costs are reflected in present fees.

Mileage, Travel Time, Per Diem/ Subsistence and Commercial Transportation Fees for Special Services Related to Original Insection and Official Weighing (Class X) Services, Reinspection Services and Appeal Inspection Services

The Service proposes to assess a separate fee to cover costs for mileage, travel time, per diem/subsistence and/ or commercial transportation when the requested special services related to original inspection or official weighing (Class X) services, all reinspection services and all appeal inspection services are performed more than 20 miles from the FGIS field office location or assigned duty station in the United States and Canada. Special services include but are not limited to such services as stowage examinations and equipment and scale testing. The Service considers a normal commuting area to be within 20 miles of the field office or assigned duty station as defined in AMS/FGIS Instruction 467–6.

Currently, FGIS does not assess a fee for these services until the FGIS representative arrives at the point of service. When the point of service is located more than 20 miles from the FGIS field office location or assigned duty station, FGIS representatives expend a significant amount of time traveling to the service point for these services, and FGIS incurs all travel costs (mileage, commercial transportation and per diem/subsistence) as well as salary costs associated with traveling to the service point. At the present time, these costs are included in the original inspection, offical weighing, reinspection and appeal inspection fees for services provided in the United States and Canada.

FGIS proposes to assess the hourly service fee per service representative from the time the representative(s) leaves the FGIS field office or assigned duty station until the representative(s) returns to the FGIS field office for all special services related to originl inspection or official weighing, all reinspection services and all appeal inspection services, performed more than 20 miles from the FGIS field office or assigned duty station. In addition, FGIS proposes to assess a mileage fee of $.20 per mile for all miles driven to provide service at any point more than 20 miles from the FGIS field office location or assigned duty station. FGIS also proposes to charge the applicant for any per diem or subsistence and commercial transportation costs FGIS may incur in performing these services at a point more than 20 miles form the FGIS field office location or assigned duty station.

Standby Services

FGIS proposes to assess fees for standby services whenever a Service representative has been requested to provide service at a specified location; is on duty and ready to provide the service; is unable to perform the service because of a delay by the applicant for any reason; and FGIS officials determine that the Service representative cannot be utilized to provide services elsewhere.

Currently, FGIS does not assess standby fees if the applicant releases the Service representative(s) for the performance of other duties. In many instances when the applicant has requested the service and FGIS representatives are on duty and ready to provide that service it is not feasible to reassign the representative to perform service elsewhere. FGIS incurs the cost of maintaining these employees. The present fees for services include these costs.

FGIS also proposes to eliminate the 30-consecutive-minute grace period prior to assessing a fee for standby time for some services. Currently, this grace period applies to original inspection services when the sample for grading is taken from other than a running stream of grain in the United States. This grace period was published in the **Federal Register** (45 FR 79736) on December 1, 1980, and became effective on January 4, 1981. This grace period was established on the basis of revenue that was being generated under the per unit-carrier method of assessing fees. Under the hourly method proposed in this rule, the basis for the grace period is no longer applicable.

FGIS Clerical Services

FGIS proposes to provide on-site typing of certificates at the service point location upon request. Currently, certificates are usually prepared at the FGIS field office location. FGIS has in the past received requests for this type of service. This service is being proposed in order to provide applicant with the option of having certificates typed at the service point location. Normally, certification is included in the fees for service. In order to provide this on-site typing of certificates upon request, FGIS proposes to assess the applicable contract and noncontract hourly fees for special services related to original inspection or official weighing.

FGIS also proposes to assess a fee for clerical services for typing of certificates at the FGIS field office upon request if an applicant requests these services during other than normal FGIS field office duty hours. FGIS incurs additional costs to provide these services for the applicant during other than normal working hours and therefore, proposes to assess the special services fee for these services.

Application of Fees if Request for Service is Withdrawn or Refused

FGIS proposes to assess applicable fees for minimum, travel, and/or standby services if the request for service is withdrawn or dismissed after the Service representative(s) departs for the point of service. Currently, FGIS assesses fees for costs incurred until the request is withdrawn or dismissed. In some instances, FGIS may incur costs, such as travel, associated with this request after the request is withdrawn or dismissed. Therefore, FGIS proposes to assess these fees as applicable.

Fees for FGIS Supervision of Inspection Services Performed by Delegated States and Designated Official Agencies

FGIS proposes to decrease fees for FGIS supervision of truck inspection services from $1.00 to $.75 per inspection, and for supervision of

protein reinspection services from $.75 to $.25 The Service also proposes to change the assessment of "factor only" fees for supervision of inspection services provided by delegated States and designated official agencies. Currently, "factor only" fees are assessed regardless of the number of factors inspected. These "factor only" fees were established on the assumption that 1 or a maximum of 2 factors would be requested per inspection. There has been a significant increase in "factor only" inspections performed on more than 2 factors. In order to reflect the basis on which this fee was established, FGIS proposes to assess "factor only" fees for a maximum of 2 factors and full-grade carrier fees for "factor only" inspections on more than 2 factors. The revenue generated from the present fees for supervision of inspection services performed by delegated States and designated official agencies is not sufficient to cover the current costs of providing the services.

Fees for FGIS Supervision of "All Other Lots" Officially Weighed by Delegated States and Designated Official Agencies.

FGIS proposes to add a fee for FGIS supervision of "All Other Lots" officially weighed by delegated States and designated official agencies. Current fees per carrier do not specifically include containers or other types of lots which are officially weighed. This has resulted in some confusion as to which fee applies. In order to provide for fees to be assessed for lots weighed when a specfic type carrier is not included in the fee schedule, FGIS proposes to add an "all other lots" fee to Schedule C, Table 2.

Termination of Delegation or Designation

The United States Grain Standards Act, as amended, requires automatic termination of the delegation or designation of an official agency if fees assessed by the Service are not paid within 30 days after due. The Act also provides for reinstatement of the delegation or designation after payment of all fees, interest and expenses incurred by the Service, within such period of time as prescribed by the Administrator. FGIS proposes to amend the procedures for termination of the delegation or designation of a state or private agency by providing that the delegation or designation shall be reinstated if all fees, interest and expenses are paid within 60 days after such termination.

Format Changes to Fee Tables

FGIS is also proposing to combine Tables 1 and 2 of Schedule A and to make wording and format changes in Table 1, Schedule A and Table 1, Schedule B in order to simplify and clarify the fee schedules. The footnotes to the tables in schedules A, B and C are also proposed to change in order to implement proposed changes in the assessment methods as discussed above.

Conclusion

FGIS proposes to increase or decrease fees and alter the method of assessing the fees as described in this proposal in order to cover the costs of providing the services. These proposed changes were presented to the FGIS Advisory Committee. The Committee recognized the need to equate revenues to costs and to maintain a nominal operating reserve, and endorsed the publication of these changes in a proposed rule. In addition, a public meeting will be held to dicuss these proposed changes. Any deviation from the proposed changes in the method of assessment of the fees or the level thereof would result in a need to further evaluate such proposed changes to assure that the fees generate sufficient revenue to cover costs. FGIS is and will continue to review programs in order to determine the need for the program and the cost effectiveness of the program. However, in order to continue to provide services it is necessary to increase the revenue generated from fees for some services.

List of Subjects in 7 CFR Part 800

Administrative practices and procedures, Export, and Grain.

PART 800—GENERAL REGULATIONS

Accordingly, 7 CFR Part 800 of the regulations are proposed to be amended by revising §§ 800.71 and 800.72, and by revising paragraphs (a), (b), and (f), and removing paragraph (h) of § 800.73 to read as follows:

§ 800.71 Fees assessed by the Service.

(a) *Official inspection and weighing services.* The fees shown in Schedules A and B apply to official grain inspection and weighing services performed by the Service in the United States and Canada. The fees shown in Schedule C apply to official grain inspection and weighing services performed by delegated States and designated official agencies in the United States. Failure of a delegated State or designated official agency to pay to the Service the fees prescribed in Schedule C within 30 days after due shall result in automatic termination of the delegation or designation. The delegation or designation shall be reinstated if fees currently due, plus interest and any further expenses incurred by the Service because of the termination are paid within 60 days after the termination.

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Schedule A.- Fees for Official Inspection and Weighing Services (Including Supervision and Administration Services) Performed by the Service in the United States 1/

Table 1

Inspection and Weighing Services (bulk or sacked grain)	Regular Workday	Nonregular Workday
(1) Original inspection services, official weighing services (Class X) and related special services:2/3/4/		
(i) Contract service (per hour per Service representative).....	$21.80	$25.20
(ii) Noncontract service (per hour per Service representative).....	24.20	28.00
(iii) Special services performed more than 20 miles from an FGIS field office location or assigned duty station:		
(A) Travel time (per hour per Service representative).....	24.20	28.00
(B) Mileage (per mile driven).....	.20	.20
(C) Per diem/subsistence (per Service representative).....	4/	4/
(D) Commercial transportation (per Service representative).....	4/	4/
(2) Reinspection services, appeal inspection services, Board appeal inspection services, review of weighing services, and related special services:2/3/4/5/		
(i) Grading service		
(A) Grade and factors (per sample).....	39.00	45.50
(1) Protein test (per sample).....	13.00	15.50
(2) Factor determination (per factor).....	19.50	22.75
(B) Board of Appeals and Review (per sample).....	51.80	60.40
(1) Protein test (per sample).....	21.50	25.20
(ii) Sampling service performed within 20 miles of FGIS field office location or assigned duty station:		
(A) Sampling service (per hour per Service representative).....	51.80	60.40
(iii) Service performed more than 20 miles from FGIS field office location or assigned duty station:		
(A) Sampling service (per hour per Service representative).....	51.80	60.40
(B) Travel time (per hour per Service representative).....	51.80	60.40
(C) Mileage (per mile driven).....	.20	.20
(D) Per diem/subsistence (per Service representative).....	4/	4/
(E) Commercial transportation (per Service representative).....	4/	4/
(iv) Review of weighing service:		
(A) Service (per hour per Service representative).....	51.80	60.40
(3) Minimum fee per service request:2/6/		
(i) Original inspection services, official weighing services (Class X) and related special services (2 hour minimum) (per hour per Service representative).....	24.20	28.00

Table 1-Continued

Inspection and Weighing Services (bulk or sacked grain)	Regular Workday	Nonregular Workday
(ii) Reinspection services, appeal inspection services, review of weighing services and related special services (2 hour minimum) (per hour per Service representative)	$51.80	$60.40
(4) Standby:2/7/		
(i) Original inspection services, official weighing services (Class X) and related special services (per hour per Service representative)	24.20	28.00
(ii) Reinspection services, appeal inspection services, review of weighing services, and related special services (per hour per Service representative)	51.80	60.40
(5) Extra copies of certificates (per copy)8/	3.00	3.00

Note: The footnotes for Table 1 are shown at the end of Table 2.

Table 2

Official Services (bulk or sacked grain)	Supervision of Weighing Services (Class Y)
Export elevators at export port locations:2/	
(1) Barge (per barge or part barge)	$ 6.40
(2) Boxcar (per car or part car)	1.30
(3) Hopper car (per car or part car)	1.30
(4) Truck or trailer (per truck or trailer or part truck or part trailer)	.65
(5) Unit trains (per each car or part car of unit train)	1.30
(6) Extra copies of certificates and reports (per copy)	3.00
All other locations:2/	
(1) Barge (per barge or part barge)	12.80
(2) Boxcar (per car or part car)	4.50
(3) Hopper car (per car or part car)	4.50
(4) Truck or trailer (per truck or trailer or part truck or part trailer)	3.20
(5) Unit trains (per each car or part car of unit train)	4.50
(6) Extra copies of certificates and reports (per copy)	3.00

Footnotes - Schedule A - Table 1 and 2

1/ The fees include the cost of performing official inspection and official class X weighing by Service representatives and related supervision and administration costs, and the cost of class Y weighing functions. For incidental costs included in the fees, and fees in addition to the unit and the hourly fees, see § 800.72, paragraphs (a) and (b).

2/ Only one original inspection, special services, reinspection, appeal inspection, official weighing (Class X), or supervision of weighing (Class Y) fee, as applicable, will be charged for these services whether performed singly or concurrently by the same Service representative.

3/ Special services include, but are not limited to the following:
Sampling, stowage examination, testing of inspection equipment, testing or certification of grain hopper and vehicle scales, testing or certification of platform scales, testing and certification of railroad track scales, reverification of test weights, evaluation of weighing and inspection equipment, demonstrating official inspection and weighing functions, furnishing standard illustrations, clerical services performed during other than normal field office hours or at the service point upon request, and related services.

4/ If special services related to original inspection and official weighing (Class X) services, all reinspection services, and all appeal inspection services are performed at a location more than 20 miles from the FGIS field office location, from which the service is requested, fees will be assessed for: 1) travel time expended by Service representative(s) from the field office location to the service point and return; 2) miles driven in an automobile from the field office location to the service point and return; 3) costs incurred by the Service for any per diem or subsistence paid to Service representative(s) in connection with providing the service; and 4) costs incurred by the Service for commercial transportation for Service representative(s) to travel from the field office location to the service point and return.

5/ If at the request of the Service a file sample is located and forwarded by an agency for official appeal, the agency may, upon request, be reimbursed at the rate of $2.50 per sample by the Service for the cost of locating and forwarding the sample(s).

6/ The minimum fee is applicable to all services, except warehouseman's sample-lot inspection, submitted sample inspection, reinspection grading and appeal inspection grading services, when the request for service is cancelled after the Service representative(s) arrives at the point of service or when the service is performed in 2 hours or less.

7/ For application of fee for standby, see § 800.72(b) and 800.73(b).

8/ For application of fees for extra copies of certificates, see § 800.160(c)(3).

Schedule B.- Fees for Official Inspection and Weighing Services (Including Supervision and Administration Services) Performed by the Service in Canada 1/

Table 1

Services (bulk or sacked grain)	Regular Workday	Nonregular Workday
(1) Original inspection services, official weighing services (Class X) and related special services:2/3/		
(i) Contract service (per hour per Service representative)	$ 26.80	$ 31.20
(ii) Noncontract service (per hour per Service representative)	37.80	44.40
(iii) Special services performed more than 20 miles from an FGIS field office location or assigned duty station:		
(A) Travel time (per hour per Service representative)	37.80	44.40
(B) Mileage (per mile driven)	.20	.20
(C) Per diem/subsistence (per Service representative)	3/	3/
(D) Commercial transportation (per Service representative)	3/	3/
(3) Reinspection services, appeal inspection services, Board appeal inspection services, and related special services:3/4/		
(i) Grading service		
(A) Grade and factors (per sample)	39.00	45.50
(B) Board of Appeals and Review (per sample)	51.80	60.40
(ii) Service performed more than 20 miles from FGIS field office location or assigned duty station:		
(A) Travel time (per hour per Service representative)	51.80	60.40
(B) Mileage (per mile driven)	.20	.20
(C) Per diem/subsistence (per Service representative)	3/	3/
(D) Commercial transportation (per Service representative)	3/	3/
(4) Minimum fee per Service request:5/		
(i) Original inspection sevices, official weighing services, and related special services (3 hour minimum)(per hour per Service representative)	37.80	44.40
(ii) Reinspection services, appeal inspection services, and related special services (3 hour minimum)(per hour per Service representative)6/	51.80	60.40
(5) Standby (per hour per Service representative)7/	37.80	44.40
(6) Extra copies of certificates (per copy) 8/	3.00	3.00

1/ The fees include the cost of performing official inspection and official class X weighing by Service representatives and related supervision and administration costs. For incidental costs included in the fees, and fees in addition to the unit and hourly fees, see § 800.72, paragraphs (a) and (b).

2/ Special services include, but are not limited to the following: sampling, stowage examination, testing of inspection or weighing equipment, demonstrating official inspection or weighing functions, furnishing standard illustrations, clerical services performed during other than normal field office hours or at the service point, and related services.

3/ If special services related to original inspection and official weighing (Class X) services, all reinspection services, and all appeal inspection services are performed at a location more than 20 miles from the FGIS field office location, from which the service is requested, fees will be assessed for: 1) travel time expended by Service representative(s) from the field office location to the service point and return; 2) miles driven in an automobile from the field office location to the service point and return; 3) costs incurred by FGIS for any per diem or subsistence paid to Service representative(s) in connection with providing the service; and, 3) costs incurred by FGIS for commercial transportation for Service representative(s) to travel from the field office location to the point of service and return.

4/ Appeal inspections are based on file samples.

5/ Applicable to all services, except submitted sample inspection, reinspection grading and appeal inspection grading services, when the requested service is performed in 3 hours or less, or the request for service is cancelled after the Service representative(s) arrives at the point of service.

6/ Not applicable if the reinspection or appeal inspection is performed concurrently with an original inspection unless additional FGIS personnel are required.

7/ For application of fee for standby, see § 800.72(b) and 800.73(b).

8/ For application of fee for extra copies of certificates, see § 800.160(c)(3).

Schedule C.- Fees for FGIS Supervision Services for the Official Inspection and Weighing Services Performed by the Delegated States and/or Designated Official Agencies in the United States 1/

Table 1

Inspection Services (bulk or sacked grain)	Official Inspection or Reinspection Services
(1) Official sample-lot inspection service (white certificate):	
(i) For official grade and official factor determinations:	
(A) Truck or trailer (per inspection) 2/	$ .75
(B) Boxcar (per inspection) 2/	2.40
(C) Hopper car (per inspection) 2/	2.60
(D) Barge (per inspection) 2/	15.75
(E) Ship (per ship) 3/	125.00
(F) All other lots (per inspection) 2/4/	.75
(ii) For official factor or official criteria determinations:	
(A) Factor determination (per inspection)(maximum 2 factors)5/	.45
(B) Protein test (per inspection) 2/6/	.25
(2) Stowage examination services:	
(A) Ship (per stowage certificate)	7.60
(B) Other carriers (per stowage certificate)	.45
(3) Warehouseman's sample-lot inspection service (yellow certificate) or submitted sample inspection service (pink certificate):	
(i) For official grade and official factor determinations (per inspection)	.75
(ii) For official factor or official criteria determinations:	
(A) Factor determination (per inspection)(maximum 2 factors)5/	.45
(B) Protein test (per inspection) 2/6/	.25
(4) Reinspection services:	
(i) Truck, boxcar, hopper car, barge, ship, warehouseman's sample-lot, submitted sample, factor determination, and all other lots (per inspection)	.75
(ii) Protein test (per inspection)	.25

Note - The footnotes for table 1 are shown at the end of table 2.

Table 2

Official Services (bulk or sacked grain)	Official Weighing Services (Class X)
(1) Official weighing services:	
(A) Truck or trailer (per carrier)	$ .50
(B) Boxcar and hopper car (per carrier)	1.25
(C) Barge (per carrier)	11.30
(D) Ship (per carrier) 3/	137.90
(E) All other lots (per lot or part lot)4/	.50

1/ The fees include the cost of supervision functions performed by the Service for the official inspection and weighing services performed by the delegated States and/or designated official agencies.

2/ A fee shall be assessed for each carrier or sample inspected if a combined lot certificate is issued or a uniform loading plan is used to determine grade.

3/ A fee shall be assessed per ship regardless of the number of lots or sublots loaded at a specific service point. A fee shall not be assessed for divided original certificates.

4/ All other lots inspection services include, but are not limited to, sampling service, condition examinations, examination of grain in bins, and containers; and for weighing services all other lots include, but are not limited to, seavans and inhouse bin transfers.

5/ Fees shall be assessed for a maximum of 2 factors. If more than 2 factors are determined, fees are assessed at rates in (1)(i) or (3)(i) above, as applicable, based on carrier or type sample represented.

6/ Fees shall be assessed for each sample tested for protein.

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§ 800.72 Explanation of Service fees and additional fees.

(a) *Costs included in fees.* Fees for original inspection services and Class X or Class Y weighing services, in the United States and Canada include: (1) Except as provided in § 800.71(a), Schedules A and B, the cost of per diem or subsistence during travel and the cost of transportation to perform the service requested; (2) postage and other delivery costs; (3) the cost of overtime; and (4) except as provided in § 800.71(a), Schedules A and B, the cost of certification.

(b) *Fees in addition to unit and hourly fees.* Fees for standby time shall be assessed in all cases except no fee shall be assessed for standby time under a service contract for official inspection and weighing services in the United States and Canada.

§ 800.73 Computation and payment of service fees; general fee information.

(a) *Computing hourly rates.* Except as provided in § 800.71(a), Schedules A and B, hourly rates shall begin when the Service representative arrives at the point of service and is available to perform service and shall end when the representative departs from the point of service, computed to the nearest quarter hour (less mealtime, if any). For application of minimum fee per service request, see § 800.71(a), Schedules A and B. For application of fee for travel time for original inspection special services, official weighing (Class X) special services, reinspection services and appeal inspection services, see § 800.71(a), Schedules A and B.

(b) *Computing Standby.* Subject to the provisions of § 800.72(b), standby time shall be computed whenever a Service representative: (1) Has been requested by an applicant to perform a service at a specified location; (2) is on duty and is ready to perform the service requested; (3) is unable to perform the service requested because of a delay by the applicant for any reason; and (4) cannot be utilized to provide service elsewhere based on a determination made by the Service. Standby time shall be computed to the nearest quarter hour (less mealtime, if any) for each Service representative.

* * * * *

(f) *Fees when an application for service is withdrawn or service is refused.* If an application for service is withdrawn or a service is refused under the regulations after a Service representative departs for the point of service the applicant shall pay the applicable minimum fees, standby fees and/or travel fees. For application of minimum fee per service request, see § 800.71(a), Schedules A and B. For application of fees for standby time, see § 800.73(b). For application of fees for travel for original inspection special services, official weighing (Class X) special services, reinspection services, and appeal inspection services, see § 800.71(a), Schedules A and B.

* * * * *

(Secs 8 and 9, Pub. L. 94–582, 90 Stat. 2873 and 2877 (7 U.S.C. 79(j), 79a(l)) as amended by Pub. L. 97–35, 95 Stat. 371, 372)

Dated: September 7, 1982.

D. R. Galliart,

Acting Administrator.

[FR Doc. 82–25931 Filed 9–17–82; 8:45 am]

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Food Safety and Inspection Service

9 CFR Parts 318 and 319

[Docket No. 81–035]

Cooked Italian Sausage and Curing Agents in Italian Sausage

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This is a proposal to amend the standard of identity and composition for Italian sausage to allow the addition of curing agents to Italian sausage and require that the product be prominently labeled to indicate the addition of curing agents, to permit a "smoked" Italian sausage, and to require that "cooked" Italian sausage and "smoked" Italian sausage be labeled as such in the name. This proposed rule would also clarify the definition of cooked Italian sausage to reflect the amount of water content allowed in that product and the restriction that antioxidants are permitted for use in only "fresh" Italian sausage, not in other kinds of Italian sausage. This amendment is necessary because many producers of Italian sausage have found the current definition of cooked Italian sausage to be confusing.

DATE: Comments must be received on or before November 19, 1982.

ADDRESS: Written comments and data should be sent to the Regulations Office, Attn: Annie Johnson, Room 2637, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Hibbert, Standards and Labeling Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447–6042.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This proposed rule is being issued in conformance with Executive Order 12291 and has been determined not to be 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 markets. This proposed rule has been reviewed for cost effectiveness pursuant to guidelines established by Secretary's Memorandum 1512–1. It is anticipated that this proposed rule will give rise to no additional costs to the Agency or any segment of the public as this proposal would merely clarify the existing regulation and amend the standard to conform with present industry practices. It would merely formalize the practice of 65 plants producing cooked Italian sausage, 13 plants producing cured Italian sausage and 23 plants producing both cooked and cured Italian sausage. The limitation of antioxidants to "fresh" Italian sausage would have no effect due to the fact that antioxidants are now only used in "fresh" Italian sausages. Permitting the preparation of a "smoked" Italian sausage simply allows processors the option of producing such a product.

Effect on Small Entities

The Administrator, Food Safety and Inspection Service, has determined that this proposed rule 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). There would be no economic impact on small entities since this proposal would merely clarify the existing regulation and amend the standard to conform with present industry practices. There are 65 plants producing cooked Italian sausages, 13 plants producing cured Italian sausage, and 23 plants producing both cooked and cured Italian sausage out of a total of 797 plants producing Italian sausage. Additionally, antioxidants are being used in "fresh" Italian sausage and are not being used in cured Italian sausages. Allowing the preparation of a "smoked" Italian sausage simply allow processors the option of producing such a product; it is not known how many establishments

might in fact decide to produce such a product.

Background

On July 14, 1972, the Department published a proposal in the **Federal Register** (37 FR 13803–13804) to establish standards of identity and composition for Italian sausage. After consideration of the comments received in response to the proposed standards, and review of products labeled "Italian Style Sausage" and "Italian Brand Sausage," a final rule establishing a standard of composition for Italian sausage products was published in the **Federal Register** on January 19, 1976 (41 FR 2629–2630).

In developing the standard for Italian sausage, primary consideration was given to (1) species of meat used, (2) fat content of the meat, (3) spices and flavorings normally used, and (4) trichinae control.

While the use of curing agents in this type of product was mentioned in the comments on the proposed standard, no information was submitted or received indicating the relative significance of cured Italian sausage as compared to uncured Italian sausage. It appeared that cured Italian sausage was produced only in very small amounts and was not a representative type of Italian sausage. Thus, no provisions were made in the standard for cured Italian sausage. However, since the standard was published, the Food Safety and Inspection Service (FSIS) has learned from a variety of sources that using sodium nitrite and potassium nitrite in "Italian Sausage" formulas is a common and longstanding practice of domestic producers and that these two substances are traditional ingredients of this product as made in Northern Italy and Sicily.

In light of the fact that industry has traditionally added curing agents to Italian sausage, the Agency is proposing to amend § 319.145 of the Federal meat inspection regulations (9 CFR 319.145) to permit the addition of the curing agents sodium nitrite and potassium nitrite to Italian sausage, in conformity with industry practice. The amount of curing agent allowed would be regulated by § 318.7(c)(4) of the Federal meat inspection regulations (9 CFR 318.7(c)(4)).

Those products containing the curing agent would be required to be prominently labeled with the term "cured" included in the product name in the same size and style of lettering as the other words in the product name.

The Federal meat inspection regulations currently permit the use of antioxidants in Italian sausage. However, antioxidants are not used in cured Italian sausages and are not permitted in most other cured sausage products. Therefore, this proposal would amend the chart in § 318.7(c)(4) of the Federal meat inspection regulations under the class of substance "Antioxidants and oxygen interceptors" to clarify that antioxidants are permitted only in "fresh" Italian sausage.

Many producers have long produced a precooked Italian sausage. This type of product was provided for when the Agency established the standards for Italian sausages found in § 319.145 (a), (b) and (c) of the Federal meat inspection regulations (9 CFR 319.145 (a), (b) and (c)). Cooked Italian sausage is specifically addressed in § 319.145(c), which states that "if Italian sausage products are cooked (by the producer) determination of compliance with (the standards of composition found in) paragraphs (a) and (b) of this section (§ 319.145) shall be based upon the uncooked product." This means that the product before cooking must comply with all requirements for Italian sausage contained in § 319.145 (a) and (b). Producers of Italian sausage apparently have not understood whether the requirements for water content contained in § 319.145(b)(2) applies to the cooked or the uncooked product.

The intention of the regulation is that all requirements contained in § 319.145 (a) and (b), including the requirements for water content contained in § 319.145(b)(2), be met prior to the product being cooked. In order to clarify this intent, the Agency is proposing to amend § 319.145(c) to specifically state that all the requirements of § 319.145 (a) and (b), including the water content requirements of § 319.145(b)(2), are to be complied with prior to the product being cooked.

The proposal would require that cooked Italian sausage products be prominently labeled with the term "cooked" included in the food product label in the same size and style of lettering as the other words in the product name. The Agency also is proposing to amend the Italian sausage standard to allow for "smoked" Italian sausages, giving processors the option of making smoked Italian sausages. Therefore, the Agency is proposing to delete the word "unsmoked" from the definition of Italian sausage in 9 CFR 319.145(a) and to amend § 319.145(c) to state specifically that all the requirements of § 319.145 (a) and (b), including the water content requirement of § 319.145(b)(2), are to be met prior to smoking the product.

For these reasons, the Agency is proposing to revise the Federal meat inspection regulations as set forth below.

Indexing Terms: As required by 1 CFR 18.20 (46 FR 7162, January 22, 1981), the following are the index terms for this regulation:

List of Subjects

9 CFR Part 318

Food additives, Meat inspection.

9 CFR Part 319

Standards of identity, Meat and meat food products, Meat inspection, Food labeling.

1. The authority citation for Parts 318 and 319 reads as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21 U.S.C. 71 *et seq.*, 601 *et seq.*, 33 U.S.C. 1254.

PART 318—ENTRY INTO OFFICIAL ESTABLISHMENTS; REINSPECTION AND PREPARATION OF PRODUCTS

§ 318.7 [Amended]

2. The chart in § 318.7(a)(4) (9 CFR 318.7(a)(4)) would be amended under the class of substance "Antioxidants and oxygen interceptors" for the products "Fresh pork sausage, brown and serve sausages, Italian sausage products, pregrilled beef patties, and fresh sausage made from beef or beef and pork, by adding the word "fresh" before "Italian sausage products" to read "Fresh pork sausage, brown and serve sausages, fresh Italian sausage products, pregrilled beef patties, and fresh sausage made from beef or beef and pork."

PART 319—DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION

3. Section 319.145 would be amended by removing the words "uncured" and "unsmoked" from the first sentence of paragraph (a), by adding a new paragraph (a)(4), and by revising paragraph (c) to read as follows:

§ 319.145 Italian sausage products.

(a) Italian sausage products are sausages containing at least 85 percent meat, or combination of meat and fat, with the total fat content constituting not more than 35 percent of the finished product.

* * * * *

(4) Product made in conformance with the provisions of paragraphs (a) (1), (2), and (3) of this section and of paragraphs (b) and (c) of this section may contain sodium nitrite or potassium nitrite, in amounts allowed in § 318.7(c)(4), if it is labeled with the word "cured" in the

product name, such as "Cured Italian Sausage." The word "cured" shall be in the same size and style of lettering as the other words in the product name.

* * * * *

(c) If Italian sausage products are cooked or smoked, determination of compliance with the provisions of paragraphs (a) and (b) of this section shall be based on the uncooked or unsmoked product. The product before cooking or smoking shall contain no more than 3 percent water as specified in paragraph (b)(2) of this section. Product which is cooked shall be labeled with the word "cooked" in the product name, such as "Cooked Italian Sausage" or "Cooked Cured Italian Sausage." Product which is smoked shall be labeled with the word "smoked" in the product name, such as "Smoked Italian Sausage" or "Smoked Cured Italian Sausage." The words "cooked" and "smoked" shall be in the same size and style of lettering as the other words in the product name.

Done at Washington, D.C., on September 3, 1982.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 82-25842 Filed 9-17-82; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 82-NM-74-AD]

Airworthiness Directives: Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes a new Airworthiness Directive which would require inspection of the wing landing gear jury strut spindles for cracks. In one incident a broken spindle resulted in the wing landing gear being down but not locked. An unlocked wing gear could be dislocated by touchdown forces and allow a wing-low rollout which could result in damage/loss of the outboard engine and a possible fire. Terminating action will be the replacement of the spindle with an improved spindle.

DATES: Comments must be received on/or before November 8, 1982.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 82-NM-74-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

FOR FURTHER INFORMATION CONTACT: Mr. Owen Schrader, Airframe Branch, ANM-120S, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767-2516. Mailing Address: Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

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-74-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

Broken wing landing gear jury strut spindles have been reported on two airplanes. This caused a wing landing gear down-and-not-locked condition. The jury strut holds the side strut in the locked position.

Hydraulic power was lost in system four on one of the airplanes when the gear was cycled with the jury strut disconnected at the broken spindle. The unlocked gear could not be retracted and it was necessary to land with one wing gear down but not locked. An unlocked wing gear could be dislocated by touchdown forces and allow a wing-low rollout. In such a rollout it is possible that the outboard engine could be damaged or separate from the wing and a fire could result.

Examination of the broken spindles indicated that the cracks were initiated by cyclic loading. The two airplanes had over 9,000 flight cycles. Subsequent analysis indicated any wing gear jury strut spindle with over 8,000 cycles may be subject to such cracking. Since the spindle is high strength steel, cracks will grow quickly.

Boeing has issued Service Bulletin 747-32-2261 which defines the specific inspection procedures to be used to check for cracks in the wing gear jury strut spindle on all delivered 747 airplanes. The inspection requirements will continue until terminating action is taken. Terminating action is described by Revision "A" to the service bulletin which consists of installing an improved spindle. It is expected that Revision "A" will be released in the near future.

Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed AD would require inspection and/or modification of all delivered 747 series airplanes.

It is estimated that 170 airplanes of U.S. operators will be affected by this AD, that it will take approximately 42 man-hours per airplane to accomplish the required actions, and that the average labor cost will be $40 per man-hour. Repair parts are estimated at $1,440 per airplane. Based on these figures, the total cost impact of the AD is estimated to be $530,400. For these reasons the proposed rule is not considered to be a major rule under the criteria of Executive Order 12291. No 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:

Boeing: Applies to all Model 747 series airplanes certificated in all categories listed in Boeing Service Bulletin 747-32-2261 or later FAA approved revisions. To prevent wing landing gear jury strut spindle failures, accomplish the following:

A. Within the next 375 landings after the effective date of this AD or prior to the accumulation of 7625 landings, whichever is

later, and thereafter at intervals not to exceed 750 landings, magnetic particle or dye penetrant inspect the wing landing gear jury strut spindles for cracks in accordance with Table I of Boeing Service Bulletin 747-32-2261 or later FAA approved revisions. Cracked parts are to be replaced prior to further flight.

B. Upon installation of the new spindles in accordance with Boeing Service Bulletin 747-32-2261 Revision "A" or later FAA approved revisions, the requirements of this AD are terminated.

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

D. For purposes of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of flight cycles may be determined by dividing each airplane's hours time-in-service by the operator's fleet average from takeoff to landing for the airplane type.

E. Aircraft may be ferryed to a base for maintenance in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations.

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

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

Note.—For the 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); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities since it involves few, if any, small entities. A regulatory evaluation has been prepared and has been placed in the public docket.

Issued in Seattle, Washington, on September 9, 1982.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 82-25647 Filed 9-17-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-ASO-45]

Proposed Alteration of Transition Area, Cheraw, South Carolina

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to increase the size of the Cheraw, South Carolina, transition area to provide additional controlled airspace for aircraft departing the Cheraw Municipal Airport during Instrument Flight Rule (IFR) operations. In addition, two arrival area extensions will be revoked as one is in excess of needs and the other will be encompassed by the increased size of the radius area.

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

ADDRESSES: Send comments on the proposal in triplicate to:

Federal Aviation Administration, Attn: Manager, Airspace and Procedures Branch, ASO-530, 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:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 82-SO-45." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, Airspace and Procedures Branch (ASO-530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that will increase the radius of the Cheraw transition area to encompass that airspace needed for protection of IFR departure operations from the Cheraw Municipal Airport. Existing transition area arrival extensions, which are predicated on the Chesterfield VOR and the Cheraw radio beacon, will be revoked as the airspace required for arrival operations will be contained in the enlarged radius area. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3 dated January 29, 1982.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Transition area.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Cheraw, SC—Revised

That airspace extending upwards from 700 fet above the surface within a 7-mile radius of Cheraw Municipal Airport (Lat. 34°42'45" N., Long. 79°57'35" 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 11.65)

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

traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in East Point, Georgia, on September 9, 1982.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 82-25645 Filed 9-17-82; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Proposed Rescheduling of Burprenorphine From Schedule II to Schedule V of the Controlled Substances Act

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Acting Administrator of the Drug Enforcement Administration (DEA) proposes to reschedule the narcotic drug, buprenorphine, from Schedule II to V of the Controlled Substances Act (21 U.S.C. 801 *et seq.*). This action is initiated upon DEA's receipt of a letter from the Assistant Secretary for Health, Department of Health and Human Services (DHHS), recommending that buprenorphine be rescheduled from Scheduled II to Schedule V. DEA's final decision concerning the relative abuse potential of buprenorphine will take account of the Assistant Secretary's recommendation and any information received in response to this proposal. The effects of this rule would be to require that the manufacture, distribution, dispensing, security, registration, record keeping, inventory, exportation and importation of this drug be subject to controls for Schedule V narcotic substances.

DATE: Comments and objections must be received on or before November 19, 1982.

ADDRESS: Comments and objections should be submitted in quintuplicate to the Acting Administrator, Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug Control Section, Drug Enforcement Administration, Washington, D.C. 20537, Telephone: (202) 633-1366.

SUPPLEMENTARY INFORMATION:

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Narcotics, Prescription drugs.

Buprenorphine is controlled in Schedule II of the Controlled Substances Act (CSA) under section 202, Schedule II(a)(1) as a "derivative * * * of opium or opiate."

On May 12, 1982, the Assistant Secretary for Health, on behalf of the Secretary, Department of Health and Human Services, sent a letter to the Acting Administrator of the Drug Enforcement Administration recommending that buprenorphine be rescheduled into Schedule V and continue to be defined as a narcotic. The letter is set forth below:

May 12, 1982

Mr. Francis M. Mullen, Jr.,
Acting Administrator, Drug Enforcement Administration, 1405 Eye Street, N.W., Washington, D.C. 20537.

Dear Mr. Mullen: Pursuant to the Controlled Substances Act 21 U.S.C. 811(f), this letter is notification that the Food and Drug Administration has approved a New Drug Application for buprenorphine, an analgesic drug with a potential for abuse. Buprenorphine is currently listed in Schedule II of the Act by virtue of its derivation from the Schedule II opioid precursor thebaine. The Food and Drug Administration has recommended that buprenorphine be rescheduled into Schedule V and continue to be defined a narcotic. The Schedule V recommendation is based on findings that buprenorphine has a low potential for abuse relative to the drugs or other substances in Schedule IV, that buprenorphine has a currently accepted medical use in treatment in the United States, and that abuse of buprenorphine may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule IV. The recommendation that buprenorphine be classified as a narcotic is based on the legal definition of "narcotic drug" in 21 U.S.C. 802(16), which includes all opiate derivatives, because buprenorphine is derived from the opiate thebaine.

I concur with these recommendations and have enclosed the Basis for Rescheduling of Buprenophine as a Schedule V Narcotic Under the Controlled Substances Act.

The Drug Abuse Advisory Committee of the FDA Bureau of Drugs has recommended that the agonist-antagonist class of analgesic drugs (butorphanol, nalbuphine, pentazocine and buprenorphine) be monitored and periodically reviewed for changes in abuse patterns. To this end, the Department of Health and Human Services would appreciate your cooperation in reporting diversion and any other law enforcement data on this class of drugs to the Food and Drug Administration at yearly, or if possible, semi-yearly intervals.

Should you, or any of your staff, have any questions, please direct your inquiries to the Drug Abuse Staff of the Bureau of Drugs, Food and Drug Administration.

Sincerely yours,

Edward N. Brandt, Jr., M.D.,
Assistant Secretary for Health.

Based on the scientific and medical evaluation and the recommendation of the Secretary, Department of Health and Human Services, with respect to buprenorphine, received in accordance with section 201(b) of the CSA (21 U.S.C. 811(b)), and under the authority vested in the Attorney General by section 201(a) of the CSA (21 U.S.C. 811(a)) and delegated to the Acting Administrator by regulations of the Department of Justice (28 CFR Part 0.100), the Acting Administrator hereby proposes that paragraph (b)(1) through (b)(6) of Title 21, Code of Federal Regulations, § 1308.15 be redesignated as (c)(1) through (c)(6) and that a new paragraph (b) entitled *Narcotic drugs* be added to § 1308.15 of Title 21 of the Code of Federal Regulations (CFR) to read as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

§ 1308.15 Schedule V.

* * * * *

(b) *Narcotic drugs.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs and their salts, as set forth below:

(1) Buprenophine 9064

* * * * *

All interested persons are invited to submit their comments or objections in writing regarding this proposal. If a person believes that one or more issues raised by him warrant a hearing, he should so state and summarize the reasons for his belief. Comments and objections should be submitted in quintuplicate to the Acting Administrator, Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative.

In the event that comments or objections to this proposal raise one or more issues which the Acting Administrator finds, in his sole discretion, warrant a hearing, the Acting Administrator will publish in the **Federal Register** an order for a public hearing which will summarize the issues to be heard and set the time for the hearing that will not be less than 30 days after the date of the order.

Pursuant to Title 5, United States Code, section 605(b), the Acting Administrator certifies that the

rescheduling of buprenorphine, as proposed herein, will not have a significant impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act (Pub. L. 96-354). The regulatory requirements imposed on Schedule V substances are considerably less burdensome than those imposed on Schedule II substances.

In accordance with the provisions of 21 U.S.C. 811(a), this proposal to reschedule buprenorphine from Schedule II to Schedule V is a formal rulemaking "on the record after opportunity for a hearing." Such proceedings are conducted pursuant to the provisions of 5 U.S.C. 556 and 557 and as such have been exempted from the consultation requirements of Executive Order 12291 (46 FR 13193).

Dated: September 15, 1982.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 82-25845 Filed 9-17-82; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 240

[Notice No. 426; Re: Notice No. 413]

Materials and Processes for the Production and Treatment of Wine, Juice, and Distilling Material

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

ACTION: Reopening of the comment period.

SUMMARY: This notice reopens the comment period for an additional 90 calendar days on issues relating to the proposed regulatory revisions pertaining to wine treatments which were published in the **Federal Register** of June 18, 1982 (Notice No. 413, 47 FR 26399). Due to the sensitive and controversial nature of the proposed changes, the Bureau believes that an additional comment period should be given to provide an opportunity for all interested persons, especially grape growers and winemakers, to present comments.

DATE: Comments must be received on or before December 20, 1982.

ADDRESS: Comments should be addressed to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385 (Notice No. 426).

FOR FURTHER INFORMATION CONTACT: Michael J. Breen, Rulings Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC (202-566-7632).

SUPPLEMENTARY INFORMATION:

Background

On June 18, 1982, ATF published Notice No. 413 to obtain comment on proposed regulatory changes in the listings of materials and processes authorized for use in the production and treatment of wine, juice, and distilling material. The proposed amendments update the listings of authorized materials and processes and amend the procedure for making additions and other changes. Although comments received during the original comment period generally have supported the Bureau's intent and purpose for the proposed changes, a significant number of potential commenters were unable to submit written suggestions and modifications to the proposed regulatory language due to the brevity of the comment period.

Since the proposed changes to the regulations are sensitive and controversial, ATF believes an opportunity should be given for all interested persons to submit further comments on these issues. This will ensure that all pertinent information is available to ATF before any final decision is reached. All comments previously submitted will remain a part of the record and no resubmission of comments will be necessary unless the commenter wishes to furnish additional information.

Disclosure of Comments

ATF will not recognize materials and comments as confidential. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comments. Comments may be disclosed to the public. The name of the person submitting comments is not exempt from disclosure.

Copies of all notices and all written comments will be available for public inspection at: ATF Reading Room, Room 4405, Federal Building, 1200 Pennsylvania Avenue, NW, Washington, DC.

Drafting Information

The author of this document is Michael J. Breen, Rulings Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 240

Administrative practice and procedure, Authority delegations, Claims, Electronic funds transfers, Excise taxes, Exports, Food additives, Fruit juices, Labeling, Liquors, Packaging and containers, Reporting requirements, Research, Scientific equipment, Spices and flavorings, Surety bonds, Transportation, Warehouses, Wine, and Vinegar.

Authority and Issuance

This notice is issued under the authority contained in Section 7805 of the Internal Revenue Code of 1954, as amended (68A Stat. 917, as amended).

Signed: August 24, 1982.

Stephen E. Higgins,

Acting Director.

Approved: September 3, 1982.

Robert E. Powis,

Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 82-25838 Filed 9-17-82; 8:45 am]

BILLING CODE 4810-31-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 228

[WH-FRL 2192-2]

Ocean Dumping; Proposed Designation of Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA today proposes to designate the existing cellar dirt disposal site located in the New York Bight as an EPA approved ocean dumping site for the dumping of cellar dirt. This action is necessary to provide an ocean dumping site for the current and future disposal of this material.

DATE: Comments must be received on or before November 4, 1982.

ADDRESSES: Send comments to: Mr. T. A. Wastler, Chief, Marine Protection Branch (WH-585), EPA, Washington, DC 20460.

The draft Environmental Impact Statement (EIS) is available for public inspection at the following locations:

EPA Public Information Reference Unit (PIRU), Room 2404 (rear), 401 M Street Southwest, Washington, DC

EPA Region II Library, Room 1002, 26 Federal Plaza, New York, New York

EPA Region II Library, Woodbridge Avenue, GSA Raritan Depot, Edison, New Jersey

NOAA/RD/OMPA Northeast Office, Old Biology Building, State University of New York, Stony Brook, New York

FOR FURTHER INFORMATION CONTACT: Mr. T. A. Wastler, 202/755-0356.

SUPPLEMENTARY INFORMATION: Section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401 et seq. (hereafter "the Act"), gives the Administrator of EPA the authority to designate sites where ocean dumping may be permitted. On September 19, 1980, the Administrator delegated the authority to designate ocean dumping sites to the Assistant Administrator for Water and Waste Management, now the Assistant Administrator for Water. This proposed site designation is being made pursuant to that authority.

The EPA Ocean Dumping Regulations (40 CFR Chapter I, Subchapter H, § 228.4) state that ocean dumping sites will be designated by publication in this Part 228. A list of "Approved Interim and Final Ocean Dumping Sites" was published on January 11, 1977 (42 FR 2561 et seq.) and extended on December 9, 1980 (45 FR 81042 et seq.). That list established this site as an interim site.

The purpose of this notice is to provide the public an opportunity to comment on the proposed final designation, as an EPA Approved Ocean Dumping Site, of a site in the New York Bight for the continuing disposal of cellar dirt; that is excavation dirt and rock resulting from construction work in the metropolitan New York area.

The location of the cellar dirt site is approximately 6.6 nautical miles east of Highlands, New Jersey, and 11.7 nautical miles south of Rockaway, Long Island, positioned in a circle with a radius of 0.6 nautcial miles and center coordinates as follows:

40°23'00" N; 73°49'00" W.

The site occupies an area of approximately 1.1 square nautical miles. Water depths within this area range from 29 to 38 meters. Disposal operations at the site began in 1914.

Section 102(c) of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq., ("NEPA") requires that Federal agencies prepare an EIS on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. The object of NEPA is to build into the Agency decision-making process careful consideration of all environmental aspects of proposed actions. While NEPA does not apply to EPA activities of this type, EPA has voluntarily committed to prepare EIS's in connection with ocean dumping site designations such as this. 39 FR 16186.

EPA has prepared a draft EIS entitled "Draft Environmental Impact Statement (EIS) For New York Bight Cellar Dirt Disposal Site Designation." The draft EIS was filed with the EPA Office of Environmental Review on March 19, 1982, and a notice of availability for public review and comment was published in the **Federal Register** on March 26, 1982 (47 FR 13033). The public comment period on this draft EIS closed May 10, 1982.

Based on the information reported in the draft EIS, EPA proposes to designate the site for continuing use for the ocean disposal of cellar dirt where the applicant has demonstrated a need for ocean dumping, lack of acceptable alternatives to the dumping, and compliance with EPA's marine environmental impact criteria. The draft EIS is available for inspection at the addresses given above.

The designation of the existing New York Bight cellar dirt disposal site as an EPA Approved Ocean Dumping Site is being published as proposed rulemaking. Management authority of this site will be delegated to the Regional Administrator of EPA Region II. Interested persons may participate in this proposed rulemaking by submitting written comments within 45 days of the date of this publication to the address given above.

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. EPA has determined that this proposed action will not have a significant impact on small entities since the site designation will only have the effect of providing a disposal option for excavation dirt and other nonfloatable debris. Consequently, this proposal does not necessitate preparation of a Regulatory Flexibility Analysis.

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

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

List of Subjects in 40 CFR Part 228

Water pollution control.

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

Dated: September 13, 1982.

Frederic A. Eidsness, Jr.,

Assistant Administrator for Water.

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

In consideration of the foregoing, Subchapter H of Chapter I of Title 40 is proposed to be amended by adding § 228.12(b)(14) an ocean dumping site for Region II as follows:

8228.12 Delegation of management authority for interim ocean dumping sites.

* * * * *

(b) * * *

(14) Cellar Dirt Site—Region II.

Location (center point): Latitude—40°23'00" N.; Longitude—73°49'00" W.

Size: 1.1 square nautical miles.

Depth: Ranges from 29 to 38 meters.

Primary Use: Cellar dirt.

Period of Use: Continuing use.

Restriction: Disposal shall be limited to excavation dirt and rock, broken concrete, rubble, tile, and other nonfloatable debris.

[FR Doc. 82-25782 Filed 9-17-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Parts 413, 433, and 469

[WH-FRL 2208-4]

Electrical and Electronic Components Point Source Category and Electroplating and Metal Finishing Point Source Categories

AGENCY: Environmental Protection Agency.

ACTION: Public hearing.

SUMMARY: Notice is hereby given of a hearing open to the public to discuss and receive comments on pretreatment regulations proposed in the **Federal Register** as follows:

Proposal date	Category
Aug. 24, 1982 (47 FR 37048)	Electrical and electronic components.
Aug. 31, 1982 (47 FR 38462)	Electroplating and metal finishing.

DATE: A public hearing has been scheduled for the following date and place: October 21, 1982—Washington, D.C.

ADDRESS: The public hearing will be

held at the following address: L'Enfant Plaza Hotel, 480 L'Enfant Plaza East, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Harold Coughlin, Project Officer for Public Participation, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 426-2560.

Anyone wishing to make an oral statement and submit written testimony at the hearing should indicate so in writing, including which session of the hearing they plan to attend, to the above address.

SUPPLEMENTARY INFORMATION: Registration for the hearing will be held from 8:30 to 9:00 a.m. Oral testimony will be presented as follows: 9:30 to 11:30 a.m.—Electrical and Electronic Components, 1:00 p.m. to 3:00 p.m.—Electroplating and Metal Finishing. Following the registration period there will be a brief presentation by an EPA official covering the development of effluent limitations and standards under the Clean Water Act of 1977. Also, opportunity will be given throughout the day for audience participants to submit written questions to the Presiding Officer. These questions will be addressed during the question and answer session which will conclude the presentations of oral testimony for each category.

A court reporter will be present at the public hearing. Official transcripts will be available upon request.

Dated: September 9, 1982.

Frederic A. Eidsness, Jr.,

Assistant Administrator for Water.

[FR Doc. 82-25783 Filed 9-17-82; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 32

[CGD 78-121]

Aluminum Hatch Covers Aboard Tankships

Correction

In FR Doc. 82-24161 appearing on page 38707 in the issue of Thursday, September 2, 1982, make the following correction: The "CGD" number in the heading should have read as set forth above.

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 82-351; RM-4105]

TV Broadcast Station in La Salle and Pontiac, Illinois; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; Extension of Time for Filing Reply Comments.

SUMMARY: Action taken herein extends the time for filing reply comments in BC Docket No. 82-351 (RM-4104) concerning a proposal to reassign UHF Television Channel 35 from La Salle to Pontiac, Illinois. Counsel for petitioner states that an additional 30 days will be needed to formulate a proper response.

DATE: Reply comments must be filed on or before September 24, 1982.

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

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

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

Adopted: August 30, 1982.

Released: September 7, 1982.

1. On June 23, 1982, the Commission adopted the Notice of Proposed Rule Making, 47 FR 29854, published July 9, 1982, in the above-captioned proceeding. Comments have been filed and reply comments were due August 24, 1982.

2. We now have before us for consideration a request for extension of time for filing reply comments, filed on August 17, 1982, by Livingston County Broadcasters, Inc., petitioner in the above-referenced rule making proceeding. Petitioner requests a 30 day extension to and including September 24, 1982. Petitioner states that as a result of comments filed in response to the Notice, it is now seeking to determine whether there is another channel which will fit into the community of La Salle to permit both Pontiac and LaSalle to have their own television assignment. Petitioner believes that such a determination will permit a quicker resolution of this proceeding by removing the need to choose between the two cities. Petitioner states that it needs the additional 30 days to complete its study and prepare its reply comments.

3. We are of the view that, under the circumstances recited, an extension of time is warranted. It appears that no other party to the proceeding would be prejudiced by a grant of the instant request, such request was timely filed and such extension will assure development of a sound and comprehensive record on which to base a decision herein.

4. Accordingly, it is ordered, That the request for extension of time, filed on behalf of Livingston County Broadcasters, Inc., is granted, and the time for filing reply comments is extended to and including September 24, 1982.

5. This action is taken purusant to §§ 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and §§ 0.204(b) and 0.281 of the Commission's rules.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-25754 Filed 9-17-82; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

Coast Guard

33 CFR Part 52

[Docket No. 73]

Final Action on Requests for Correction of Coast Guard Military Records

AGENCY: Board for Correction of Military Records, Office of the Secretary, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would permit the Board for Correction of Military Records to take final action, on behalf of the Secretary, in certain categories of cases. The proposed rule would also establish the categories of cases on which final action would have to be taken by the Secretary.

DATE: Comment closing date: November 19, 1982.

Address for comment: Comments should be sent to Docket Clerk (Docket No. 73), 400 Seventh Street, SW., Room 10421, Washington, D.C., 20590. Comments are available for public insection at this address Monday through Friday from 9:00 am to 5:30 pm. Persons wishing to have their comments acknowledged should send a stamped self-addressed postcard with their comments. The Docket Clerk will return

these postcards when the comments are docketed.

FOR FURTHER INFORMATION CONTACT: William T. Underwood, Chairman, Board for Correction of Military Records, U.S. Department of Transportation, 400 Seventh Street, SW., Room 9414, Washington, D.C. 20590. (202) 755-8750.

SUPPLEMENTARY INFORMATION: The Department of Transportation's Board for Correction of Military Records (Board), established under 10 U.S.C. 1552, considers applications by present and former members of the Coast Guard and Coast Guard Reserve to correct their military records. Applications for the correction of military records include a wide variety of matters, such as requests for the upgrade of discharges, correction of officers' fitness reports, changes in reenlistment codes, and assignment or modification of disability ratings for disability retirement purposes.

Applications for the correction of a military record are administratively processed by the Board's staff. The Chairman may informally deny an application pursuant to 33 CFR 52.15-5. Applications which are not informally denied by the Chairman, pursuant to 33 CFR 52.15-5, are referred to a three-member Board, drawn from a precept of civilian attorneys who work for the Department of Transportation, for a formal decision. Requests for reconsideration of informal denials and requests for reconsideration of formal Board decisions approved by the General Counsel are also considered by a three-member Board. After the Board members sign a formal decision, other than a denial of a request for reconsideration of an informal denial, it is transmitted to the Office of the General Counsel for review. The General Counsel has been delegated the Secretary's authority to take final action on requests for the correction of military records (see 49 CFR 1.57(e)).

This proposed rule is concerned with the above authority to take final action. The proposal would identify a series of Board actions which, if taken unanimously by all three members of a Board, would not be transmitted to the General Counsel for review. In these cases, the action of the Board itself would be administratively final. The purpose of the proposed change is to speed the processing of routine and uncontroversial cases by eliminating an extra layer of review.

All unanimous Board decisions to grant relief, in matters falling into the categories identified in § 52.35-15(a)(2), may be made administratively final by the Board, unless the Chief Counsel of the Coast Guard states that the application raises a significant issue of Coast Guard policy. A unanimous Board could approve any other application, as long as the Coast Guard had recommended relief. A unanimous Board could also deny any application. All other Board actions would still be referred to the General Counsel's office for final action. A technical conforming amendment would be made to 49 CFR 1.57(e) to make that delegation of authority consistent with this proposed change to 33 CFR Part 52.

This proposed rule is not a major rule within the meaning of Executive Order 12291 or a significant rule under the Department of Transportation's Regulatory Policies and Procedures. This proposed rule relates to agency management and personnel and, therefore, the notice and comment requirements of section 553 of the Administrative Procedure Act are inapplicable. Nevertheless, the Department believes it would be beneficial to publish this proposal to allow present and former Coast Guard personnel an opportunity to comment on proposed changes in the Board's review and decision-making procedures.

Since this proposed rule would only apply to individual Coast Guard personnel, under the criteria of the Regulatory Flexibility Act, the Department certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities.

List of Subjects

33 CFR Part 52

Military records, Military personnel.

49 CFR Part 1

Authority delegations (Government agencies), Organization and functions (Government agencies).

PART 52—BOARD FOR CORRECTION OF MILITARY RECORDS OF THE COAST GUARD

The Department proposes to revise 33 CFR 52.35-15 to read as follows:

§ 52.35-15 Final Action.

(a) *Final Action by the Board.* The Board may take final action on behalf of the Secretary, under 10 U.S.C. 1552, as follows, provided that the Board acts unanimously:

(1) The Board may deny any application for the correction of military records.

(2) The Board may approve an application for the correction of military records in one of the following categories, unless the Chief Counsel of the Coast Guard, in submitting the views of the Coast Guard under § 52.45-5(c), states that the application involves a significant issue of Coast Guard policy:

(i) An application to correct an enlistment or reenlistment contract or agreement to extend an enlistment for the purpose of effecting or increasing entitlement to a Selective Reenlistment Bonus;

(ii) An application to modify an election to participate in the Survivor Benefit Plan;

(iii) An application to change a reenlistment eligibility code;

(iv) An application to correct the character of or reason for a discharge or separation.

(3) The Board may approve any application for the correction of military records not falling into one of the categories in paragraph (a)(2) of this section, provided that the Chief Counsel of the Coast Guard recommends relief. The Board may not take final action under this subsection if the Chief Counsel recommends relief substantially different from that requested by the applicant.

(b) *Final Action by the Secretary.* Except in cases where the Board takes final action under subsection (a) of this section, the Board shall forward the record of its proceedings to the Secretary for approval, disapproval, or return for additional consideration. After taking final action, the Secretary returns the record to the Board for disposition.

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

It is also proposed to revise 49 CFR 1.57(e) to read as follows:

§ 1.57 Delegations to General Counsel.

* * * * *

(e) Review and take final action on referrals of the findings of the Board for Correction of Military Records of the Coast Guard (except with respect to those matters on which the Secretary's authority to take final action is exercised by the Board pursuant to 33 CFR 52.35-15) and the Coast Guard Discharge Review Board.

* * * * *

Issued at Washington, D.C., on September 8, 1982.

Andrew L. Lewis,

Secretary of Transportation.

[FR Doc. 82-25858 Filed 9-17-82; 8:45 am]

BILLING CODE 4910-62-M

National Highway Traffic Safety Administration

49 CFR Part 572

Anthropomorphic Test Dummies

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Response to petition for rulemaking.

SUMMARY: This notice responds to a petition for rulemaking submitted by Humanoid Systems, concerning 49 CFR Part 572, *Anthropomorphic Test Dummies*. The petition requested changes in the specifications for the 50th percentile male dummy. That dummy is referenced by Federal Motor Vehicle Safety Standard No. 208 (49 CFR Part 571.208), *Occupant Crash Protection*, as part of that standard's compliance test procedure applicable to manufacturers choosing to meet that standard's requirements by means of passive restraints. Humanoid's petition stated that the dummy does not have a correct anatomical shape for the pelvis. The agency is currently involved in research concerning the specific problems alleged by Humanoid, as well as potential successor dummies to the current dummy. The agency plans to decide whether or not to amend the specifications for the current dummy after those research projects have been completed. This notice denies Humanoid's petition to the extent that it contemplates action other than that currently in progress.

FOR FURTHER INFORMATION CONTACT: Mr. Stanley H. Backaitis, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202–426–2264).

SUPPLEMENTARY INFORMATION: Part 572, *Anthropomorphic Test Dummies*, provides specifications for the 50th percentile male dummy. That dummy is referenced by Safety Standard No. 208, *Occupant Crash Protection*, as part of the standard's compliance test procedure applicable to manufacturers choosing to meet that standard's requirements by means of passive restraints. Results from tests utilizing the dummy, both for compliance and research purposes, have been used by research institutions, government and industry to develop a large data bank.

Humanoid Systems submitted a petition for rulemaking to change the Part 572 test dummy's specifications with respect to the pelvis. That company stated that the Part 572 dummy does not have a correct anatomical shape for the pelvis. Further, that company stated that due to errors by the manufacturer who furnished drawings, there was a 10 degree difference in the angles of the hip sockets with reference to the principal axes of the pelvic casting. Humanoid stated that modification of the specifications would provide a benefit to the safety community since the pelvic shape of the current dummy creates a predisposition for the lap belt to slide up over the pelvis and to press against the abdomen and its organs (submarining).

NHTSA is aware that the pelvic shape of the Part 572 dummy is not an anatomically perfect representation, and the agency is involved in research concerning possible changes in the pelvic shape. Humanoid's petition cited a part of that research, i.e., the development of a new pelvic shape by a contractor, and asked that the agency change the standard based on that research.

While part of the research concerning the pelvic shape has been completed, other work is continuing. This includes review of the contract work cited by Humanoid. The agency has included interested groups in this review process, including physiological and anthropometric laboratories and the Society of Automotive Engineers (SAE).

The mere fact that the pelvic shape is not anatomically perfect does not by itself necessitate a change in specifications. Any dummy will to some extent differ from a real human being that it simulates for test purposes. Similarly, each human being will differ to some extent from any other human being. The issues under consideration by the agency are to what extent, if any, the current pelvic shape may bias test results in one way or another, and how the shape may be improved. The agency's research project will consider Humanoid's allegation that the current dummy exaggerates submarining.

The decision whether to amend the specifications of the Part 572 dummy will depend on the results of the agency's research project. The decision may also depend on the results of two related agency projects, the devlopment of two potential successors to the current dummy and the advanced dummy program.

Any change in specifications requires development of a new data bank. Thus, a change in specifications not only results in additional costs for purposes of compliance testing but also limits the usefulness of prior test data for research purposes. It is therefore in the interest of maximizing the usefulness of data and thereby promoting safety, as well as reducing costs, to change specifications as infrequently as possible. For those reasons, the agency may decide not to change specifications for the existing dummy if that dummy is likely to be superseded in the near future.

For the reasons set forth above, the agency does not plan any interim action to change the specifications of the current Part 572 dummy, pending completion of its research projects. Therefore, to that extent, this notice denies Humanoid's petition.

(Secs. 103, 119 and 124, Pub. L. 89–563, 80 Stat. 718, (15 U.S.C. 1392, 1407 and 1410a); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on September 13, 1982.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 82–25679 Filed 9–17–82; 8:45 am]

BILLING CODE 4910–59–M

Notices

Federal Register
Vol. 47, No. 182
Monday, September 20, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Administration; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Administration of the Administrative Conference of the United States, to be held at 2:00 p.m., Wednesday, September 29, 1982, at 400 Maryland Avenue, SW., Room 7002, Washington, D.C. 20546.

The Committee will meet primarily to discuss consultant Thomas J. Madden's study on officials' liability for constitutional torts, and possible areas for recommendations thereon, and to consider a possible project on procurement by grantees under federal grant programs.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman of the Administrative Conference at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information contact Charles Pou, Jr., Office of the Chairman, Administrative Conference of the United States, 2120 L Street NW., Suite 500, Washington, D.C. (Telephone: 202–254–7065). Minutes of the meeting will be available on request.

Richard K. Berg,
General Counsel.
September 15, 1982.
[FR Doc. 82–25846 Filed 9–17–82; 8:45 am]
BILLING CODE 6110–01–M

Manual for Administrative Law Judges—Revised Edition 1982

The Office of the Chairman of the Administrative Conference of the United States announces publication of a book by Merritt Ruhlen: "Manual for Administrative Law Judges" (Revised Edition 1982). The manual discusses and explains methods and recommended practices for conduct of formal administrative proceedings. It includes new sections designed for special types of cases and a chapter on the writing of judicial decisions.

The report is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (Stock No. 052–049–00013–0) for $5.50.

The Office of the Chairman has a limited supply of copies for single copy distribution. To request a copy of the report, write to Administrative Conference of the United States, Suite 500, 2120 L Street, NW., Washington, D.C. 20037, or telephone Sue Boley, Librarian, at 202–254–7020.

Richard K. Berg,
General Counsel.
September 15, 1982.
[FR Doc. 82–25847 Filed 9–17–82; 8:45 am]
BILLING CODE 6110–01–M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Sugar Import Quotas; Determination of Import Quotas on Sugar for Fiscal Year 1983

AGENCY: Agriculture Department.

ACTION: Notice.

SUMMARY: This notice establishes the annual (fiscal year) sugar import quota for the period October 1, 1982 through September 30, 1983 at 2,800,000 short tons, raw value.

EFFECTIVE DATE: October 1, 1982.

FOR FURTHER INFORMATION CONTACT: James Truran, Foreign Agricultural Service, Department of Agriculture, Washington, D.C. 20250, Tel: (202) 447–2916.

SUPPLEMENTARY INFORMATION: Presidential Proclamation No. 4941, dated May 5, 1982, amended Headnote 3 of subpart A, part 10, schedule 1 of the Tariff Schedules of the United States (TSUS) to establish a system of import quotas for foreign sugar coming into the United States. Under the terms of Headnote 3, the Secretary of Agriculture established an annual (fiscal year) sugar import quota period of October 1, 1982–September 30, 1983.

For the 1983 fiscal year the quota is set at 2,800,000 short tons, raw value. This quota level is 500,000 tons lower than the tentative quota level announced June 15. This reduction in the quota level for 1982/83 is the result of an upward revision in projections for the 1982/83 domestic sugar crop, larger than anticipated carry-in stocks for the new year beginning October 1 and a downturn in estimates for domestic disappearance of sugar due to the dampending of demand for sugar, especially in higher valued sugar containing products, as well as continued competition in the sweetener market from sugar substitutes.

The quota amount will be divided according to allocation provisions of Presidential Proclamation 4941 of May 5, 1982 (47 FR 19661) as modified on August 11, 1982 (47 FR 34870). Countries included in the "other specified countries and areas" category will be permitted to ship either their prorata share of that category's allocation or 16,500 short tons whichever is greater.

Notice is hereby given that, in accordance with the requirements of Headnote 3 of subpart A, part 10, schedule 1 of the TSUS, the Secretary of Agriculture has determined that a quota of 2,800,000 short tons of sugar as described in items 155.20 and 155.30 of the TSUS may be entered or withdrawn from warehouse for consumption during the period October 1, 1982 through September 30, 1983. The Secretary has also determined that this amount gives due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade.

Dated: September 15, 1982.

John R. Block,
Secretary of Agriculture.

[FR Doc. 82–25828 Filed 9–15–82; 4:29 pm]
BILLING CODE 3410–10–M

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee of the American Statistical Association; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463 as amended by Pub. L. 94–409), notice is hereby given that the Census Advisory Committee of the American Statistical Association will convene on October 7 and 8, 1982. The Committee will meet in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee of the American Statistical Association was established in 1919. It advises the Director, Bureau of the Census, on the Bureau's programs as a whole and on their various parts, considers priority issues in the planning of censuses and surveys, examines guiding principles, advises on questions of policy and procedures, and responds to Bureau requests for opinions concerning its operations.

The Committee is composed of 15 members appointed by the President of the American Statistical Association.

The agenda for the October 7 meeting, which will begin at 1 p.m. and adjourn at 5:15 p.m., is: (1) Introductory remarks by the Director of the Bureau of the Census, including (a) staff changes and Bureau organization, (b) major budget and program developments, and (c) other topics of current interest; (2) the 1990 census—update on planning, and automated geographic support; and (3) design of the Survey of Income and Program Participation (SIPP).

The agenda for the October 8 meeting, which will begin at 9 a.m. and adjourn at 4:45 p.m., is: (1) Imputation methodology for (a) the 1980 census, (b) demographic surveys, and (c) economic surveys; (2) development of Committee recommendations; (3) redesign of household surveys, including one versus two primary sampling units per stratum, and the form of the composite estimator; (4) discussion of Committee recommendations; (5) discussion with Census Bureau Staff of (a) Bureau responses to prior Committee recommendations, (b) status of specific Bureau activities, and (c) Bureau activities described at earlier Committee meetings; and (6) recommendations, plans, and suggest agenda items for next meeting.

The meeting will be open to the public, and a brief period will be set aside on October 8 for public comment and questions. Extensive questions or statements must be submitted in writing at least 3 days prior to the meeting.

Persons wishing additional information concerning this meeting or who wish to submit written statements may contact Dr. David W. Chapman, Bureau of the Census, Room 3540, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone (301) 763–1292.

Dated: September 14, 1982.

Bruce Chapman,

Director, Bureau of the Census.

[FR Doc. 82–25785 Filed 9–17–82; 8:45 am]

BILLING CODE 3510–07–M

Foreign-Trade Zones Board

[Docket No. 21–82]

Proposed Foreign-Trade Zones Everett and Tacoma, Washington; Application and Public Hearing

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Puget Sound Foreign-Trade Zones Association, a non-profit Washington corporation affiliated with the Economic Growth Council of Puget Sound, requesting authority to establish general-purpose foreign-trade zones in Everett and Tacoma, within the Puget Sound Consolidated Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on September 8, 1982. The applicant is authorized to make this proposal under § 24.46.020 of the Revised Code of Washington.

The proposed zone in Everett will be at the Port of Everett's North Terminal, East Norton Avenue and 21st Street in Everett. A 36,000 square foot warehouse will be available for initial zone activities on the 80-acres being requested as the zone area. The Port of Everett will be the operator.

The zone in Tacoma would cover 16 acres within the 2700-acre Port of Tacoma at 2810 Marshall Avenue. A 151,000 square foot structure is being planned to accommodate a variety of zone activities including warehousing, exhibition, assembly and light processing. The operator of the zone facility will be the Port of Tacoma.

The application contains evidence of the need for zone services in the Everett and Tacoma port of entry areas. Prospective users have indicated an interest in using the zone for warehousing and processing of machinery and components, fabricated metal products, wood and paper products, instruments, apparel, polyvinyl sheeting, and food products. Specific approvals for manufacturing are not being sought at this time.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: John J. Da Ponte, Jr. (Chairman), Director, Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Robert W. Hardy, District Director Designate, U.S. Customs Service, Region VIII, 2039 Federal Office Building, 909 First Avenue, Seattle, Washington 98174; and Colonel Norman C. Hintz, District Engineer, U.S. Army Engineer District, Seattle, P.O. Box C–3755, Seattle, Washington 98124.

As part of its investigation, the examiners committee will hold a public hearing on October 8, 1982, beginning at 9:00 a.m., in the 6th Floor Conference Room of the Lake Union Building, 1700 Westlake Avenue North, Seattle. The purpose of the hearing is to help inform interested persons about the proposal, to provide an opportunity for their expression of views, and to obtain information useful to the examiners.

Interested parties are invited to present their views at the hearing. They should notify the Board's Executive Secretary of their desire to be heard in writing at the address below or by phone (202/377–2862) by October 4, 1982. Instead of an oral presentation, written statements may be submitted in accordance with the Board's regulations to the examiners committee, care of the Executive Secretary, at any time from the date of this notice through November 8, 1982. Evidence submitted during the post-hearing period is not desired unless it is clearly shown that the matter is new and material and that there are good reasons why it could not be presented at the hearing. A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

U.S. Department of Commerce District Office, Room 706, Lake Union Building, 1700 Westlake Avenue North, Seattle, Washington 98109

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3721, 14th and Pennsylvania, NW., Washington, D.C. 20230

September 15, 1982.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 82-25787 Filed 9-17-82; 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

Applications for Duty-Free Entry of Scientific Instruments

The following are notices of the receipt of applications for duty-free entry of scientific instruments published pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the instrument is intended to be used is being manufactured in the United States.

Comments must be filed in accordance with § 301.5(a) (3) and (4) of the regulations. They are to be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the **Federal Register.**

A copy of each application is on file in the Department of Commerce, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, Room 2097, 14th and Constitution Avenue, NW., Washington D.C. 20230.

Docket No. 82-00087. Applicant: University of Washington, Department of Chemistry, BG-10, Seattle, WA 98195. Instrument: NMR Spectrometer, Model WM-500 and Accessories. Manufacturer: Bruker Analytishe, Messtechnik, West Germany. Intended use of instrument: The instrument is intended to be used to investigate a wide range of materials including but not limited to, newly synthesized chemical materials, natural products, biological macromolecules and natural and synthetic polymers. The wide range of research objectives to be pursued include: (a) Understanding how specific tRNA can be recognized by the appropriate aminoacyl-tRNA and charged with its cognate amino acid, (b) investigating how chemical modification of prostaglandins and prostacylins alters their biochemical effectiveness by making structure-activity correlations, (c) studying how binding of ligands to DNA alters its motional dynamics and (d) investigating how enzyme structure relates to enzyme specificity. The instrument will be used routinely by graduate students whose degree requirements include original, independent research (Chemistry 600, 700, 800). In addition, it will be used to train postdoctoral fellows and other scientists in state-of-the-art applications of nuclear magnetic resonance techniques to chemical and biochemical problems. Application received by Commissioner of Customs: August 16, 1982.

Docket No. 82-00197. Applicant: Brookhaven National Laboratory, Upton, New York 11973. Instrument: Neutron Monochromator Crystals, (Cu_2MnA1). Manufacturer: Cristal Tec., France. Intended use of instrument: The instrument is intended to be used in a research program involving the study of the properties of solids using neutrons from the Brookhaven High Flux Beam Reactor. The neutrons emerge from the pile with a smooth distribution of energies and by employing suitably oriented single crystals, called monochromators, neutrons of a single energy may be selected from the pile spectrum. These monoenergetic neutrons are then used in the study of the properties of solids. The Cu_2MnAl crystal also can be used to polarize the neutron beam so that the spins of the neutrons selected are aligned as well as being monoenergetic. Application received by Commissioner of Customs: August 16, 1982.

Docket No. 82-00311. Applicant: University of Texas Health Science Center at Dallas, 5323 Harry Hines Blvd., Dallas, Texas 75235. Instrument: Topical Magnetic Resonance System. Manufacturer: Oxford Research Systems, United Kingdom. Intended use of instrument: The instrument is intended to be used in basic and applied research of tissue metabolism in living animals. The experiments will include a broad range of metabolic studies of heart, brain, kidney, liver, and muscle metabolism in animal models of disease, stroke, and drug toxicity. The objectives of such experimentation is to gain more extensive insights and knowledge of fundamental biochemical events associated with tissue damage in various disease states, the effects of drug therapies treating disease, and the toxic effects of certain drugs on various internal organs. Application received by Commissioner of Customs: August 18, 1982.

Docket No. 82-00323. Applicant: Montana State University, Department of Chemistry, Bozeman, MT 59717. Instrument; Mass Spectrometer System, MM707OE-HF with Integrated DS2035 and Accessories. Manufacturer: VG Instruments, United Kingdom. Intended use of instruments:

The instrument is intended to be used for a variety of research projects which include but are not limited to the following:

(1) Development of improved methods of trace organic analysis.

(2) Isolation and structure elucidation of natural products of biological significance.

(3) Research focused on new systhetic methodologies, organic mechanisms and natural products.

(4) Research efforts in natural products and organometallic chemistry.

(5) Investigation of the chemical structure and biosynthesis of the unique lipids found on insects with the purposes of providing basic research for the development of specific insecticides.

(6) Obtaining concommitant biological and biochemical data on the kinds and levels of plant growth hormones in western wheatgrass and correlate that to the growth reproduction of the grasshoppers that feed on the wheatgrass.

(7) Further development of the techniques of secondary ion mass formation by ion impact of fast atom bombardment as a method for ionizing complex mixtures and to devlop methods for examining mixtures which would provide a selectivity and a sensitivity which would allow the detection of trace levels without the use of a high resolution mass analyzer.

The instrument will also be used for educational purposes of the following courses:

Chem. 418. Qualitative Analysis of Organic Compounds.
Chem. 428. Instrumental Analysis.
Chem. 526. Advanced Mass Spectroscopy.
Chem. 580. Degree research.

Application received by Commissioner of Customs: July 30, 1982.

Docket No. 82-00326. Applicant: National Aeronautics and Space Administration, Resident Office, Jet Propulsion Laboratory, 4800 Oak Grove Drive, Pasadena, CA 91109. Instrument: Excimer Laser System, Model EMG-101E and Accessories. Manufacturer: Lambda Physik, West Germany. Intended use of instrument: The instrument is intended to be used to pump a previously purchased dye laser system when conducting experiments in the project: "Development of an In-Situ Measurement Technique for Troposheric No_x in the Part Per Trillion Range Using Resonant Ionization Laser Spectroscopy." Application received by

Commissioner of Customs: August 16, 1982.

Docket No. 82-00327. Applicant: Brigham Young University, Department of Chemistry, 218 ESC, Provo, UT 84602. Instrument: EMG 101E Multi-Gas Laser System with Optics and Model FL 2002E Dye Laser. Manufacturer: Lambda Physik West Germany. Intended use of instrument: The instrument is intended to be used to provide a source of coherent radiation with high power over a wide portion of the visible and ultraviolet spectrum. Specific research will include measurement of the thermodynamic properties of alkali-metal mixtures used in stationary and naval nuclear reactors and research on cancer photoradiation thereapy (dye/light combinations which selectively destroy malignant tissue). The article will be part of a Chemistry Department Laser Facility which will be used by three professors, their graduate students and selected undergraduate students on a continuing basis. Application received by Commissioner of Customs: August 16, 1982.

Docket No. 82-00328. Applicant: Californaia Institute of Technology, 1201 E. California Street, Pasadena, CA 91125. Instrument: Accessories for Ion Microanalyzer System (IMS 3F) consisting of Primary Beam Mass Filter and Cesium Gun and other Sole Source Accessories. Manufacturer: Cameca, France. Intended use of instrument: The instruments are accessories to an existing ion microanalyzer system to be used to analyze mineralogically and chemically complex rock samples from the moon and other extraterrestrial sources and the earth. The rock samples are comprised mainly of electrically nonconducting silicate minerals. Application received by Commissioner of Customs: August 16, 1982.

Docket No. 82-00329. Applicant: National Aeronautics and Space Administration, Lyndon B. Johnson Space Center, Houston, TX 77058. Instrument: Camebax Micro Scanning Electronic X-ray Microprobe Analyzer and Accessories. Manufacturer: Cameca, France. Intended use of instrument: The instrument is intended to be used for the study of the two-or-three dimensional composition of a wide variety of materials. The primary use will be to perform analyses of geological and mineralogical samples, in support of research projects being conducted by staff, contractors, and visitors of the Planetary and Earth Sciences Division. The instrument will also be used for engineering applications such as spacecraft material property and failure analysis. Application received by Commissioner of Customs: August 16, 1982.

Docket No. 82-00330. Applicant: North Carolina State University, Purchasing Department, P.O. Box 5935, Raleigh, NC 27650. Instrument: Multiple-Gas Laser, TE-861S-3. Manufacturer: Lumonics, Inc., Canada. Intended use of instrument: The instrument is intended to be used for studies of rapid photo-etching and photo-synthesis of solid semiconductors and insulators and spectroscopy at high repetition rate, high power, and high energy of organometallic molecules and organic molecules. In addition, the instrument will be used for educational purposes in the courses Inorganic Chem and Physical Chem. Application received by Commissioner of Customs: August 17, 1982.

Docket No. 82-00331. Applicant: South Dakota State University, Brookings, South Dakota 57007. Instrument: Mobile Solar Test Facility, MSTF-2. Manufacturer: Solarfin Products, Canada. Intended use of instrument: The instrument is intended to be used for teaching the experimental portions of three senior-level Mechanical Engineering courses. In these courses (Design of Thermal Systems, Heating, Ventilating and Air conditioning II: Design; and ME Lab III), the objective is to teach some aspect of the complete solar heating system: analysis, operation, optimization, or design. Application received by Commissioner of Customs: August 17, 1982.

Docket No. 82-00333. Applicant: Arkansas State University, P.O. Box 599, State University, Arkansas 72467. Instrument: Electron Microscope, Model JEM-100CX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of instrument: The instrument is intended to be used to study structure, macromolecules of cells and tissues and to analyze chemical structures. The materials to be investigated will include inorganic or organic substances in biological and chemical systems. These will include cells containing proteins, nucleic acids, protein-lipid containing membranes and organic elements and compounds. These studies will be conducted as an integral part of basic research by biology and chemistry professors. The article will also be used to introduce undergraduate and graduate level students to modern electron microscopes and their uses. Application received by Commissioner of Customs: August 17, 1982.

Docket No. 82-00334. Applicant: Naval Post Graduate School, Monterey, CA 93940. Instrument: Electron Microscope, JEM 100CX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of instrument: The instrument is intended to be used to conduct microscopic investigation of steels used in construction of USN warships such as HY-80 steel, steels for application as rolling element bearing materials, high strength aluminum alloys and copper based alloys used as shape-memory materials. Characteristics to be examined are the phase or phases present and their structure as a function of processing history. For example, the martensitic structures in high-carbon bearing steels will be examined. The article will also be used for educational purposes in the course Microscopy (MS 3401). Application received by Commissioner of Customs: August 17, 1982.

Docket No. 82-00336. Applicant: The University of California, Department of Chemistry, Davis, California 95616. Instrument: Excimer Laser Pumped Tunable Dye Laser System. Manufacturer: Lambda Physik Gmbh & Co., West Germany. Intended use of instrument: The instrument is intended to be used in time resolved spectroscopic studies of organic research mechanisms and reactive intermediates in the gas phase and gas-phase nuclear magnetic resonance studies of photochemical reactions. Application received by Commissioner of Customs: August 17, 1982.

Docket No. 82-00337. Applicant: University of Pennsylvania, School of Veterinary Medicine, Suite 200, 3800 Spurce Street, Philadelphia, Pennsylvania 19104. Instrument: Electon Microscope, EM 10CA and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of instrument: The instrument is intended to be used for studies of the spleen, bone marrow and other tissues related to the blood and immune system. This work requires obtaining a very low power picture, comparable to the magnification obtained by the light microscope and then carry the study to portions of cells, membranes and protein molecules with a magnification of 200,000. In addition, the instrument will be used to train young investigators who must be able to get right to work with as little time spent as possible to get maximum performance out of the electron microscope. Application received by Commissioner of Customs: August 17, 1982.

Docket No. 82-00338. Applicant: Yale University School of Medicine, 333 Cedar Street, P.O. Box 3333, New Haven, CT 06510. Instrument: JEM-100 CXII Electron Microscope with Accessories. Manufacturer: JEOL Ltd.,

Japan. Intended use of instrument: The instrument is intended to be used to carry out medium and high resolution ultrastructural investigations which concern the interaction of viruses with cellular membranes, especially neuronal membranes and neurotransmitter receptors. These studies will include:

1. The studies of interaction of rabies virus with the acetylcholine receptor.

2. Characterization of arbovirus-host cell receptor interactions, to characterize the receptors involved structurally, and to determine whether common receptors exist among the serologically and morphologically related and unrelated neurotropic viruses.

3. Studies of the early interactions between various animal viruses and their tissue culture host cells.

The instrument will be used in the training of a limited number of graduate and medical students requiring fine structrual work in their doctoral thesis research. Credit is given for this training in the courses: Cell Biology 511 a, b, Advanced Methods in Cell Biology and Cell Biology 521, Research. Application received by Commissioner of Customs: August 17, 1982.

Docket No. 82-00339. Applicant: The University of Texas at Austin, Department of Botany, Austin, TX 78712. Instrument: Electron Microscope Model EM 400T and Accessories. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of instrument: The instrument is intended to be used for studies of biological macromolecules such as cellulose, DNA, proteins, lipids, various carbohydrates, glycoproteins, replicas of biological materials such as shadowing and freeze fractures. The experiments to be conducted include:

a. Visualization of the biosynthesis of cellulose.

b. The role of cellulases and other hydrolytic enzymes in cellulose degradation.

c. Immunological localization of cellulase activity.

d. Morphology of cell wall development.

e. Controlled crystallization and the biosynthesis of cellulosic microfibrils.

f. Classification and morphological identification of various cellulose synthesizing complexes associated with membranes.

g. Ultra-high resolution of biological macromolecules, using dark field electron microscopy.

Application received by Commissioner of Customs: August 17, 1982.

Docket No. 82-00342. Applicant: The Society of the New York Hospital, 525 East 68th Street, New York, NY 10021. Instrument: Electron Microscope, JEM-100CX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of instrument: The instrument is intended to be used for the investigation of the developmental, pathological and experimental ultrastructural features in a variety of human tissues. These include: specialized structures of neoplasms, kidney diseases, the presence and concentration of particular elements such as copper in cases of Wilson's disease, the presence of asbestos and silica in pulmonary diseases, etc. The data obtained will allow clinical diagnosis by characterizing specific disease properties of tissues, i.e., kidney disease, various neoplastic diseases. The research investigations will utilize the information derived to further understand developmental and pathological processes and experimental cellular responses at an ultrastructural level. Application received by Commissioner of Customs: August 17, 1982.

Docket No. 82-00345. Applicant: The Ohio State University, 2009 Millikin Rd., Columbus, Ohio 43210. Instrument: JEM-200 CX Electron Microscope with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of instrument: The instrument is intended to be used to carry out a broad range of investigations which will include:

(1) Characterization of crystalline defects in metals, ceramics, and semiconductors—with emphasis placed on the structure and properties of interfaces in these materials.

(2) Characterization of metal-insulator composites, and correlate their microstructures and microchemistry with conductivity and optical reflectance measurements.

(3) Investigation of polymer-based catalysts.

(4) Studies involving friction and wear in metals.

(5) Study of high temperature oxidation of metals—involving the use of a hot stage in the SEM with an oxygen bleed system close to the sample.

(6) Characterization of the microstructure and physical metallurgy of HSLA steels.

(7) Relationship between the corrosion behavior and properties of reactor materials (principally Inconel 600 and 304-type stainless steels), and diffusion induced boundary migration in metals.

Application received by Commissioner of Customs: August 31, 1982.

Docket No. 82-00346. Applicant: Brown University, Division of Biology and Medicine, Box G, Providence, Rhode Island 02912. Instrument: Digamax Gas Mixing Pump Type 2M 303/a-F 110V/60Hz. Manufacturer: H. Wosthoff, KG, West Germany. Intended use of instrument: The instrument is intended to be used in a physiological study of blood-oxygen transport in a small passerine bird. The specific purposes of the instrument are:

(1) Pump will serve as the reference standard for calibration of oxygen and carbon dioxide electrodes.

(2) To generate a variety of different O_2—CO_2—N_2 gas mixtures at a pressure of up to 0.5 ATM for measuring dynamic and static oxygen equilibrium curves.

(3) To generate a variety of different O_2—CO_2 gas mixtures for evaluating the acid-base characteristics of sparrow blood using the Astrup Micro-Tonometer method.

The specific aims of this study are as follows:

(1) Quantify hematologic properties relevant to blood—O_2 transport.

(2) Describe O_2 transport properties of whole blood under controlled conditions of temperature and acid-base.

(3) Describe intrinsic O_2 binding properties and effects of all-osteric modifiers for purified isohemoglobin solutions at 41° C.

(4) Evaluate efficacy of current analytical techniques for characterizing respiratory O_2 transport in multiple hemoglobin blood system.

Application received by Commissioner of Customs: September 1, 1982.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

FR Doc. 82-25789 Filed 9-17-82; 8:45 am]

BILLING CODE 3510-25-M

[Case Nos. 608 and 609]

Gerald M. Starek and Carl E. Story; Order Amending Denial of Export Privileges

In the matter of: Gerald M. Starek, 13795 Via Alto Court, Saratoga, California 95070, Case No. 608; and Carl E. Story, 22266 De Anza Circle, Cupertino, California 95014, Case No. 609.

By Order of July 1, 1981, 46 FR 35950 (July 13, 1981) (the "Order"), the above named respondents were denied, pursuant to Part 388 of the Export Administration Regulations (15 CFR Part 368, *et seq.* (1981)) (the "Regulations"),

certain privileges of participating, for a period ending September 30, 1986, in the export of U.S.-origin commodities or technical data. Paragraphs Fourth, Seventh, and Ninth of the Order, consistent with Section 387.12(c) of the Regulations, extended, to any related parties of the respondents, the administrative sanctions imposed by the Order on the respondents. Silicon Valley Group, Inc. ("SVG"), a California company in which the respondents had significant ownership and control interests and in which they held positions of responsibility, was named by such Paragraphs as a related party.

The Order was based on Consent Agreements entered into between each of the respondents and the U.S. Department of Commerce (the "Department"); and a Memorandum of Understanding was also executed by the respondents, the Department, and SVG to clarify the Consent Agreements and any Order based thereon. Paragraph IV of the Memorandum of Understanding provided that, at such time as SVG demonstrated to the Hearing Commissioner that neither of the respondents controlled or participated in SVG's exporting, SVG should no longer be considered a related party under the Order.

SVG has now made a submission in an effort at such a demonstration. To remove majority control of SVG's stock from themselves, the respondents have created a Voting Trust, with a commercial bank as Trustee, in which is placed all of SVG's stock, owned by the respondents and their immediate families, that is in excess of 40 percent of the outstanding SVG stock. To document that this Voting Trust has removed majority control of SVG's stock from the respondents, SVG has submitted, among other materials, a copy of the Voting Trust Agreement, a certification by the respondents that they have no arrangement with any other SVG shareholder as to voting on any SVG shareholder voting matter, and an opinion of counsel that the Voting Trust Agreement is valid and enforceable under California law and that the respondents' combined SVG stock ownership held outside the Voting Trust would enable them to elect only two of SVG's five directors.

To remove themselves from any participation in SVG's exporting, the respondents have withdrawn from Silicon Valley Group International, Inc. ("SVGI"), a wholly-owned SVG subsidiary, which conducts all of SVG's exporting. Neither respondent holds any position in SVGI, and SVGI reports to a committee of SVG's Board, the Export Operations Committee, that includes neither respondent. To document that neither respondent participates in its exporting, SVG has submitted, among other materials, a certification by SVG that no such participation exists, a similar certification by each person at SVGI involved in its management or whose basic job responsibility is its exporting, and a copy of a written notice given all SVG employees to the effect that the respondents are to have no such participation.

Based on the submissions made by SVG, I find that control of and participation in SVG's exporting has been sufficiently removed from the respondents that SVG need no longer be considered a related party under the Order, and that to declare SVG no longer a related party would not jeopardize the purpose of the Order. Accordingly, it is hereby ordered that the Order is amended by a declaration that SVG shall be considered not a related party, subject, however, to compliance with the following conditions.

I. Majority control of SVG's stock shall remain removed from the respondents, through the Voting Trust in the manner described by SVG's submissions in support of this Amendment; and participation in SVG's exporting shall remain removed from the respondents, through SVGI in the manner described by SVG's submissions in support of this Amendment.

II. Annually for the duration of the Order, SVG shall submit to the Hearing Commissioner, within 60 days after the end of each calendar year: (a) A certification by SVG that, except for such placement of SVG stock into the Voting Trust as may have been required to keep the combined ownership of SVG stock by respondents and their immediate families held outside the Voting Trust at 40 percent or less of outstanding SVG stock, and except for any withdrawal of SVG stock from the Voting Trust that may have been consistent with that 40 percent provision, the Voting Trust Agreement remained unchanged during such past year and that it remains unchanged; (b) a certification by the respondents that they had no arrangement during such past year with any other SVG shareholder as to voting on any SVG shareholder voting matter and that they have no such arrangement; and (c) an opinion of counsel that during such past year the Voting Trust Agreement was valid and enforceable under California law and that respondents' combined SVG stock ownership held outside the Voting Trust enabled them to elect only two of SVG's five directors, and that the Voting Trust Agreement remains so valid and enforceable and the respondents' combined stock ownership held outside the Voting Trust enables them to elect only two of SVG's five directors.

III. Annually for the duration of the Order, the Trustee of the Voting Trust shall submit to the Hearing Commissioner, within 60 days after the end of each calendar year, a report of its activities under the Voting Trust Agreement during such past year.

IV. Within 90 days after the date of this Amendment of the Order, SVG shall submit to the Hearing Commissioner a written acknowledgment by all SVG employees that they have been notified that the respondents are to have no participation in SVG's exporting.

V. Within 60 days after the end of each calendar quarter, SVG shall submit to the Hearing Commissioner: (a) a listing of its exports during such past quarter, including a description of the commodities and technical data exported and an identification of the country of destination, ultimate consignee, and, if known or if required by the Regulations, of the end use; and (b) minutes of any meetings, during such past quarter, of the SVG Shareholders, of the SVG Board, of the SVGI Board, and of the Export Operations Committee.

VI. Annually for the duration of the Order, SVG shall submit to the Hearing Commissioner, within 60 days after the end of each calendar year: (a) a certification by SVG that all of SVG's exporting during such past year was conducted through SVGI, which functioned in the manner described in SVG's submissions in support of this Amendment, and that the respondents had no participation in SVG's exporting; (b) a certification by each person at SVGI, during such past year, involved in its management or whose basic job responsibility was its exporting, that the respondents had no such participation; (c) a copy of SVG's annual report to shareholders for such past year; and (d) a listing of the officers and directors of SVG and of SVGI during such past year.

VII. For the duration of the Order, authorized U.S. government officials shall at all times have access to records related to exports of SVG.

VIII. The following documents shall be available for public inspection:

The Voting Trust Agreement, the certification by the respondents, and the opinion of counsel referred to in the third paragraph of this Amendment above;

The certification by SVG, the certifications by persons at SVGI, who are SVGI officers, and the notice to SVG employees referred to in the fourth paragraph of this Amendment above;

The certification by SVG required by Paragraph II(a) of this Amendment above, the certifications by the respondents required by this Paragraph II(b), and the opinions of counsel required by this Paragraph II(c); and

The certifications by SVG required by Paragraph VI(a) of this Amendment above, the certifications by persons at SVGI, who are SVGI officers, required by this Paragraph VI(b), and the listings of officers and directors required by this Paragraph VI(d).

Pursuant to § 388.20(b) of the regulations, the following documents are declared to be of restricted access and shall be withheld from public access to the maximum extent authorized by 50 U.S.C. app. section 2412(c) (Supp. III 1979) and by 5 U.S.C. 552(b)(4) (1976):

The reports of SVG exports required by Paragraph SEVENTH of the Order;

The documents submitted by SVG in its request for this Amendment, including the certifications by persons at SVGI, who are not SVGI officers, referred to in the fourth paragraph of this Amendment above, other than those documents declared to be available for public inspection in Paragraph VIII of this Amendment above;

The reports of the Trustee required by Paragraph III of this Amendment above;

The acknowledgments by SVG employees required by Paragraph IV of this Amendment above;

The listings of exports required by Paragraph V(a) of this Amendment above, and the minutes of meetings required by this Paragraph V(b); and

The certifications by persons at SVGI, who are not SVGI officers, required by Paragraph VI(b) above, and the SVG annual reports required by this Paragraph VI(c).

This Amendment of the Order is effective immediately.

Dated September 13, 1982.

Thomas W. Hoya,

Hearing Commissioner.

[FR Doc. 82-25790 Filed 9-17-82; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

National Marine Fisheries Service; Issuance of Permit

On July 23, 1982, Notice was published in the **Federal Register** that an application had been filed with the National Marine Fisheries Service by Dr. Richard H. Lambertsen, Woods Hole Oceanographic Institution to take by biopsy up to 520 humpback whales (*Megaptera novaeangliae*).

Notice is hereby given that on September 13, 1982, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), the National Marine Fisheries Service issued a permit to Richard H. Lambertsen for the above taking subject to certain conditions set forth therein.

As required by the Endangered Species Act of 1973 issuance of this permit is based on a finding that such permit (1) was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which is the subject of the permit, and (3) will be consistent with the purposes and policies set forth in Section 2 of the Endangered Species Act of 1973. This Permit was issued in accordance with, and is subject to Parts 220–222 of Title 50 CFR of the National Marine Fisheries Service regulations governing endangered species permits (39 FR 41367), November 27, 1974.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.;

Regional Director, National Marine Fisheries, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930; and

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: September 13, 1982.

R. B. Brumsted,

Acting Deputy Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 82-25839 Filed 9-17-82; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Restraint Level for Certain Cotton Textile Products From Pakistan

September 15, 1982.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Granting an increase for swing and carryforward from 489,143 dozen pairs to 552,732 dozen pairs for cotton gloves in Category 331, produced or manufactured in Pakistan and exported during the twelve-month period which began on January 1, 1982.

(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 (46 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 Textile Agreement of March 9 and 11, 1982, between the Governments of the United States and Pakistan provides, among other things, for percentage increases in certain specific category ceilings during an agreement year (swing) and for the borrowing of designated amounts from the succeeding year's level with the amount used being deducted from the level in the succeeding year (carryforward). Pursuant to the terms of the bilateral agreement, and at the request of the Government of Pakistan, the import restraint level established for Category 331 is being increased to 552,732 dozen pairs for the twelve-month period which began on January 1, 1982 and extends through December 31, 1982.

EFFECTIVE DATE: September 21, 1982.

FOR FURTHER INFORMATION CONTACT: Gordana Slijepcevic, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

SUPPLEMENTARY INFORMATION: On March 26, 1982 there was published in the **Federal Register** (47 FR 13024) a letter dated March 22, 1982 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 textile products, including Category 331, produced or manufactured in Pakistan and exported to the United States during the twelve-month period which began on January 1, 1982 and extends through December 31, 1982. In accordance with the terms of the bilateral agreement and at the request of the Government of Pakistan, the United States Government has agreed to increase the level of restraint for cotton textile products in Category 331 to 552,732 dozen pairs. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the

Commissioner of Customs to increase that level to the designated amount.

Walter C. Lenahan,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: On March 22, 1982, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry for consumption, or withdrawal from warehouse for consumption, during the twelve-month period beginning on January 1, 1982 and extending through December 31, 1982 of cotton textile products in certain specified categories, produced or manufactured in Pakistan, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton Textile Agreement of March 9 and 11, 1982, between the Governments of the United States and Pakistan; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to increase, effective on September 21, 1982, the twelve-month level of restraint established for cotton textile products in Category 331 to 552, 732 dozen pairs.[2]

The action taken with respect to the Government of Pakistan and with respect to imports of cotton textile products from Pakistan 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. 82-25788 Filed 9-17-82; 8:45 am]

BILLING CODE 3510-25-M

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton Textile Agreement of March 9 and 11, 1982, between the Governments of the United States and Pakistan which provide, in part, that: (1) Within the aggregate and applicable group limits of the agreement, specific levels of restraint may be exceeded by designated percentages; (2) these same levels may be increased for carryover and carryforward; and (3) adminstrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

[2] The level of restraint has not been adjusted to reflect any imports after December 31, 1981.

COMMODITY FUTURES TRADING COMMISSION

MidAmerica Commodity Exchange Proposed Foreign Currency Futures Contracts

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures contracts.

SUMMARY: The MidAmerica Commodity Exchange ("MidAmerica") has applied for designation as a contract market in British pounds, Canadian dollars, Deutsche marks, Japanese yen and Swiss francs (collectively referred to as "foreign currency futures contracts"). The Commission has determined that the terms and conditions of the proposed foreign currency futures contracts are of major economic significance and that, accordingly, making available the proposed contracts for public inspection and comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before November 19, 1982.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581. Reference should be made to the MidAmerica Commodity Exchange foreign currency futures contracts.

FOR FURTHER INFORMATION CONTACT: Ronald Hobson, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C., (202) 254-7303.

A copy of the terms and conditions of the MidAmerica proposed foreign currency futures contracts will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254-6314.

Other materials submitted by the MidAmerica in support of its applications for contract market designation in foreign currencies may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1981)). Requests for inspection of such materials should be made to the FOIA, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures contracts, or with respect to other materials submitted by MidAmerica in support of its application, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581, by November 19, 1982. Such comment letters will be publicly available except to the extent that they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C., on September 14, 1982.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 82-25779 Filed 9-17-82; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF ENERGY

Procurement and Assistance Management Directorate

AGENCY: Energy Department.

ACTION: Amendment of notice of suspension and proposed debarment.

BACKGROUND: One July 9, 1982, the Department of Energy (DOE) issued a notice announcing that DOE had suspended and proposed to debar Daniel P. Ahearne, President, Total Energy Applications Management, Inc. The notice published in the July 23, 1982, **Federal Register** (47 FR 31957) indicated that Mr. Ahearne had been advised that the deadline for submitting a written request for a hearing and a reply to the notice of proposed debarment was August 9, 1982, and that the three-year period of debarment was proposed to begin on August 30, 1982. On July 29, 1982, DOE issued an amendment of the notice of suspension and proposed debarment which extended the deadline for submitting a request for a hearing and a reply to the notice to August 30, 1982, and the effective date of the proposed debarment to September 20, 1982, (47 FR 38391, August 31, 1982). DOE received a timely request for a hearing on August 30, 1982.

AMENDMENT: On June 25, 1982, the Office of Federal Procurement Policy issued Policy Letter No. 82-1 (47 FR 28854 (July 1, 1982)) which provides that a respondent to a pending proposed debarment should be given 30 days to submit any additional information the

contractor considers appropriate in light of the effect of a Government-wide debarment. Accordingly, the deadline for submitting a written response to the proposed debarment has been extended to September 29, 1982; the proposed effective date of the debarment has been advanced to October 19, 1982.

FOR FURTHER INFORMATION CONTACT: Scott Sheffield, Procurement and Assistance Management Directorate, Room 1I-018, Forrestal Building, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Issued in Washington, D.C., on September 13, 1982.

Hilary J. Rauch,

Director, Procurement and Assistance Management Directorate.

[FR Doc. 82-25756 Filed 09-17-82; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER82-778-000]

Arizona Public Service Co.; Filing

September 15, 1982.

Take notice that on September 7, 1982, Arizona Public Service Company (Arizona) tendered for filing a Letter Agreement between Arizona and Tucson Electric Power Company (Tucson) terminating Schedules A and B.

Arizona states that these Schedules have been supplanted by the terms of the Inland Power Pool Participation Agreement (IPP, designated as "Public Service of Colorado, Rate Schedule FPC No. 16").

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 29, 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 motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-25815 Filed 9-17-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2568-000]

Bibb Manufacturing Company, Porterdale Hydroelectric Associates, Inc.; Application for Transfer of License (Minor)

September 15, 1982.

Take notice that Bibb Manufacturing Company, Licensee for the Porterdale Project, and Porterdale Hydroelectric Associates, Inc. have requested that the project license be transferred to Porterdale Hydroelectric Associates, Inc. The Porterdale Project is located on the Yellow River in Newton County, Georgia. The projects installed capacity is 1,200 kilowatts.

Comments, Protests, or Motion To Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025-26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before November 12, 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 "MOTION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-25816 Filed 9-17-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-779-000]

Duke Power Co.; Filing

September 15, 1982.

Take notice that Duke Power Company (Duke) tendered for filing on September 7, 1982, a revised Service Schedule to Duke's Interconnection Agreement with Yadkin, Inc. Duke states that this agreement is on file with the Commission and has been designated Duke Rate Schedule FERC No. 11.

Duke further states that revised Service Schedule E Storage Utilization Agreement amends the provisions with respect to the crediting and return of storage energy and also reduces the demand charge component under the Rate Agreement for Supplementary Power and Energy (accepted for filing April 29, 1982 in FERC Docket No. ER82-380-000) between Duke and Yadkin where no energy transactions occur from Duke to Yadkin as a result of a surplus in the storage energy account.

Duke indicates that this revised Service Schedule E dated August 2, 1982 supersedes the prior Service Schedule E dated March 28, 1966. Duke represents that no change in revenues is produced by the modification of storage crediting provisions and that a reduction of revenues occurs as a result of the modification of the contract demand component.

Duke proposes an effective date of December 1, 1981, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 29, 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 motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-25817 Filed 9-17-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-769-000]

Minnesota Power & Light Co.; Filing

September 15, 1982.

Take notice that on September 2, 1982, Minnesota Power & Light Company (Minnesota) tendered for filing proposed Outlet Facilities Agreement No. 3, and proposed System Control and Load Dispatching Agreement (Rate Schedule FERC No. 89, as supplemented), all by and between Minnesota and Cooperative Power Association (CPA).

Minnesota states that the proposed contracts are necessary to account for

and recover costs of additional investment in transmission facilities to transfer power from CPA's present generation facilities to the integrated transmission system.

Minnesota requests an effective date of November 1, 1982.

Copies of the filing were served upon CPA, the United States Department of Agriculture, Rural Electrification Administration and the Minnesota Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 29, 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 motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-25818 Filed 9-17-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-1-36-000]

Mountain Fuel Supply Co., Tarriff Sheet Filing

September 14, 1982.

Take notice that on September 1, 1982, Mountain Fuel Supply Company (Mountain Fuel), pursuant to Section 154.62 of the Regulations of the Federal Energy Regulatory Commission (Commission), filed Fifteenth Revised Sheet No. 3-A to its FERC Gas Tariff, Original Volume No. 1 Mountain Fuel states that the filed tariff sheet relates to the Unrecovered Purchased Gas Cost Account of the Purchased Gas Adjustment Provision authorized by Commission order issued February 27, 1976, in Docket No. RP76-64. More specificially, the tariff sheet reflects a net decrease from that currently being collected of $.07475/Mcf for Rate Schedule X-4, a net increase of $.00847/Mcf for Rate Schedule X-5 and a net increase of $.21402/Mcf for Rate Schedule X-20 all to be effective Octover 1, 1982.

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 Rules 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before September 22, 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. 82-25810 Filed 9-17-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-782-000]

New England Power Pool; Filing

September 15, 1982.

Take notice that on September 7, 1982, the New England Power Pool (NEPOOL) tendered for filing a NEPOOL Agreement dated September 1, 1971, as amended, signed by the Rowley Municipal Light Department. The Rowley Municipal Light Department has its principal office in Rowley, Massachusetts. NEPOOL indicates that the New England Power Pool Agreement has previously been filed with the Commission as a rate schedule (designated NEPOOL FPC No. 1).

NEPOOL requests an effective date of August 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 29, 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 motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-25819 Filed 9-17-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-771-000]

New York State Electric & Gas Corp.; Filing

September 15, 1982.

Take notice that New York State Electric & Gas Corporation (NYSEG), on August 30, 1982, tendered for filing proposed changes in its transmission agreement with Rochester Gas & Electric Corporation (RG&E) under which NYSEG makes available to RG&E capacity of its transmission system which is surplus to its own requirements for transmission of electricity from the pump-operating unit of the Blenheim-Gilboa Pumped Storage Project of the Power Authority of the State of New York.

NYSEG states that the proposed changes would increase revenues by $201,900.00 based on the twelve-month period ending June 30, 1983.

NYSEG further states that the changes are due to the increase in the investment in transmission plant and increases in the fixed charge rate since the original agreement was initiated in May, 1973.

NYSEG requests an effective date of July 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing have been served RG&E and the Public Service Commission of the State of New York.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 29, 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 motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-25820 Filed 9-17-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-777-000]

Niagara Mohawk Power Corp.; Filing

September 15, 1982.

Take notice that on September 7, 1982, Niagara Mohawk Power Corporation (Niagara) tendered for filing as a rate

schedule, an agreement between Niagara and Rochester Gas and Electric Corporation (Rochester) dated July 26, 1982.

Niagara states that it presently has on file an agreement with Rochester dated February 14, 1975. This agreement is designated as Niagara Mohawk Power Corporation Rate Schedule FERC No. 92. This new agreement is being transmitted as a supplement to the existing agreement.

Niagara further states that this supplement revises the transmission rate for transmitting FitzPatrick power and energy from the Power Authority of the State of New York to Rochester as provided for in the terms of the original agreement.

Niagara requests waiver of the Commission's prior notice requirements in order to allow said agreement to become effective as of September 1, 1982.

Copies of this filing were served upon the Rochester Gas and Electric Corporation and the Public Service Commission of the State of New York.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 29, 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 motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-25821 Filed 9-17-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES81-63-001]

Pacific Power and Light Co.; Application

September 15, 1982.

Take notice that on September 13, 1982, Pacific Power and Light Company (Pacific) filed an amendment to its application on file with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking an amendatory order (1) authorizing Pacific to enter into a Loan Agreement with a group of banks pursuant to which it will borrow not more than $75,000,000[1] for a period of seven years at an adjustable interest rate, and (2) granting Pacific an exemption from competitive bidding pursuant to 18 CFR 34.2(b)(2).

Any person desiring to be heard or to make any protest with reference to this application, as amended, should, on or before October 1, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with 18 CFR 385.211 or 385.214, respectively. The application, as amended, is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-25822 Filed 9-17-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-772-000]

Public Service Company of Indiana, Inc.; Filing

September 15, 1982.

Take notice that Public Service Company of Indiana, Inc. (PSI) on September 3, 1982, tendered for filing a Power Coordination Agreement, between PSI and Wabash Valley Power Association, Inc. (WVPA).

PSI states that the new agreement, based on the transfer of an undivided interest in PSI's Gibson Unit 5 generating facility to WVPA, provides for service schedules under which the parties can have transactions designed to bring about a number of mutual benefits and advantages. The new service schedules are as follows:

(a) Gibson Unit No. 5 Unit Power.

(b) Gibson Unit No. 5 Reserve Capacity.

(c) Firm Capacity.

(d) Replacement Energy.

(e) Interchange Power.

Copies of the filing were served on WVPA and the Public Service Commission of Indiana.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 29, 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 motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-25823 Filed 9-17-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-773-000]

Public Service Company of Indiana, Inc.; Filing

September 15, 1982.

Take notice that Public Service Company of Indiana, Inc. (PSI), on September 3, 1982, tendered for filing a Power Coordination Agreement, between PSI and Indiana Municipal Power Agency (IMPA).

PSI states that the new agreement, based on the transfer of an undivided interest in PSI Gibson Unit No. 5 generating facility to IMPA, provides for the service schedules under which the parties can have transactions designed to bring about a number of mutual benefits and avantages. The new service schedules are as follows:

(a) Gibson Unit No. 5 Unit Power.

(b) Gibson Unit No. 5 Reserve Capacity.

(c) Gibson Unit No. 5 Replacement Energy.

(d) Supplemental Power.

(e) Short-Term Power.

(f) Emergency Service.

(g) Interchange Power.

(h) Bulk Transmission System Use.

(i) Common Transmission System Use.

(j) Distribution System Use.

Copies of the filing were served upon IMPA and the Public Service Commission of Indiana

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 29, 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 motion to intervene. Copies of this filing are on file

[1] In the original application as noticed, the authority requested was for "not more than $50,000,000."

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-25824 Filed 9-17-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-1-41-000 (PGA83-1)]

Southwest Gas Corp.; Change in Rates Pursuant To Purchased Gas Cost Adjustment

September 14, 1982.

Take notice that Southwest Gas Corporation ("Southwest") on September 1, 1982 tendered for filing Fifteenth Revised Sheet No. 10 and Fifth Revised Sheet No. 10A pursuant to Section 9, Purchased Gas Adjustment Clause ("PGA"), of the General Terms and Conditions contained in its FERC Gas Tariff, Original Volume No. 1. The purpose of said filing is to reflect an increase in rates occasioned by an increase in rates from Southwest's northern Nevada sole supplier of gas, Northwest Pipeline Corporation, effective October 1, 1982. The proposed increase in rates is October 1, 1982.

Southwest states that a copy of this filing has been mailed to the Nevada Public Service Commission, the California Public Utilities Commission, Sierra Pacific Power Company and CP national.

Any person desiring to be heard, or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before September 22, 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. 82-25811 Filed 9-17-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-774-000]

Tapoco, Inc.; Filing

September 15, 1982.

Take notice that on September 3, 1982, Tapoco, Inc. (Tapoco) tendered for filing a Notice of Termination stating that effective the 31st day of December 1982, the following Rate Schedules, and Supplements, Exhibits and Revisions to Rate Schedules, filed with the Federal Energy Regulatory Commission by Tapoco, are to be cancelled:

FERC Rate Schedule Designation	Filing or effective date
1. Rate Schedule 3	Nov. 3, 1966.
2. Supplement 1 to Rate Schedule 3.	Oct. 31, 1968.
3. Supplement 2 to Rate Schedule 3.	Effective June 1, 1971.
4. Supplement 3 to Rate Schedule 3.	Designated by FERC Order on Aug. 28, 1981 in Docket No. ER81-581-000.
5. Supplement 1 to Supplement 3 Rate Schedule 3.	Designated by FERC Order on Aug. 28, 1981 in Docket No. ER81-581-000.
6. Supplement 4 to Rate Schedule 3.	Effective July 1, 1981.
7. Exhibit A to Rate Schedule 4.	Filed on Aug. 1, 1966.
8. Supplement 1 to Exhibit A to Rate Schedule 4.	Filed on Jan. 30, 1969.
9. Revision to Exhibit A to Rate Schedule 4.	Filed on Oct. 26, 1981.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 29, 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 motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-75825 Filed 9-17-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-512-000]

Tennessee Gas Pipeline Company, a Division of Tenneco Inc., and East Tennessee Natural Gas Company; Application

September 14, 1982.

Take notice that on August 26, 1982, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, and East Tennessee Natural Gas Company (East Tennessee), P.O. Box 10245, Knoxville, Tennessee 37919, filed in Docket No. CP82-512-000 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and exchange of natural gas to effectuate a direct sale by East Tennessee to Houston Lighting and Power Company (HL&P), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to an agreement dated August 25, 1982, Tennessee has agreed to transport and exchange with East Tennessee up to 100,000 Mcf of natural gas per day that East Tennessee has arranged to sell to HL&P through October 31, 1982. Tennessee proposes to receive gas to be sold to HL&P at an existing interconnection between Tennessee and East Tennessee at Greenbrier in Robertson County, Tennessee, for delivery by displacement to Channel Industries Gas Company (Channel) for East Tennessee's account, at an existing interconnection between Tennessee and Channel at Sabine in Newton County, Texas, or at Agua Dulce in Nueces County, Texas. Channel would transport the gas for delivery to Energy Gathering Inc. (EGI) at Cedar Bayou, Chambers County, Texas, which would then deliver the gas to HL&P.

In return for such service, East Tennessee proposes to transport and exchange with Tennessee identical volumes of natural gas purchased by Tennessee from producers in East Tennessee's service area. Applicants state that these volumes are now being delivered by displacement to Tennessee at Greenbrier under East Tennessee's Order No. 60 blanket transportation certificate. If the authorization requested herein is issued, East Tennessee would terminate the Order No. 60 transportation in favor of the proposed exchange service. The proposed exchange service by both Tennessee and East Tennessee would be rendered without charge to either party.

In addition, Applicants state that East Tennessee currently transports gas that is purchased by Tennessee under six separate gas purchase contracts. In order to allow flexibility in transporting and exchanging Tennessee's future increased gas supplies, East Tennessee requests blanket authorization to transport and exchange such new supplies as they become available. East Tennessee states that it would promptly notify the Commission each time an additional delivery point into East Tennessee's system is placed in service.

Applicants aver that no new facilities

would be constructed as a result of approval of this application.

Applicants assert that the subject proposal would be beneficial to each since it would provide the means to transport and exchange gas on an economical basis without the construction and operation of additional and duplicative facilities. Further, it is maintained that the arrangement would enable the sale of gas by East Tennessee to HL&P which in turn benefits East Tennessee's customers through their avoidance of minimum bill charges.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 28, 1982, filed with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) 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 motion 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 motion 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 motion 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 Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-25813 Filed 9-17-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-2-56-002 (PGA82-1)]

Valero Interstate Transmission Co.; Proposed Change in FERC Gas Tariff

September 13, 1982.

Take notice that on August 13, 1982 Valero Interstate Transmission Company (Vitco) tendered for filing the following material in compliance with Ordering Paragraph (B) of the Federal Energy Regulatory Commission Order issued May 28, 1982:

1. Original Supplement No. 114 (purchased gas cost adjustment) 2nd Revised Exhibit "A" to Vitco's FERC Rate Schedule No. 2 for the sale of gas to Transcontinental Gas Pipe Line Corporation ("Transco"), for the period from June 1, 1982 through June 17, 1982;

2. Substitute Supplement No. 113, 2nd Revised Exhibit "A" to Vitco's FERC Rate Schedule No. 2 for the sale of gas to Transco, for the period beginning June 18, 1982;

3. (Transco) 2nd Revised Attachment 2, Page 1(a), 1(b) and Revised Attachment 2, Page 1(c);

4. Original Supplement No. 9 (purchased gas cost adjustment), Revised Exhibit "A" to Vitco's FERC Rate Schedule No. 14 for the sale of gas to El Paso Natural Gas Company (El Paso), for the period from June 1, 1982 through June 17, 1982;

5. Substitute Supplement No. 7, Revised Exhibit "A" to Vitco's FERC Rate Schedule No. 14 for the sale of gas to El Paso, for the period beginning June 18, 1982;

6. (El Paso) Revised Attachment 2, Pages 1(a), 1(b) and 1(c);

7. Original Supplement No. 37, (Purchased Gas Cost Adjustment), Exhibit "A" to Vitco's FERC Rate Schedule No. 1 for the sale of gas to Natural Gas Pipeline Company of America ("NGPL") for the period from June 1, 1982 through June 17, 1982;

8. Substitute Supplement No. 36, Exhibit "A" to Vitco's FERC Rate Schedule No. 1 for the sale of gas to NGPL, for the period beginning June 18, 1982; and

9. (NGPL) 2nd Revised Attachment 2, Pages 1(a), 1(b) and Revised Attachment 2, Page 1(c).

Vitco states that the above-listed material is similar to that filed with the Commission on June 28, 1982 and incorporates all changes suggested by the Commission Staff after their review.

Furthermore, Vitco refiled data initially filed on June 28, 1982 in compliance with Ordering Paragraph (C) of the Commission Order issued May 28, 1982. In addition, based on the Staff's review of this material Vitco has agreed to reflect in the PGA filing to be effective December 1, 1982 changes related to:

1. Adjustment discussed to exclude from Account 191 the effect of net exchange gas on current cost of gas calculations; and

2. The changes discussed concerning the reflection of the amortization of carrying charges on a monthly basis before computing the interest (carrying charges) each month.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protect with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rule 211 or 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All such petitions or protests should be filed on or before September 24, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Assistant Secretary.

[FR Doc. 82-25814 Filed 9-17-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-770-000]

Virginia Electric and Power Co.; Filing

September 15, 1982.

Take notice that on September 2, 1982, the Virginia Electric and Power Company (VEPCO) tendered for filing a supplemental contract which make some changes in the description of the location of the delivery point for Lighthouse Delivery Point of Cape Hatteras Electric Membership Corporation.

VEPCO states that this supplement supercedes Supplement B-1 dated April 10, 1967.

VEPCO further states that no changes other than the description of the delivery point location have been made.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.215). All such motions or protests should be filed on or before September 29, 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 motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-25826 Filed 9-17-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-780-000]

Washington Water Power Co.; Filing

September 15, 1982.

Take notice that on September 7, 1982, Washington Water Power Company (Washington) tendered for filing copies of a service schedule applicable to what Washington refers to as the Intercompany Pool Agreement (Revised) and its First Amendment. An additional signatory utility Sierra Pacific Power Company, has been included.

Washington requests an effective date of August 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 29, 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 motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-25827 Filed 9-17-82; 8:45 am]

BILLING CODE 6717-01-M

Western Area Power Administration

Boulder City Area Projects—Public Comment Forum; Withdrawal of Request for Applications for Power

AGENCY: Western Area Power Administration, DOE.

ACTION: Announcement of Public Comment Forum and Notice of Withdrawal of the Notice of Request for Applications for Power from Boulder City Area Projects published in the **Federal Register** on August 24, 1982 (Vol. 47, No. 164, Page 37073).

SUMMARY: The Western Area Power Administration (Western) has scheduled a public comment forum to hear comments concerning the Proposed General Consolidated Power Marketing Criteria or Regulations for Boulder City Area Projects—Revision (Criteria) that was published in the **Federal Register** on August 24, 1982 (Vol. 47, No. 164, Pages 36946–36957). Western also withdraws its Notice of Request for Applications for Power from Boulder City Area Projects which was published on the same date in the **Federal Register** (Vol. 47, No. 164, Page 37073).

DATES AND LOCATION: An opportunity will be given all interested parties to present written or oral statements concerning the proposed Criteria at a public comment forum to be held at the Showboat Hotel, Natchez Room in Los Vegas, Nevada, on November 23, 1982, beginning at 9 a.m. The public comment forum will be held in accordance with the Administrative Procedures Act and the Department of Energy Organization Act and will not be adjudicatory in nature. If an entity does not want to present written comments at the public comment forum, the comments may be mailed to the address given below. All comments must be received at this address on or before December 15, 1982, in order to be considered in the preparation of the final Criteria.

Withdrawal of the Notice of Request for Applications for Power from Boulder City Area Projects is effective immediately.

FOR FURTHER INFORMATION CONTACT: Mr. Robert A. Olson, Area Manager, Boulder City Area Office, Western Area Power Administration, P.O. Box 200, Boulder City, NV 89005, (702) 293-8800.

SUPPLEMENTARY INFORMATION: Western's Boulder City Area Office has conducted an extensive public process to develop the Proposed General Consolidated Power Marketing Criteria or Regulations for Boulder City Area Projects (Criteria) which Western published in the **Federal Register** on September 22, 1981 (Vol. 46, No. 183, Pages 46864–46874). Due to the comments received, Western published a revised Criteria for further public comment on August 24, 1982 (Vol. 47, No. 164, Pages 36946–36957.

The public comment forum to be held on November 23, 1982, will again afford all interested parties the opportunity to present comments and data to Western regarding the revised Criteria.

Entities who desire to present oral comments and data are required to notify Western's Boulder City Area Office at the preceding address on or before November 19, 1982, so that a list of speakers can be prepared. The speakers will be called in the order in which their requests are received. After all scheduled speakers are heard, other attendees will be allowed to present their views. Speakers are requested to limit their remarks to 30 minutes in which to present the statement of the entity they are representing.

Any entity desiring a copy of the transcript of the public comment forum should make arrangements with the court reporter.

Withdrawal Notice

Subsequent to the publication of the Notice of Request for Applications for Power from Boulder City Area Projects, several entities have informed Western of the difficulty that they would have in meeting certain requirements set forth in the Request for Applications for Power from Boulder City Area Projects by the October 1, 1982, deadline for receipt of applications. Therefore, because of the unintended burden of the time constraint, Western hereby withdraws its August 24, 1982, Notice of Request for Applications for Power from Boulder City Area Projects. Western will publish a revised Notice of Request for Applications for Power from Boulder City Area Projects after the proposed Criteria is published as a final Criteria in the **Federal Register.**

Issued at Golden, Colorado, September 13, 1982.

Robert L. McPhail,

Administrator.

[FR Doc. 82-25755 Filed 9-17-82; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL COMMUNICATIONS COMMISSION

Advisory Committee for the 1985 ITU World Administrative Radio Conference on the Use of the Geostationary Satellite Orbit and the Planning of the Space Services Utilizing It (Space WARC Advisory Committee); Meeting

September 10, 1982.

TASK GROUP A-3 OF WORKING GROUP A: U.S. Interests.

Chairman: John Marus, (212) 684-4700.

Date: Wednesday, October 6, 1982.

Time: 9:30 A.M.–2:30 P.M.

Location: Federal Communications Commission, 1919 M Street, NW., Room 311, Washington, D.C.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82-25763 Filed 9-17-82; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 17100; BC Docket No. 82-564]

Inquiry Initiated on FCC Interpretation of Equal Time Requirements; Action in Docket Case

July 26, 1982.

An inquiry looking toward a new interpretation of the Communications Act requiring broadcast licensees to provide equal opportunities for political candidates has been initated by the Commission.

Specifically, the FCC said it was seeking comment on whether broadcasts of debates between legally qualified candidates, arranged and sponsored by a broadcast licensee, should be considered "on-the-spot coverage of bona fide news events" and thus exempt from equal time opportunities.

Additionally, the Commission said it was soliciting comments on whether broadcasts or rebroadcasts of bona fide news events, including exempt debates, should be exempt from the equal opportunity requirements even if broadcast later than the day after the event. And, if so, the Commission asked if it should establish a period of time during which the broadcast of such an event retains its exemption, or whether a good faith standard should be used.

Currently, to qualify for exemption from the equal opportunity requirements a debate must be:

—Arranged and sponsored by a party other than the broadcaster;

—Broadcast in its entirety, live or no later than the day following the event; and

—Covered by the broadcaster because of its reasonable, good faith judgment, that the debate is newsworthy and not for the purpose of giving a political advantage to any candidate.

The Commission also requested comments regarding interpretation of the "bona fide news documentary" exemption from equal opportunities considerations. The statute exempts such documentaries where the appearance of the candidate is "incidental" to the topic addressed in the documentary. Petitioners asserted that candidates' appearances in such documentaries may be "significant as to nature and amount" and remain "incidental."

The inquiry was initiated in response to a petition by Henry Geller seeking issuance of a more liberal interpretation of the equal time rules. Supporting petitions were filed by the national Association of Broadcasters, Radio-Television News Directors Association, Public Broadcating Service, and National Broadcasting Company, Inc.

Regarding the notice of inquiry, the FCC said it will give careful consideration to all suggestions regarding implementation of the equal time rules with respect to broadcast debates and documentaries, and that the inquiry was not necessarily limited to the delineated issues.

Comments are due by October 15, 1982 and replies by November 15, 1982.

Action by the Commission July 22, 1982, by Notice of Inquiry (FCC 82-347). Commissioners Fowler (Chairman), Quello, Washburn, Jones, Dawson and Rivera, with Commissioner Fogarty voting later by circulation.

For more information contact Richard Kalb at (202) 632-7586.

Note.—Because of the continuing effort to minimize publishing costs, the Notice of Inquiry will not be printed herein. However, copies are available through the distribution centers listed in the FCC Office of Public Affairs, Rm. 202, 1919 M St., N.W., Washington, D.C. 20554, (202) 254-7674. A copy is also available for inspection in the FCC Dockets Branch, Rm. 239 and the FCC Library, Rm. 639, both located at 1919 M St., NW.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82-25762 Filed 9-17-82; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

Fair Lending and Community Reinvestment

AGENCY: Federal Financial Institutions Examination Council.

ACTION: Notice of request for comments.

SUMMARY: In Section 340(e) of the Housing and Community Development Act of 1980 (12 U.S.C. 2803), Congress assigned several responsibilities to the Examination Council in connection with the agencies' supervisory activities relating to the Community Reinvestment Act, the Home Mortgage Disclosure Act (HMDA), and the fair housing lending provisions of the Equal Credit Opportunity Act and the Fair Housing Act.

To promote efficiency and avoid duplication to the maximum extent feasible, the Federal Financial Institutions Examination Council shall transmit a report to the Congress not later than September 30, 1982, on the feasibility and desirability of establishing a unified system for enforcing fair lending laws and regulations, implementing the Community Reinvestment Act of 1977, and satisfying the public disclosure purposes of the Home Mortgage Disclosure Act of 1975. Such report shall evaluate the status and effectiveness of data collection and analysis systems of such agencies involving fair lending and community reinvestment, and shall outline possible specific timetables for implementing such a unified system.

The emphasis in this legislation is on improved efficiency, while maintaining the effectiveness of the supervisory process. To assist it in this assignment, the Council contracted with JRB Associates of McLean, Virginia, to study the various approaches in use at the five agencies represented on the Council and to make recommendations on the matters addressed in the legislation.

The study by JRB Associates has been completed and has been forwarded to the Congress. In general, the study concludes that a unified system for assisting the agencies in meeting their obligations under the laws referred to in Section 340(e) is feasible. The system recommended in the study would, in the judgement of JRB Associates, reduce costs to depository institutions and improve the information available to the agencies.

Several of the recommendations contained in the JRB study involve statutory, regulatory or procedural changes that could have a significant effect upon depository institutions and the users of data derived from HMDA reports and the agencies' fair housing lending data systems. Therefore, the Examination Council is seeking public comment, for a 60-day period, on the key issues raised by the JRB Study and its recommendations. A number of community and consumer organizations and industry associations have asked the Council to provide an opportunity for comment. After an analysis of comments, the Council will consider what recommendations it should make in this area to the Congress and to the agencies represented on the Council.

DATE: Comments should be received on or before November 29, 1982.

ADDRESS: Comments should be sent to Robert J. Lawrence, Executive Secretary, Federal Financial Institutions Examination Council, Eighth Floor, L'Enfant Plaza, SW., Washington, D.C. 20219.

FOR FURTHER INFORMATION CONTACT: Ms. Louise Kotoshirodo, Consumer Examinations Analyst, Federal

Financial Institutions Examination Council, Washington, D.C. 20219; (202) 287–4210.

SUPPLEMENTARY INFORMATION: The JRB study recommends development and implementation of a unified data submission and processing system, across the five constituent agencies of the Council, for meeting the disclosure requirements of HMDA and the first-stage requirements associated with the enforcement of fair housing lending statutes and regulations.

Under the system recommended in the study, a "tally sheet" would be completed by each decision center of covered depository institutions for each census tract from which it received housing-related loan applications. Check marks for each appropriate category for a single application would be recorded on one line of the first tally sheet. The result would show, by a simple check mark system, the HMDA loan category, the race, sex, and marital status of the applicants for loans that are approved, and the same information for applications that are rejected or withdrawn. A count of the check marks in each column would provide the needed information for loan applications from a single census tract. The total figures along the bottom of the first tally sheet would then be entered by each lending institution's decision centers on a single line of a second tally sheet—one line per census tract.

The second tally sheet for an institution's decision centers would be submitted to the appropriate federal supervisory agency on a schedule established by the agency, and this tally sheet procedure would replace the current requirement for depository institutions to complete the HMDA–1 form. The federal agencies would assume responsibilities for the processing of the information on these tally sheets.

From this information the agencies would produce HMDA disclosure reports for each depository institution, and the HMDA data aggregation reports that the Examination Council is required by statute to prepare. In addition, the agencies would produce fair lending analysis sheets for each covered depository institution. These would be used by agency examiners as they check for fair housing lending compliance and for the institution's performance under the criteria established by the Community Reinvestment Act and its implementing regulations. There analysis sheets would portray for examiners the board lending patterns of an institution. They would show the geographical distribution of the institution's housing-related loans and the race, sex, and marital status of the institution's loan applicants. They would also show the approvals and denials of loan applications by census tract and by loan applicant characteristics. This general analytical approach is similar to the one currently used by the Federal Home Loan Bank Board.

Request for Comment on Specific Issues

Proposed Amendment to HMDA

Implementation of JRB's recommendations would require an amendment to HMDA to eliminate the current requirement that institutions collect and submit data on dollar amounts of housing-related loans by census tract. The proposed amendment would also add a requirement for submission of information on all housing-related loan applications, whether approved, rejected, or withdrawn. JRB supports this proposal as follows:

> * * * From the total dollar amounts, one can only compute the average loan amounts for a given census tract; no determination can be made of the characteristics of the recipients, nor of the reasons for a difference in average loan amounts among various census tracts. The differences in average loan amounts for various census tracts are likely to result from the differences in the value of the residential property in those census tracts. Thus, giving up loan amounts to obtain data on the disposition of all applications appears, on balance, to be a reasonable trade-off from the standpoint of usefulness in public disclosure and in compliance examinations.

The Council seeks comment on this proposed amendment to HMDA.

2. JRB Recommendations on Recordkeeping and Reporting by Institutions

Implementation of the JRB recommendations would involve replacement of existing institutional recordkeeping and reporting requirements for HMDA and for the first-stage monitoring of fair housing lending, such as the LAR/DSR for savings and loan associations and the log sheets required by the FDIC, with the proposed tally sheet procedure described in the above summary of recommendations of the JRB study. The output from the proposed unified processing system would be that indicated in the attachments referred to above.

The Council solicits comments on these JRB recommendations.

3. Impact of Implementing the JRB Recommendations on Compliance Costs for Institutions

JRB concluded that the proposed tally sheet procedures would reduce compliance costs for institutions. The Council seeks an assessment by institutions as to whether substitution of the tally sheet procedures for the existing HMDA and first-stage fair housing lending monitoring procedures would reduce or increase their costs. Specific dollar estimates of impact and a description of the methods by which they derived would be especially useful.

4. Appropriate Coverage for Institutions

HMDA covers those depository institutions engaged in making housing-related loans with assets of $10 million or more and with at least one office within an SMSA. Current recordkeeping and data submission requirements of the OCC and the FHLBB fair housing lending regulations apply to some non-HMDA institutions and to most but not all HMDA institutions. The Council seeks comment on the appropriate institutional coverage were the proposed unified system to be implemented.

5. Characteristics of Loan Applicants: Observational Data

The fair housing lending regulations of the OCC, FDIC, and FHLBB currently require that covered institutions record data on race and sex of applicants drawn from observation in those instances in which applicants do not supply such information. The FRB and the NCUA do not have a similar requirement. In the absence of the observational data notation requirement, it is estimated that data gaps exist for about 15 percent of applications.

The Council seeks views on how important this requirement is for fair housing lending enforcement. Respondents should evaluate the tradeoff involved in filling data gaps with observational information and the possible invasion of privacy of loan applicants who prefer not to supply such information. Also, there is a likelihood that some observational data will be inaccurate.

6. Public Disclosure of Fair Housing Lending Data

The proposed unified processing system would generate both HMDA disclosure reports and fair housing lending analysis sheets for each covered institution. The JRB study raises the question of whether the analysis sheets should also be subject to public disclosure. The study notes:

These data (in the analysis sheets) are likely to show instances of disproportionate rejection rates among the various categories. While this information is useful in focussing examiner's efforts, it could mislead public groups to reach unwarranted conclusions regarding possible discrimination. Consequently, the agencies should weigh this issue carefully in deciding whether or not to disclose these particular results.

The Council welcomes comment on this issue.

7. Purchased Residential Loans

The JRB tally sheets as presented do not provide for disclosure of mortgage and home improvement loans *purchased* by covered institutions. Disclosure of such data is currently required by HMDA. The Council requests comments on the usefulness of purchased loan data and the burdens associated with providing it.

Alternative Automated System

The current automated data systems of the FDIC (COMPASS) and the OCC (FHHLDS) have a different approach than the system proposed by JRB; by computer analysis of financial information about individual applicants, the systems select for on-site review a sample of individual applications that appear to have been treated differently than others, perhaps as a result of discrimination. Thus under the OCC and the FDIC systems, individuals who may have been subject to discrimination may be identified.

JRB recommends its system as a "first-stage" monitoring effort, with analysis of more detailed application data to be left to the discretion of the agencies. The Council seeks comment on the value of microlevel systems such as those of the FDIC and the OCC for targeting examination efforts.

Dated: September 15, 1982.

Robert J. Lawrence

Executive Secretary, Federal Financial Institutions Examination Council.

[FR Doc. 82-25797 Filed 9-17-82; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL MARITIME COMMISSION

Security for the Protection of the Public; Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Issuance of Certificate [Casualty]

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of Section 2, Pub. L. 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540): Royal Caribbean Cruise Line A/S et al., c/o Royal Caribbean Cruise Line, 903 South America Way, Miami, Florida 33132.

Dated: September 14, 1982.

Francis C. Hurney,

Secretary.

[FR Doc. 82-25690 Filed 9-17-82; 8:45 am]

BILLING CODE 6730-01-M

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10327; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after the date of the **Federal Register** in which this notice appears. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. T-4068.

Filing Party: Nestor D. Ramirez Cuebas, General Counsel, Ports Authority, Commonwealth of Puerto Rico, G.P.O. Box 2829, San Juan, Puerto Rico 00936.

Summary: Agreement No. T-4068 between the Puerto Rico Ports Authority (Authority) and International Shipping Agency, Inc. (ISA) provides for the preferential use of facilities at Pier 11, San Juan, Puerto Rico. ISA shall use the premises for berthing of sea-going vessels, loading and discharging vessels, the temporary storage of outbound and inbound cargo and supplies, and for the handling of passengers. ISA in addition to the rentals provided for in the agreement, shall also pay to the Authority wharfage and dockage charges or a minimum annual payment of $125,000 whichever is higher. Any services rendered by the Authority to ISA, not mentioned in the agreement, shall be charged according to the Authority's port tariffs. The term of the agreement is for 3 years.

Agreement No. 10044-7.

Filing party: R. J. Finnan, Chief Tariff Publishing Officer, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, Louisiana 70130.

Summary: Agreement No. 10044-7, between Compania Peruana de Vapores and Lykes Bros. Steamship Co., Inc., amends the parties' basic cargo revenue pooling, sailing, and equal access agreement in the southbound United States Gulf/Peru trades. The purpose of the amendment is to extend the termination date of the parties' basic agreement from December 31, 1982 to december 31, 1987.

Agreement No. 10364-1.

Filing parties:

John M. Ridlon, Senior Counsel, Sea-Land Industries, Inc., P.O. Box 800, Iselin, New Jersey 08830

Donald J. Brunner, Counsel for Hanjin Container Lines, Ltd., 1101 Fourteenth Street, N.W., Suite 1000, Washington, D.C. 20005

Summary: Agreement No. 10364-1 amends the basic agreement between Sea-Land Service, Inc. and Hanjin Container Lines, Ltd., which provides for the reciprocal chartering of container slots on a space-available basis between U.S. West Coast ports and ports in Japan and Korea. The purpose of the amendment is to extend the agreement's termination date from January 8, 1983 to January 8, 1986.

Agreements Nos. 10457 and 10458.

Filing party: Charles F. Warren, Esq., Warren & Associates, P.C., 1100 Connecticut Avenue, NW., Washington, D.C. 20036.

Summary: Agreement No. 10457 is a cooperative working arrangement between Korea Marine Transport Co., Ltd. (KMTC) and Nippon Yusen Kaisha (NYK) applicable to the trades between Korea, Taiwan and Hong Hong and the Pacific Coast of the United States, including Hawaii and Alaska. The agreement provides that the parties will operate three containership vessels between ports in these trades, and such

other vessels as they may subsequently agree to operate under the agreement. In addition, vessels may call at Japanese ports to load and discharge KMTC's Japanese cargo. KMTC will contribute two vessels and NYK will contribute one vessel, and the parties will schedule and advertise their sailings in these trades as to promote optimum vessels utilization. While the agreement applies to cargo placed in containers for shipment on the parties' container vessels, it does not preclude the parties from carrying other available cargo on their own vessels. The parties will operate their own respective common carrier services, issuing their own separate bills of lading. KMTC will act as NYK's agent in Korea and NYK will act as KMTC's agent in the United States, including such technical operational assistance as KMTC may require. The parties will ship their loaded and empty containers (including container which they own, lease or control) on their own vessels and on each other's vessels, chartering space to and from each other on terms as they may agree. They may also charter and/or subcharter no more than 780 TEU's per calendar month to Showa Line, Ltd., (Showa) (Showa is not a signatory to Agreement No. 10457) however, any continuing charter agreement with Showa will not be implemented without prior FMC approval (see Agreement No. 10458, below). The parties may load or discharge cargo, regardless of its origin or destination, on or from the vessels which they employ for direct calls within these trades, provided that any transshipment arrangements they may individually conclude with other carriers will be filed with the FMC as may be necessary. The parties will pool and share equally in the revenues they derive from the transportation of the containerized cargo carried in their vessels under the agreement which originates at or is destined to Korea. Excluded are any revenues derived by the parties in any trades other than Korea. The agreement also provides that the parties may interchange their empty containers and/or related equipment. The agreement shall terminate on the fifth anniversary of its effectiveness, however, either party may withdraw from the agreement upon ninety days' prior notice. Upon approval of Agreement No. 10457, Agreement No. 10332, as amended, (which is also between KMTC and NYK) will terminate.

Agreement No. 10458, among KMTC, NYK and Showa, provides that KMTC and NYK will subcharter to Showa space not to exceed 780 TEU's per month on the vessels they are authorized to operate in the trades covered by Agreement No. 10457, above. The agreement's term will commence upon the termination of FMC Agreement No. 10332, as amended, and will expire upon the termination of Agreement No. 10457. Showa will issue its own bills of lading for the cargo (including transshipment cargo) and will be responsible to its own customers for delivery, care and carriage of the cargo carried pursuant to the agreement.

By Order of the Federal Maritime Commission.

Dated: September 15, 1982.

Francis C. Hurney,

Secretary.

[FR Doc. 82-25770 Filed 9-17-82; 8:45 am]

BILLING CODE 6730-01-M

[Amdt. No. 2 to Commission Order No. 1 (Revised)]

Organization and Functions of the Federal Maritime Commission

Commission Order No. 1 is hereby amended as follows:

1. Amend section 3 by:

a. Revising section 3(5) to read:

(5) Office of the Secretary.

a. Office of Informal Inquiries and Complaints.

(b) Deleting section 3(12);

(c) Renumbering sections 3(13)–3(19) as sections 3(12)–3(18).

2. Amend section 4.05 to read:

4.05 The *Office of Informal Inquiries and Complaints* reports to the Secretary on the progress and status of informal inquiries and complaints received by the Commission from the public.

3. Amend section 5.12 to read:

5.12 The *Office of Informal Inquiries and Complaints.*

1. Advises the Commission, through the Secretary, on significant public interest in current and proposed Commission policies, programs and decisions.

2. Receives, coordinates and responds to informal inquiries, complaints, suggestions and expressions of concern from the public and contacts carriers, conferences and other persons to effect solutions.

3. Works in conjunction with the public relations activity to publicize Commission policies, programs and activities of interest to the shipping public.

4. Serves as liaison with the President's Special Assistant for Consumer Affairs.

4. Amend section 5.19(4) to read:

(4) Receive and resolve informal inquiries and complaints in coordination with the Director, Office of Informal Inquiries and Complaints;

5. Amend section 13.05(6) to read:

(6) Office of Informal Inquiries and Complaints.

Dated: September 13, 1982.

Alan Green, Jr.,

Chairman.

[FR Doc. 82-25778 Filed 9-17-82; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by a Bank Holding Company

The company listed in this notice has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *First Midwest Bancorp., Inc.*, St. Joseph, Missouri; to acquire 90 percent of the voting shares or assets of The Farmers Bank of Maysville, Maysville, Missouri. Comments on this application must be received not later than October 13, 1982

Board of Governors of the Federal Reserve System, September 14, 1982.

Dolores S. Smith,

Assitant Secretary of the Board.

[FR Doc. 82-25698 Filed 9-17-82; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares and/or assets of a bank. The factors that

are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *PB Bancorp of Cedar Rapids, Inc.*, Cedar Rapids, Iowa; to become a bank holding company by acquiring 100 percent of the voting shares of Peoples Bank and Trust Company, Cedar Rapids, Iowa, Comments on this application must be received not later than October 14, 1982.

B. Federal Reserve Bank of Kansas City (Thomas M. Hoinig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *First Frankfort Bancshares, Inc.*, Frankfort, Kansas, to become a bank holding company by acquiring 89.2 percent of the voting shares of The First National Bank in Frankfort, Frankfort, Kansas. Comments on this application must be received not later than October 13, 1982.

2. *Plainview Holding Co.*, Plainview, Nebraska, to become a bank holding company by acquiring 80 percent of the voting shares of Plainview National Bank, Plainview, Nebraska. Comments on this application must be received not later than October 12, 1982

Board of Governors of the Federal Reserve System, September 14, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-25699 Filed 9-17-82; 8:45 am]

BILLING CODE 6210-01-M

Fuji Bank, Limited; Corporation to Do Business Under Section 25(a) of the Federal Reserve Act

An application has been submitted for the Board's approval of the organization of a corporation to do business under section 25(a) of the Federal Reserve Act ("Edge Corporation"), to be known as Fuji Bank International, Inc., San Francisco. Fuji Bank International, Inc. would operate as a subsidiary of The Fuji Bank, Limited, Tokyo, Japan. The factors that are considered in acting on the application are set forth in § 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application may be inspected at the Offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than October 14, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 14, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-25702 Filed 9-17-82; 8:45 am]

BILLING CODE 6210-01-M

Third National Corp.; Acquisition of Bank

Third National Corporation, Nashville, Tennessee, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with Ancorp Bancshares, Inc., Chattanooga, Tennessee. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Third National Corporation, Nashville, Tennessee, is also engaged in the following nonbank activities: consumer finance, mortgage banking, leasing, and acting as an underwriter for credit life, health, and accident insurance. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 14, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 14, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-25701 Filed 9-17-82; 8:45 am]

BILLING CODE 6210-01-M

Third National Corp.; Proposed Acquisition of Ancorp Insurance Company

Third National Corporation, Nashville, T4Tennessee, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Ancorp Insurance Company, Chattanooga, Tennessee.

Applicant states that the proposed subsidiary would engage in the activities of acting as an underwriter for credit life and credit accident and health insurance. These activities would be performed from offices of Applicant's subsidiary in Chattanooga, Tennessee, and the geographic areas to be served are Hamilton, Washington and Carter Counties in Tennessee and Walker county in Georgia. Such activities have been specified by the Board § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or

at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 14, 1982.

Board of Governors of the Federal Reserve System, September 14, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-25700 Filed 9-17-82; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares and/or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Interstate Bank Holding Company,* Coral Gables, Florida; to become a bank holding company by acquiring at least 80 percent of the voting shares of The Bank of Coral Gables, Coral Gables, Florida. Comments on this application must be received not later than October 13, 1982.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Lebo Bancshares, Inc.,* Lebo, Kansas; to become a bank holding company by acquiring 80 percent of the voting shares of The State Bank of Lebo, Lebo, Kansas. Comments on this application must be received not later than October 13, 1982.

Board of Governors of the Federal Reserve System, September 13, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-25696 Filed 9-17-82; 8:45 am]

BILLING CODE 6210-01-M

United Bancorporation of Wyoming, Inc.; Proposed Acquisition of Jackson State Insurance Agency

United Bancorporation of Wyoming, Inc., Jackson, Wyoming, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C 1843(c)(8) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Jackson State Insurance Agency, Jackson, Wyoming.

Applicant states that the proposed subsidiary would engage in the activities of a general insurance agency in a town with a population of less than 5,000 persons. These activities would be performed from offices of Applicant's subsidiary in Jackson, Wyoming, and the geographic area to be served is Jackson, Wyoming. Such activities have been specified by the Board in 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received no later than October 13, 1982.

Board of Governors of the Federal Reserve System, September 13, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-25697 Filed 9-17-82; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Early Termination of the Waiting Period of the Premerger Notification Rules; Occidental Petroleum Corp.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Occidental Petroleum Corporation is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Cities Service Company, Colonial Pipeline Company and CLAM Petroleum Company. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by all parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: SEPTEMBER 8, 1982.

FOR FURTHER INFORMATION CONTACT: Patricia A. Foster, Compliance Specialist, Premerger Notification Office, Bureau of Competition, Room 311, Federal trade Commission, Washington, D.C. 20580 (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 82-25760 Filed 9-17-82; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; Taft Broadcasting Co.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Taft Broadcasting Company is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain assets of TCI-Taft Cablevision Associates and with respect to the proposed formation of a joint venture with Tele-Communications, Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by all parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: September 9, 1982.

FOR FURTHER INFORMATION CONTACT: Patricia A. Foster, Compliance Specialist, Premerger Notification Office, Bureau of Competition, Room 311, Federal Trade Commission, Washington, D.C. 20580 (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 82-25759 Filed 9-17-82; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; Tele-Communication, Inc.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Tele-Communications, Inc. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain assets of TCI-Taft Cablevision Associates and with respect to the proposed formation of a joint venture with Taft Broadcasting Company. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by all parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: September 9, 1982.

FOR FURTHER INFORMATION CONTACT: Patricia A. Foster, Compliance Specialist, Premerger Notification Office, Bureau of Competition, Room 311, Federal Trade Commission, Washington, D.C. 20580 (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 82-25758 Filed 9-17-82; 8:45 am]

BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION

SES Performance Review Boards for Small Client Agencies Serviced by GSA; Names of Members

Sec. 4314(c) (1) through (5) of title 5, U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more Performance Review Boards. The board shall review and evaluate the initial appraisal by the supervisor of a senior executive's performance, along with any recommendations to the appointing authority relative to the performance of the senior executive.

As provided under section 601 of the Economy Act of 1932, as amended, 31 U.S.C. 686, the General Services Administration through its External Services Staff, Personnel Division, provides various personnel management services to a number of diverse Presidential commissions, committees, and other small agencies and boards through reimbursable administrative support agreements. This notice is processed on behalf of these client agencies, and it amends our original notices in the **Federal Register** dated March 17, 1980, May 20, 1980, and September 23, 1981. Because of their small size, a Performance Review Board register has been established composed of members of the various agencies. From this register of names, the head of each client agency will appoint executives to a specific board to serve the particular client agency.

The members whose names appear on the Performance Review Board register to serve client agencies are:

Richard A. Ericson, Executive Director, Japan-United States Friendship Commission

Stephen L. Babcock, Executive Director, Administrative Conference of the United States

Richard K. Berg, General Counsel, Administrative Conference of the United States

Sandra L. Massetto, Commissioner Navajo and Hopi Indian Relocation Commission

Hawley Atkinson, Commissioner (Chairman), Navajo and Hopi Indian Relocation Commission

Stephen G. Goodrich, Executive Director, Navajo and Hopi Indian Relocation Commission

Walter R. Roberts, Executive Director, Board for International Broadcasting

James Critchlow, Foreign Information Officer, Board for International Broadcasting

Arthur D. Levin, Financial Manager, Board for International Broadcasting

Anatole Shub, Foreign Information Officer, Board for International Broadcasting

Theodore S. Farfaglia, Executive Director, United Staters Metric Board

Stanley R. Parent, Deputy Executive Director/Director, Research, Coordination and Planning, United States Metric Board

Frank H. Thomas, Acting Director, U.S. Water Resources Council

Rosemary M. Collyer, Chairperson, Federal Mine Safety and Health Review Commission

James A. Lastowka, General Counsel, Federal Mine Safety and Health Review Commission

For further information, contact Betty R. Bruce, External Services Staff, Personnel Division (202-472-9214); mailing address: General Services Administration, National Capital Region (WBPX), Washington, DC 20407.

Dated: September 7, 1982.

Bertrand G. Berube,

Regional Administrator of General Services, National Capital Region.

[FR Doc. 82-25805 Filed 9-17-82; 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N-82-1162]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Monthly Digest of Current Housing Situation and Quarterly Supplement.
Office: Housing.
Form Number: HUD-2499 and HUD-2499A.
Frequency of Submission: Monthly and Quarterly.
Affected Public: Businesses or Other Institutions (except farms).
Estimated Burden Hours: 800.
Status: New.
Contact: John N. Dickie, HUD, (202) 426-4667, Robert Neal, OMB, (202) 395-6880.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: September 7, 1982.

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 82-25692 Filed 9-17-82; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-82-1161]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OBM

Proposal: Community Development Block Grant Transfer Evaluation.
Office: Policy Development and Research.
Form number: None.
Frequency of submission: Single-Time.
Affected public: State or Local Governments.
Estimated burden hours: 714.
Status: New.
Contact: Judson James, HUD, (202) 426-1520, Robert Neal, OMB, (202) 395-6880.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: September 7, 1982.

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 82-25693 Filed 9-17-82; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-82-1160]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OBM

Proposal: Tax-Exempt Construction Financing for Turnkey Public Housing Projects.

Office: Housing.

Form Number: None.

Frequency of Submission: Single-Time.

Affected Public: State or Local Governments and Businesses or Other Institutions (except farms).

Estimated Burden Hours: 480.

Status: New.

Contact: Raymond W. Hamilton, HUD, (202) 426-0938, Robert Neal, OMB, (202) 395-6880.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: September 8, 1982.

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 82-25694 Filed 9-17-82; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-82-1159]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

ADDRESS: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer from the Department.

Copies of the proposal forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposals should be sent to the OMB Desk Office at the address listed above.

The proposed information collection requirements are described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Comprehensive Planning Assistance Annual Report.

Office: Community Planning and Development.

Form Number: None.

Frequency of Submission: Annually. Annually.

Affected Public: State or Local Governments.

Estimated Burden Hours: 10,040.

Status: Extension.

Contact: Richard Alexander, HUD, (202) 755-6186, Robert Neal, OMB, (202) 395-6880.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: September 9, 1982.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Uniform Settlement Statement—Certification Page for Settlement Statement.

Office: Housing.

Form Number: HUD-1 and HUD-9596.

Frequency of Submission: On Occasion.

Affected Public: Businesses or Other Institutions (except farms).

Estimated Burden Hours: 1,850,000.

Status: Extension.

Contact: John J. Coonts, HUD (202) 755-6720, Robert Neal, OMB, (202) 395-6880.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: September 9, 1982.

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 82-25695 Filed 9-17-82; 8:45 am]

BILLING CODE 4210-01-M

Office of the Secretary

[Docket No. N-82-1163]

Privacy Act of 1974; New System of Records

AGENCY: Housing and Urban Development Department.

ACTION: Notification of new system of records.

SUMMARY: The Department is giving notice of a system of records it intends to maintain which is subject to the Privacy Act of 1974.

EFFECTIVE DATE: This notice shall become effective without further notice on October 20, 1982 unless comments are received on or before that date which would result in a contrary determination.

ADDRESS: Rules Docket Clerk, Room 10278, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Robert English, Departmental Privacy Act Officer, Telephone 202-755-5320. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The system is the HUD Community Development Block Grant State Transfer Evaluation Files System (HUD/PD&R-11). It will contain information concerning program development and administration obtained from a sample of local community development officials, from a sample of state officials responsible for the Community Development Block Grant (CDBG) Small Cities Program transferred to those same states, and from a limited number of other relevant and informed persons on the state transfer, e.g., in HUD Area Offices or state municipal leagues. The system will contain the name, title, organizational address, and telephone number of these officials.

A new system report was filed with the Speaker of the House, the President of the Senate, and the Office of Management and Budget on August 2, 1982. Appendix A, which lists the addresses of HUD's offices, was published at 47 FR 34331 (August 6, 1982).

HUD/PD&R-11

SYSTEM NAME:

HUD Community Development Block Grant State Transfer Evaluation Files.

SYSTEM LOCATION:

HUD contractor to be selected and Headquarters Office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A sample of local community development officials and the state officials responsible for the Community Development Block Grant Small Cities Program transfer to those same states (a sample of states out of a potential universe of thirty-seven states). Also, a limited number of other relevant and informed persons on the state transfer, e.g., HUD Area Office personnel responsible for CDBG small cities program review.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, title, organizational address, and telephone numbers of interviewees; demographic and socio-economic characteristics of the cities and states sampled, such as population, poverty population, and age of housing stock; and program development and administration interview data about the small cities program transfer to the states in the sample cities and states.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552a, 88 Stat. 1896; Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To HUD contractor-for analysis by the contractor of the state transfer.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual records stored in locable file drawers located in lockable rooms. Access limited to authorized personnel. Personnel identifiers such as mailing labels, names, addresses, and assigned codes maintained in separate locked files with access restricted. Automated records contain no identification of individuals except assigned numeric codes.

RETRIEVABILITY:

Name, address, and numeric code.

SAFEGUARDS:

Manual records stored in lockable file cabinets in secured areas. Computer records will be maintained in secured areas with technical restraints employed with regard to accessing records. Access to both types of records is limited to authorized personnel.

RETENTION AND DISPOSAL:

Records are periodically returned to Federal Records Center and destroyed in accordance with HUD Handbook 2225.6.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Community Development and Fair Housing Analysis, Assistant Secretary for Policy Development and Research, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

NOTIFICATION PROCEDURE:

For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the Headquarters location, in accordance with 24 CFR Part 16. This location is given in Appendix A.

RECORD ACCESS PROCEDURES:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the Headquarters location. This location is given in Appendix A.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed in relation to contesting the contents of records, it may be obtained by contacting the Privacy Act Officer at the Headquarters location. This location is given in Appendix A. If additional information or assistance is needed in relation to appeals of initial denials, it may be obtained by contacting the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

RECORD SOURCE CATEGORIES:

Subject individuals.

Issued at Washington, D.C., September 10, 1982.

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 82-25766 Filed 9-17-82; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F-14879-A]

Alaska Native Claims Selection

The purpose of this decision is to modify the decision to issue conveyance of lands to Kotlik Yupik Corporation, dated March 31, 1982, as published in the **Federal Register**, Vol. 47, No. 63, on pages 13899 through 13901, April 1, 1982, corrected in Vol. 47, No. 79, on page 17681, April 23, 1982.

In the decision to issue conveyance, the lands in Sec. 30, T. 27 S., R. 25 W., Kateel River Meridian, were incorrectly described as partially within Public Land Order (PLO) 4584. Since T. 27 S., R. 25 W., Kateel River Meridian was not withdrawn by PLO 4584, Sec. 30 will be conveyed as entirely outside the National Wildlife Refuge System.

The following will modify and correct pages 13899 and 13990 of the March 31, 1982 decision:

Page 13899—Second Column, Second Paragraph

The sentence which reads: This decision approves approximately 39,869 acres of National Wildlife Refuge System lands for conveyance to Kotlik Yupik Corporation.

is hereby modified and corrected to read: This decision approves approximately 39,864 acres of National Wildlife Refuge System lands for conveyance to Kotlik Yupik Corporation.

Page 13899—Middle Column

T. 27 S., R. 25 W., that portion described as within the refuge is hereby deleted.

Page 13899—Third Column

Aggregated acreage of lands within the refuge now reads: Aggregating approximately 39,869 acres.

is hereby modified and corrected to read: Aggregating approximately 39,864 acres.

Page 13900—First Column

T. 27 S., R. 25 W., outside the refuge. The description and acreage for lands now reads: Sec. 30 (fractional), that portion outside PLO 4584, excluding Native allotment F-18757 Parcel A; * * *

Containing approximately 380 acres.

This description and acreage are hereby modified and corrected to read:

Sec. 30 (fractional), excluding Native allotment F-18757 Parcel; * * *

Containing approximately 385 acres.

Page 13900—Third Column

Aggregated acreage of lands outside the refuge now reads: Aggregating approximately 61,968 acres.

is hereby modified and corrected to read: Aggregating approximately 61,973 acres.

These corrections do not affect the total conveyance acreage of 101,837 acres to Kotlik Yupik Corporation.

Except as amended by this decision, the decision of March 31, 1982 stands as written.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in The Tudra Drums.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the attached regulations in Title 43 Code of Federal Regulations (CFR), Part 4, Subpart E, as revised. However, pursuant to Pub. L. 96-487, this decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 510 L Street, Suite 100, Anchorage, Alaska 99501.

The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall until October 20, 1982 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Kotlik Yupik Corporation,
Kotlik, Alaska 99620
Calista Corporation,
516 Denali Street,
Anchorage, Alaska 99510

Ann Johnson,

Chief, Branch of ANCSA Adjudication.

[FR Doc. 82-25767 Filed 9-17-82; 8:45 am]

BILLING CODE 4310-84-M

[Civil Action No. 1983-73]

Natural Resources Defense Council, Inc., et al v. James G. Watt, et al.; Notice of Proposed Deviation from Scheduled Preparation of Environmental Impact Statements on Livestock Grazing

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of proposed deviation from scheduled preparation of Environmental Impact Statement on livestock grazing.

SUMMARY: This document provides notice of a material deviation from the scheduled preparation of environmental impact statements on livestock grazing as required by the amended final judgment entered in *Natural Resources Defense Council, Inc., et. al. v James G. Watt, et al.*, Civil Action No. 1983-73 (D.D.C. April 14, 1978).

ADDRESS: Office of the Solicitor, Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Allan D. Brock, Office of the Solicitor, Department of the Interior, Division of Energy and Resources, Branch of Land Use, 18th and C Streets NW., Washington, D.C. 20240 (202/343-4036).

[Civil Action No. 1983-73]

Natural Resources Defense Council, Inc., et al. *v.* James G. Watt, et al.

Notice of Proposed Deviation From Scheduled Preparation of Environmental Impact Statements on Livestock Grazing

The amended final judgment of April 14, 1978, in the above-entitled case, requires the preparation of a series of environmental impact statements (EISs) on the grazing of livestock in the

Western States, pursuant to the National Environmental Policy Act (NEPA), 42 U.S.C. 4321, et seq. Paragraph 9 of the judgment contemplated the possibility of material deviations from the judgment and provided for notice as follows:

9. If the Federal Defendants believe, in good faith, that circumstances dictate that any material deviations must be made, then in any event, the Federal Defendants shall give Notice to this Court wherein a detailed explanation shall be made of the deviation which is anticipated to occur together with the reason(s) therefore. This Notice shall be filed prior to the anticipated implementation of such deviation, and contemporaneously a copy of such Notice shall be sent by registered mail to all parties to this action (No. 1983-73) and such Notice shall be published in the **Federal Register**. Thereafter, if objections are filed with the court within 30 days from the date of publication in the **Federal Register**, the Federal Defendants and the objecting parties may make such motions and present evidence to the court as to them seems proper, and the court shall determine if such deviations shall be allowed to occur or make any other appropriate order; provided, however, that if no objections are filed with the court within such 30-day period, BLM shall be authorized to implement such deviation.

Paragraph five of the judgment provides in pertinent part that:

[I]n fiscal years 1980 through 1982, the federal defendants shall prepare EIS's on public land acreages which total the respective, yearly acreages specified in the current EIS schedule for fiscal years 1978 through 1981. Within 90 days the federal defendants shall submit a plan to the court and the parties which specifies the particular areas to be covered during these years and the order in which they will be covered.

According to the plan submitted by the federal defendants to the court, the current schedule requires completion of seventeen EISs by September 30, 1982, the end of the fiscal year. Interior has effectively carried out most of the plan. Indeed, by September 30, Interior will have completed fifteen of the seventeen EISs. There were only two delays. First, immaterial deviation from the current schedule occurred for the preparation and completion of the final EIS covering the Glenwood Springs Area in Colorado. The revised filing date is September 30, 1983. Second, the Federal defendants will be unable to meet the current schedule for completion of the EIS covering 1,397,000 acres of land in the Henry Mountain Area in Utah. The Federal defendants accordingly give notice of a proposed material deviation from the current schedule, thereby allowing completion of the final EIS for the Henry Mountain Area by March 31, 1983.

Delay in the preparation of the EIS for the Henry Mountain Area is due to problems associated with the processing of certain vegetation information through BLM's automated data processing equipment. The appropriate "proper use factors" to be utilized in computing available forage for livestock grazing use from the vegetation information that had been compiled were inadvertantly omitted from the computer program. The results of the computer program indicated forage available for livestock grazing use that exceeded grazing capacities by as much as twenty percent on twenty-seven allotments in the Henry Mountain Area, according to subsequent monitoring studies performed on these allotment areas. A field office requires usuable forage data before it can make any determinations regarding proposed levels of livestock grazing use.

The Federal defendants have incorporated the appropriate proper use factors in the computer program for processing the compiled vegetation information so that the field office will have usable forage data. The computer program re-run is expected to be completed by September 30, 1982. The Federal defendants will thereafter require three months to prepare the draft EIS, and it is anticipated that an additional three months will be needed to complete the final EIS including analysis of public comment.

Dated: September 14, 1982.

Frank DuBois,

Deputy Assistant Secretary, Land & Water Resources.

[FR Doc. 82-25793 Filed 9-17-82; 8:45 am]

BILLING CODE 4310-84-M

Acceptance of Bureau of Land Management Oil and Gas Lease Assignment Forms 3106-5 and 3106-14, OMB No. 1004-0034; Expiration Date: August 31, 1985

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of use and acceptance of assignment forms.

SUMMARY: The Bureau of Land Management (BLM) Form 3106-5, Assignment Affecting Record Title to Oil and Gas Lease, and Form 3106-14, Transfer, Assignment, or Sublease of Operating Rights in Oil and Gas Lease, have been approved by the Office of Management and Budget (OMB) and assigned clearance number 1004-0034, with a new expiration date of August 31, 1985. The previous expiration date had been February 28, 1982. This approval procedure is in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). The expiration date refers to the conformance of the forms with the Act for information collection requirements from Federal oil and gas lease assignees and assignors regarding the transfer or assignment of lease operating rights or the assignment of record title of a lease.

While the basic purpose and substance of such forms used in the administration of the Federal oil and gas or geothermal leasing programs have not changed, the public is hereby notified that such forms will continue to be accepted by the BLM while renewal with OMB is in progress. New stock printed will reflect a changed expiration date. Public interest is best served when no substantive changes have been made to the forms through acceptance by BLM of such forms whether or not the most current expiration date is indicated. To require the public to dispose of existing stock of such forms and to acquire new stock solely in order to reflect a changed expiration date would be burdensome, costly, and counterproductive. The public will be notified of any substantive changes in such forms that would affect their acceptability to BLM.

Upon renewal of Oil and Gas Lease Assignment Forms 3106-5 and 3106-14, certain nonsubstantive changes have been made in addition to the changed expiration date. The public is hereby advised of these minor changes:

1. In Part II of each of the forms, the requirement that information and documents relating to qualifications be submitted has been deleted to reflect regulation changes made at 43 CFR 3102.5, effective February 26, 1982.

2. The Notice provided at the end of each of the two forms will be amended to add the following information, "The Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) requires us to inform you that:

- This information is being collected to transfer, assign, or sublease operating rights or to assign record title of a lease, pursuant to 43 CFR Part 3106.
- This information will be used to create a record of lease assignment and to process the assignment and request for approval.
- Response to this request is mandatory and is to obtain a benefit."

EFFECTIVE DATE: October 20, 1982.

FOR FURTHER INFORMATION CONTACT: Jeffrey F. Zabler, Division of Oil, Gas and Geothermal, Bureau of Land Management (530), 1800 C Street, NW., Washington, D.C. 20240, telephone (202) 343-7722.

Dated: September 10, 1982.

Delmar D. Vail,

Acting Associate Director.

[FR Doc. 82-25792 Filed 9-17-82; 8:45 am]

BILLING CODE 4310-84-M

Realty Action; Call for Leasing Interest

AGENCY: Department of the Interior (DOI).

ACTION: Proposed competitive lease of public lands administered by BLM as authorized by the Act of Congress of October 21, 1976 (90 Stat. 2743, Pub. L. 94-579) for surface disposal of salt water by-products from oil and gas production operations and for ancillary operations relative thereto.

SUMMARY: In response to interest from oil and gas industry in fulfilling a need of that industry, the BLM acting through the Roswell District Manager, Roswell, NM., is proposing to lease one or more sites for suface disposal of salt water.

The purpose of this notice is to solicit proposals from qualified entities and persons for sites identified by them and to solicit comments from the public regarding the proposed action. After analysis of the proposals received, an applicant may be selected for each site for further evaluation.

Location

The site or sites will be within the Roswell District as identified by qualified entities or persons and meeting environmental and other legal criteria contained in existing laws, rules, and regulations pertaining to management of the public lands.

General Terms and Conditions of Proposals

The proposals will be evaluated and any lease will be issued subject to an in compliance with all applicable existing federal, state, and local laws, rules, and regulations, and in particular under the terms and conditions of 43 CFR Part 2920 as published in 46 FR 5777, January 19, 1981 and reprinted in BLM Circular 2483 which is available from the District Office upon request. Anyone interested in submitting a proposal should be thoroughly familiar with this document. The proposal should indicate an intent to comply with all applicable regulatory statutes, and include any tangible evidence relative thereto in support of the proposal complete with the proponents technical and financial capability to carry the proposal to completion.

Selection of applicants for further evaluation will be a discretionary decision by the District Manager based on his best judgment as a result of evaluation of all pertinent data submitted with the proposal, so it is important that proponents submit documentation as complete as possible in support of their proposal. Any confidential documents must be clearly marked on each page and supported by rationale justifying the confidentiality. Such documents will be withheld from public review but will be considered in the selection of applicants. It should be pointed out, however, that such confidentiality may weaken BLM's defense of its selection in the event of a challenge. If, in the opinion of the District Manager, there is insufficient justification for the confidentiality of the documents, then they will be returned to the proponent and not considered in the selection analysis.

To date there are no known preference rights to any individual or entity under law, regulation, equity, or practical consideration. Any preference right claim should be substantiated in the proposal.

Any lease issued as the result of competition generated hereby will be at fair market value without further competitive bidding.

No funds are required to be submitted with a proposal, however, any applicant selected for further evaluation would incur advance charges as outlined in Circular 2483 prior to any additional processing and evaluation.

Neither publication of this notice nor the submission of a proposal gives right to use the public lands.

Publication of this notice does not segregate any Public Land from operation of the general land laws.

Publication of this notice, receipt of a proposal, and the collection of costs for application processing does not commit BLM to consummate any lease. Any refunds will be in compliance with Circular 2483.

Comments

Interested parties may submit written comments to the Roswell District Office until 4:00 p.m., October 18, 1982.

ADDRESS: P.O. Box 1397, 1717 W. Second St., Roswell, NM 88201.

FOR FURTHER INFORMATION CONTACT: Realty Specialist Mel Barlow (505) 622-7670, or Realty Specialist Jack Ragsdale (505) 887-6544.

SUPPLEMENTARY INFORMATION: Comments relative to this action with the exception of confidential information will be available for public review at the above address.

T. R. Kreager,

Acting District Manager, Roswell District Office.

[FR Doc. 82-25834 Filed 9-17-82; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Mobil Oil Exploration and Producing Southeast Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0762, Block 176, West Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Minerals Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: September 10, 1982.

John L. Rankin,

Acting Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-25704 Filed 9-17-82; 8:45 am]

BILLING CODE 4310-31-M

National Park Service

Cape Cod National Seashore Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770 (5 U.S.C. App. 1 § 10), that a meeting of the Cape Cod National Seashore Advisory Commission will be held at 1:30 p.m. on Friday, October 8, 1982 at the Headquarters Building, Cape Cod National Seashore.

The Commission was established pursuant to Pub. L. 91–383 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Cape Cod National Seashore.

The members of the Advisory Commission are as follows:

Dexter M. Keezer, Truro
Francis R. King, Wellfleet
Nathan Malchman, Provincetown
Barbara S. Mayo, Provincetown
Thomas R. Pennypacker, II, Chatham
Sherrill B. Smith, Jr., Orleans
Clifford H. White, Wrentham
Elizabeth F. Worthing, Eastham
Paul F. Nace, Woods Hole

At the meeting at 1:30 p.m. the Commission will consider the following: Election of Officers, South Hollow Wellfield Reclamation, and Operations report.

The afternoon meeting will be preceded by a field trip to Old Harbor Station and North District Headquarters at Race Point. The trip will begin at Park Headquarters at 9:30 a.m., and interested members of the public are invited to participate but must furnish their own transportation.

The meeting is open to the public. It is expected that 15 persons will be able to attend the session in addition to the Commission members.

Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the official listed below at least seven days prior to the meeting.

Further information concerning this meeting may be obtained from Herbert Olsen, Superintendent, Cape Cod National Seashore, South Wellfleet, MA 02663, Telephone (617) 349–3785. Minutes of the meeting will be available for public information and copying four weeks after the meeting at the Office of the Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts.

Herbert Olsen,
Superintendent, Cape Cod National Seashore.
September 10, 1982.
[FR Doc. 82–25734 Filed 9–17–82; 8:45 am]
BILLING CODE 4310–70–M

George Washington Memorial Parkway, Availability of Record of Decision for the Development Concept Plan; Daingerfield Island, Va.

The National Park Service has prepared the Record of Decision for the Daingerfield Island, Virginia Development Concept Plan. This record documents the selected course of action for the management and use of this area of the George Washington Memorial Parkway.

Written comments will be accepted for a period of 30-days following the publication of this notice and should be addressed to the Superintendent, George Washington Memorial Parkway, Turkey Run Headquarters, McLean, Virginia 22101.

Copies of the Record of Decision are available from:

George Washington Memorial Parkway, Turkey Run Headquarters, McLean, Virginia 22101
National Capital Region, 1100 Ohio Drive, SW., Washington, D.C. 20242

Dated: September 10, 1982.

Manus J. Fish, Jr.,
Regional Director, National Capital Region.
[FR Doc. 82–25736 Filed 9–17–82; 8:45 am]
BILLING CODE 4310–70–M

Overmountain Victory National Historic Trail Advisory Council

Notice is hereby given in accordance with the Federal Advisory Commission Act that a meeting of the Overmountain Victory National Historic Trail Advisory Council will be held at 9:00 a.m. on Friday, October 8, 1982, at Kings Mountain National Military Park, Post Office Box 31, Kings Mountain, North Carolina 28086.

The purpose of the Overmountain Victory National Historic Trail Advisory Council is to consult and advise with the Secretary of the Interior on all matters of planning, management and trail development of the Overmountain Victory Historic Trail. The agenda will include a discussion of the draft comprehensive management plan and the organization and responsibilites of the Advisory Council.

The members of the Advisory Council are as follows:

Mr. Robert M. Baker, Chairman, Atlanta, Georgia
Mr. James A. Cannaday, Eden, North Carolina
Mr. E. Ervin Dargan, Darlington, South Carolina
Mr. Randall Ray Gregory, Raleigh, North Carolina
Mrs. Jean Hawkins, Hilton Head, South Carolina
Mr. Dennis Kline, Rogersville, Tennessee
Mr. Tommy G. Reed, Tale of Palms, South Carolina
Mr. Sydnor M. White, Raleigh, North Carolina
Mr. Fred Burgin, Jr., Rutherfordton, North Carolina
Mrs. Harriette Vaden Price, Williamburg, Virginia
Mr. Walter Carl Cockerham, Greensboro, North Carolina
Mr. Tyron Elliott, Manchester, Georgia
Mr. Hugh Atkins, Spartanburg, South Carolina
Mr. David L. Thomas, Greenville, South Carolina
Mr. Roy A. Taylor, Black Mountain, North Carolina
Mr. Walter H. Schroder, Rock Hill, South Carolina
Mr. Frank Robinson, Elizabethon, Tennessee
Mr. W. Blair Keller, Jr., Abingdon, Virginia
Mr. Terry Chilcoat, Norris, Tennessee
Mr. George Olson, Asheville, North Carolina
Mr. Andrew Duncan, Jr., Wilkesboro, North Carolina

The meeting will be open to the public; however, facilities and space for accommodating members of the public are limited. Any member of the public may file with the council a written statement concerning the matters to be discussed.

Persons wishing further information concerning the meeting or who wish to submit written statements may contact Paul Swartz, Chief, Planning and Compliance Division, National Park Service, Southeast Region, 75 Spring Street, SW. Atlanta, Georgia 30303, Telephone 404/221–5465. Minutes of the meeting will be available for public inspection at the above address approximately 4 weeks after the meeting.

Dated: September 8, 1981.

Neal G. Guse, Jr.,
Acting Regional Director, Southeast Region.
[FR Doc. 82–25735 Filed 9–17–82; 8:45 am]
BILLING CODE 4310–70–M

Office of Surface Mining Reclamation and Enforcement

Information Collection Submitted to OMB for Review

The proposal for the collection of information listed below has been submitted to the Office of Management

and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau clearance officer and the Office of Management and Budget reviewing official, Mr. Richard Otis, at 202-395-7340.

Title: 30 CFR Part 817 Permanent Program Performance Standards—Underground Mining
Bureau Form Number: None
Frequency: Once Every Five Years
Description of Respondents: Coal Mine Operators
Annual Responses: 48,543
Annual Burden Hours: 269,061
Bureau clearance officer: Darlene Grose, 202-343-5447

Dated: September 2, 1982.

John G. Prior Jr.,

Acting Assistant Director, Management and Budget.

[FR Doc. 82-25723 Filed 9-17-82; 8:45 am]

BILLING CODE 4310-05-M

Information Collection Submitted to OMB for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau clearance officer and the Office of Management and Budget reviewing official, Mr. Richard Otis, at 202-395-7340.

Title: 30 CFR 816 Permanent Program Performance Standards—Surface Mining
Bureau Form Number: None
Frequency: Once Every Five Years
Description of Respondents: Coal Mine Operators
Annual Responses: 94,300
Annual Burden Hours: 668,770
Bureau clearance officer: Darlene Grose, 202-343-5447

Dated: September 2, 1982.

John G. Prior, Jr.,

Acting Assistant Director, Management and Budget

[FR Doc. 82-25722 Filed 9-17-82; 8:45 am]

BILLING CODE 4310-05-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier; Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-201

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 144979 (Sub-1-1 TA), filed September 7, 1982. Applicant: ATLANTIC LIMOUSINE, INC., 11 East Decatur Avenue, Pleasantville, NJ 08232. Representative: Russell R. Sage, P.O. Box 11278, Alexandria, VA 22312. *Passengers and their baggage, in charter operations restricted to the transportation of not more than 21 passengers in any one vehicle, not inlcuding the driver,* between Philadelphia, PA, on the one hand, and, on the other, points in Atlantic County, NJ. Supporting shipper: Globetrotters, Inc., 21 Fairway Drive, McKee, NJ 08232.

MC 145108 (Sub-1-23 TA), filed September 7, 1982. Applicant: BULLET EXPRESS, INC., Bay Ridge Station, P.O. Box 289, Brooklyn, NY 11220. Representative: Robert L. Van Buren (Same as applicant). *Contract carrier:* irregular routes: *Automotive filters* from Fayetteville, NC, and Rahway, NJ, to points in AZ, CA, NV, OR, UT, WA, under continuing contract(s) with Purolator Products, Inc., of Rahway, NJ. Supporting shipper: Purolator Products, Inc., 970 New Brunswick Avenue, Rahway, NJ 07065.

MC 163717 (Sub-1-1TA), filed September 7, 1982. Applicant: CLARENCE WILSON d.b.a. C & D TRANSPORTATION COMPANY, P.O. Box 334, Rahway, NJ 07065. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier:* irregular routes: *Wire, and metal products* between Edison, NJ, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, OK and TX, under continuing contract(s) with American Metal Moulding Inc., Edison, NJ. Supporting shipper: American Metal Moulding, Inc., 8 Taylor Road, Edison, NJ 08818.

MC 163715 (Sub-1-1TA), filed September 7, 1982. Applicant: JOSEPH P. CARRARA & SONS, INC., Route 7, North Clarendon, VT 05759. Representative: Neil D. Breslin, Esq., 11 North Pearl Street, Albany, NY 12207. *Contract carrier:* irregular routes: *Salt, in bulk, in dump vehicles* from the facility of International Salt Company in Whitehall, NY, to all points in VT, under continuing contract(s) with International Salt Co., Clarks Summit, PA. Supporting shipper: International Salt Co., Clarks Summit, PA 18411.

MC 134272 (Sub-1-2TA), filed September 8, 1982. Applicant: DAY & ROSS, LTD., Mapleton Road, Hartland, New Brunswick, CD E0J IN0. Representative: John C. Lightbody, Esq., 30 Exchange Street, Portland, ME 04101. *Contract carrier:* irregular routes: *Office furniture* from Holland, MI, to points on the U.S./CD Border at Detroit, MI, under

continuing contract(s) with Brunswick Office Equipment, 1978, Ltd. of New Brunswick, CD. Supporting shipper: Brunswick Office Equipment, 390 Queen Street, Fredericton, New Brunswick, CD E3B 1B2.

MC 163714 (Sub-1-1TA), filed September 7, 1982. Applicant: EAGLEBROOK ENVIRONMENTAL CORP., 300 John Street, Suite 600, Thornhill, Ontario, CD L3T 5W4. Representative: Robert D. Gunderman, Can-Am Building, 101 Niagara Street, Buffalo, NY 14202. *Contract carrier:* irregular routes: *Hydrochloric acid, in bulk, in tank vehicles,* between ports of entry on the International Boundary lines between the U.S. and CD in NY and MI, on the one hand, and, on the other, points in Cleveland, OH, Detroit, MI, and Chicago, IL, including points in their Commercial Zones, under continuing contract(s) with C.I.L. Inc., Willowdale, Ontario, CD. Supporting shipper: C.I.L. Inc., P.O. Box 200, Station A, Willowdale, Ontario, CD M2N 6H2.

MC 163740 (Sub-1-1TA), filed September 8, 1982. Applicant: 1843-7475 QUEBEC INC., 270 St. Jacques South, Coaticook, Quebec, CD J1A 2N9. Representative: Adrien R. Paquette, Paquette & Associates, 200 St. James Street, Room 900, Montreal, Quebec, CD H2Y 1M1. *Lumber* from the ports of entry on the U.S./CD Boundary Line at Jackson and Coburn, ME, Pittsburg, NH, Beecher Falls, Norton, Derby and Ogdensburg, NY, to points in ME, NH, MA, VT, CO, RI, NY, and NJ. Supporting shipper(s): The Stowell Lumber Co., Putnam Square, P.O. Box 69, Bennington, VT 05201; Les Produits Forestiers Saucier (Comtois) Ltee, 3988 Dagenais Blvd., Laval, Quebec, CD H7R 1U2; Lavallee Hardwoods Limited, 276 St. James St., Room 417, Montreal, Quebec, CD H2Y 1N3.

MC 163737 (Sub-1-1TA), filed September 8, 1982. Applicant: FAIRFIELD TRUCKING, INC., 421 Tuttle Parkway, Westfield, NJ 07090. Representative: Arthur Liberstein, P.C., 888 Seventh Avenue, New York, NY 10106. *Contract carrier:* irregular routes: *General commodities, except commodities in bulk, Class A and B explosives and household goods, as defined by the Commission,* between all points in the U.S. under continuing contract(s) with Fanny Farmer Candy Shops, Inc., Burlington, MA. Supporting shipper: Fanny Farmer Candy Shops, Inc., 207 Cambridge Street, Burlington, MA 01803.

MC 158361 (Sub-1-3TA), filed September 2, 1982. Applicant: G.F.C. TRUCKING CORP., W. 100 Century Road, Paramus, NJ 07652. Representative: D. Weintraub (Same as applicant). *Contract carrier:* irregular routes: *Aluminum cans* from the facilities of Stroh Container Co., located in the County of Sandusky, OH, to points in IL, IN, MI, NY, NJ, PA, MD and WI, under continuing contract(s) with F. & M. Schaefer Brewing Co., Allentown, PA. Supporting shipper: F. & M. Schaefer Brewing Company, P.O. Box 2568, Allentown, PA 18001.

MC 163712 (Sub-1-1TA), filed September 7, 1982. Applicant: WILBUR W. LOOMIS d.b.a. WILBUR W. LOOMIS TRUCKING, 32 Mountain Street, Haydenville, MA 01039. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. *Metal and Metal Products,* between points in Berkshire County, MA, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Mohawk Industries, Inc., 173 Howland Avenue, Adams, MA 01220.

MC 155874 (Sub-1-2TA), filed September 2, 1982. Applicant: MUSCILLO TRANSPORT LIMITED, 4078 Highway 7W, Woodbridge, Ontario, CD L7L 1A6. Representative: Willian J. Hirsch, P.C., 64 Niagara Street, Buffalo, NY 14202. *Contract carrier:* irregular routes: *Finished steel and scrap metal (except hazardous waste)* between points on the International Boundary Line between the U.S. and CD, located in NY and MI, on the one hand, and, on the other, all points in NY, OH, and PA, under continuing contract(s) with Lake Ontario Steel Co. Ltd., Toronto, Ontario, CD. Supporting shipper: Lake Ontario Steel Co. Ltd., 176 Cherry Street, Toronto, Ontario, CD.

MC 163738 (Sub-1-1TA), filed September 8, 1982. Applicant: NACKAWIC TRANSPORT LTD., Industrial Park, P.O. Box 583, Nackawic, New Brunswick, CD E0H 1P0. Representative: John C. Lightbody, Esq., Murray, Plumb & Murray, 30 Exchange Street, Portland, ME 04101. *Contract carrier:* irregular routes: *Rough and finished lumber* between points on the International Boundary between the U.S. and CD at Houlton, ME, on the one hand, and, on the other, Old Town, ME, under continuing contract(s) with Old Town Lumber Company, Old Town, ME. Supporting shipper: Old Town Lumber Co., Bennoch Rd., Old Town, ME.

MC 140493 (Sub-1-1TA), filed September 3, 1982. Applicant: R & J INDUSTRIES, INC., P.O. Box 266, Elizabeth, N.J. 07207. Representative: Lawrence E. Lindeman, P.C., 4660 Kenmore Avenue, Suite 1203, Alexandria, VA 22304. *Ores and minerals, coal and coal products, clay, concrete, glass or stone products, metal products, and scrap products, in bulk,* between points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. Supporting shipper: M. R. Clemente, Inc., 49 Woodcrest Road, Staten Island, NY 10303.

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 163742 (Sub-II-1TA), filed September 8, 1982. Applicant: JOHN H. BROWN, R.D. #2, Portersville, PA 16051. Representative: Sally A. Davoren, Esq., Pillar and Mulroy, P.C., 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. *Coal* between the facilities of Kerry Coal Co., at points in the Borough of Clintonville, Venango County, PA and in Franklin Township, Beaver County, PA, on the one hand, and, on the other, points in Trumbull County, OH, for 270 days. An underlying eta seeks 120 days authority. Supporting shipper: Kerry Coal Co., P.O. Box 19, Portersville, PA 16051.

MC 163744 (Sub-II-1TA), filed September 8, 1982. Applicant: HUNTER MOTOR FREIGHT LINE, INC., 2728 Leppo Lane, Finskburg, MD 21048. Representative: Thomas Hunter Sprague, 2728 Leppo Lane, Finskburg, MD 21048. Contract Irregular: *oils, greases, lubricants, anti-freeze, and windshield washer fluid,* (except in bulk) from Bayonne and Elizabeth, N.J. and Linfield, PA to Baltimore and Landover, MD., and Richmond, VA under continuing contract(s) with the Royal Oil Corporation for 270 days. An underlying eta seeks 120 days authority. Supporting shipper: The Royal Oil Corporation, 5515 Selma Avenue, Arbutus, MD 21227.

MC 161495 (Sub-II-4TA), filed September 7, 1982. Applicant: KEY TRANSPORT, INC., 3858 W. Michigan St., Sidney, OH 45365. Representative: John L. Alden, 1396 West Fifth Avenue, Columbus, OH 43212. Contract: Irregular: *Foodstuffs, and materials, equipment and supplies used in the processing and distribution thereof,* between the facilities of The Dannon Company, Inc. at Minster, OH, on the one hand, and, on the other, points in the U.S. (except AK & HI) for 270 days. An underlying eta seeks 120 days authority. Supporting shipper(s): The Dannon Company, Inc., 234 East First St., Minster, OH 45865.

MC 163763 (Sub-II-1 TA), filed September 9, 1982. Applicant: GLEN M. LEE, d.b.a. KEYSER LIMOUSINE SERVICE, 8 Armstrong St., Keyser, WV 26726. Representative: Glen M. Lee

(same as applicant). *Passengers and their baggage in the same vehicle in special and charter operations*, between the WV counties of Mineral, Grant, Tucker, Preston, Taylor, Monongalia, Berkeley, Morgan, Jefferson & Marion; and MD counties of Allegany, Garrett & Washington for 180 days. An underlying eta seeks 120 days authority. Supporting shipper(s): There are 14 supporting shippers. Their statements may be examined in the Phila. ICC office.

MC 154545 (Sub-2–4TA), Filed September 8, 1982. Applicant: L & M EXPRESS, INC., 3224 Toone St., Baltimore, MD 21224. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Irregular: contract: *Cleaning supplies, compounds and chemicals, including materials, equipment and supplies used in the manufacture, sale and distribution thereof*, between Churchill, MD, including its commercial zone, on the one hand, and on the other, points in the United States (except AK and HI), for 270 days, under a continuing contract(s) with Environmental Control Systems, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Environmental Control Systems, Inc., Rt. 1, Box 21, Churchill, MD 21623.

MC 163743 (Sub-II–1TA), filed September 8, 1972. Applicant: MAD RIVER TRANSPORTATION, INC., 4769 Valley St., Dayton, OH 45424. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215. *General commodities* (except classes A and B explosives, household goods, and commodities in bulk) between the facilities of or used by Co-Operative Shippers, Inc. and its members located in Miami County, OH. The Cincinnati, OH Commerical Zone and The Dayton, OH Commercial Zone, on the one hand, and, on the other, points in the U.S. (except AK and HI) for 270 days. An underlying eta seeks 120 days authority. Supporting shipper: Co-Operative Shippers, Inc., 4110 Dane Ave., Cincinnati, OH 45223.

MC 157938 (Sub-II–1TA), filed September 7, 1982. Applicant: REGIONAL ENTERPRISES, INC., 1010 North Thompson St., Richmond, Va. 23230. Representative: Joseph C. Lyne (same address as applicant). *Contract irregular: Chemicals and Related Products* between points in Va. and N.C., under continuing contracts with Borden Chemical and Hercofina for 270 days. Supporting shippers: Borden Chemical, P.O. Box 410, Fayetteville, N.C. 28302; Hercofina, P.O. Box 327, Wilmington, N.C. 28402.

MC 163741 (Sub-II–1TA), filed September 8, 1982. Applicant: JOSEF STONE, Stone Meadows Farm, P.O. Box 9, Newtown, PA 18940. Representative: Louis J. Carter, esq., 7300 City Line Avenue, Philadelphia, PA 19151. *Standard wheat middlings* from Martins Creek, Northampton County, PA to Norma, Salem County, NJ for 270 days. Supporting shippers: Franklin Foods Corp., Landis Ave., Norma, NJ 08347; Lovatt & Co. Inc., 46 E. Butler Ave., Ambler, PA 19002.

The following applications were filed in Region 3. Send protests to: ICC, Regional Authority Center, Room 300, 1776 Peachtree Street, NE., Atlanta, GA 30309.

MC 163706 (Sub-3–1 TA), filed September 7, 1982. Applicant: BIG WHELL TRANSPORT, INC., 711 S. Jackson Street, Hawkinsville, GA 31036. Representative: F. Lee Champion, III, P.O. Box 2525, Columbus, GA 31902. (1) *Beef, boxed and carcass*, between points in CO, IL, IA, KS, and NB, on the one hand, and on the other, points in AL, FL, GA, LA, MS and SC; (2) *Canned chicken meat and frozen chicken broth*, between Coffee county, GA, on the one hand, and on the other, points in IL and TX; (3) *Kaolin clay, in bags, and materials, supplies and equipment used in the manufacture thereof*, between points in GA, on the one hand, and on the other, points in AL, AR, CO, FL, IL, IN, IA, KS, KY, LA, MI, MO, MS, NB, NC, OH, OK, SC, TN, TX, VA and WS; (4) *Steel wire, and iron and other materials and supplies used in the manufacturing and shipping thereof*, between Telfair County, GA, on the one hand, and on the other, points in AL, AR, IL, KS, KY, LA, MO, MS, NB, OH, OK, TN and TX. Supporting shippers: There are 5 supporting shippers. Their statements may be examined at the ICC Regional Office, Atlanta, GA.

MC 145722 (Sub-3–2 TA), filed September 7, 1982. Applicant: CAROLINA–PACIFIC DISTRIBUTORS, INC., P.O. Box 2082, High Point, NC 27261. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, DC 20005. *Food and related products*, between points in CA on the one hand, and, on the other, points in NC, SC, GA, and FL. Supporting shipper: PYA-Monarch, Inc., P.O. Box 1569, Greenville, SC 29602.

MC 152142 (Sub-3–3 TA), filed September 8, 1982. Applicant: D & A TRANSPORT, 3500 S. Fed, Hwy., P.O. Box 974, Ft. Pierce, FL 33454. Representative: Dallas M. Cronrath (same as applicant). *Contract carrier:* irregular: *Plastic fittings, granules, and/or products used in manufacture and/or installation of plastic fittings. Except in tank vehicles.* Between Ft. Pierce, FL and Kalamazoo, MI and points in the U.S. (execpt AK and HI), under continuing contract with Colonial Engineering Incorporated. Supporting shipper: Colonial Engineering Incorporated 4000 Metzger Rd. Ft. Pierce, FL 33450.

MC 116300 (Sub-3–11TA), filed September 7, 1982. Applicant: NANCE AND COLLUMS, INC., P.O. Drawer J, Fernwood, MS 39635. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. *Trailers, and trailer parts and accessories*, from Pike County, MS to points in IA, KY, MI, OH and PA. Supporting shipper: Spencer-Harris, P.O. Box 231, Magnolia, MS 39652.

MC 161634 (Sub-3–3TA), filed September 7, 1982. Applicant: SUNDANCE EXPRESS CORPORATION, 1069 Bankhead Highway, P.O. Box 157, Mableton, GA 30059. Representative: Clayton R. Byrd, 2870 Briarglen Drive, Doraville, GA 30340. *Contract:* Irregular: *Frozen bakery products*, from Los Angeles, CA and points in its commercial zone to Phoenix, AZ, Denver, CO, Indianapolis, IN, Grand Rapids, MI, Kansas City, KS, Cincinnati, OH, Portland, OR, Houston, TX, and Seattle, WA; from Atlanta, GA, and points in its commercial zone to Tampa, FL, Raleigh, NC, and Houston, TX; and from Grand Rapids, MI, and points in its commercial zone to points in CT, ME, MA, NH, NY, RI, and VT, under continuing contract with Country Home Bakery, Inc. of Bridgeport, CT. Supporting shipper: Country Home Bakery, Inc., 1700 Barnum Avenue, Bridgeport, CT 06610.

MC 145956 (Sub-3–6TA), filed September 7, 1982. Applicant: TRANSMEDIC CARRIERS, INC., 1340 Indian Rocks Road, Belleair, FL 33516. Representative: Robert H. Kinker, 314 West Main Street, P.O. Box 464, Frankfort, KY 40602. *Such commodities as are used or dealt in by wholesale, retail and chain grocery, drug and food business houses*, between facilities used by Colgate-Palmolive Company, Inc. and its affiliates and subsidiaries in the U.S., on the one hand, and, on the other, all points in the U.S. (except AK and HI). Supporting shipper: Colgate-Palmolive Company, Inc., State and Woerner Streets, P.O. Box 9, Jeffersonville, IN 47130.

MC 163705 (Sub-3–1TA), filed September 7, 1982. Applicant: WEAVER TRANSPORT, INC., Route 2, Box 181, Woodbury, TN 37190. Representative: J. Greg Hardeman, 618 United Southern Bank Building, Nashville, TN 37219–2180. *Contract*, irregular: *food products*

between points in Nashville, TN, on the one hand, and, points in the U.S., on the other, (except AK and HI), under a continuing contract with Cumberland Creamery, Inc., Nashville, TN. Supporting shipper: Cumberland Creamery, Inc., 800 Fourth Avenue, North, Nashville, TN 37219.

MC 163785 (Sub-3–1TA), filed September 10, 1982. Applicant: AG TRANSPORT, INC., Route 1, Box 482, Byron, GA 31008. Representative: Michael G. Gray, P.O. Box 1234, 909 Ball Street, Perry, GA 31069. *Forest Products and Lumber and Wood Products* between all points in the U.S. Supporting shipper: Tolleson Lumber Company, Inc., 903 Jernigan Street, Perry, GA 31069.

MC 163753 (Sub-3–1TA), filed September 9, 1982. Applicant: BARD EDRINGTON d.b.a. B.B.C. ENTERPRISES, 4851 South Pine Street, Ocala, FL 32671. Representative: Wade H. Brown, P.O. Box 217, Bessemer, AL 35020. *Transportation Equipment*, between points in Marion County, FL, on the one hand, and, on the other, points in the US (except AK & HI). Supporting shipper: Kimco, Inc., d.b.a. Mark III Conversions, P.O. Box 1868, Ocala, FL 32671.

MC 163650 (Sub-3–1TA), filed September 9, 1982. Applicant: DUNN MANAGEMENT SERVICES, INC., Route No. 1, Erwin, NC 28339. Representative: Gerald W. Hayes, Jr., 109 South Ellis Avenue, Dunn, NC 28334. *Passengers and their baggage, (special and charter service only)*, from Cumberland, Harnett and Johnston Counties, NC to points in FL, TN, VA, PA, NJ and return. Supporting shipper(s): There are six statements in support of this application which may be examined at the ICC Regional Office, Atlanta, GA.

MC 134017 (Sub-3–3TA), filed September 9, 1982. Applicant: R. M. HENDERSON d.b.a. H & M MOTOR LINES, P.O. Box 3585, Greenville, SC 29608. Representative: Mitchell King, Jr., P.O. Box 5711, Greenville, SC 29606. *Contract:* irregular; *General commodities (except classes A and B explosives, household goods, and commodities in bulk)* between points in the US (except AK and HI) under continuing contract(s) with Fabri-Kal Corp. Supporting shipper: Fabri-Kal Corp., Rt. 6, Box 397, Piedmont, SC 29673.

MC 163754 (Sub-3–1TA), filed September 9, 1982. Applicant: R. J. McHONE d.b.a. R. J. McHONE TRUCKING, Route 1, Box 540, Weaverville, NC 28787. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602. *Coal* between points in AL, FL, GA, IN, KY, MI, NC, OH, SC, TN and VA. Supporting shipper(s): Concoal Corporation, P.O. Box 767, Knoxville, TN 37901.

The following applications were filed in region 4: Send protests to: ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 15735 (Sub-4–29TA), filed September 7, 1982. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Ave., Broadview, IL 60153. Representative: Richard V. Merrill, P.O. Box 4403, Chicago, IL 60680. Contract irregular: General commodities (except commodilties in bulk and classes A and B explosives) between points in the U.S. except AK and HI, under a continuing contract with GTE Service Corporation and its divisions, subsidiaries and affiliates.

MC 123194 (Sub-4–6TA), filed September 7, 1982. Applicant: ENTERPRISE TRUCK LINE, INC., 7336 West 15th Ave., Gary, IN 46406. Representative: Bernard J. Kompare, 180 N. Michigan Ave., Suite 1700, Chicago, IL 60601. *Such commodities* as are dealt in by manufacturers of building materials between points in Kane County, IL, and Stark County, OH, on the one hand, and, on the other, points in IA, IL, IN, KY, MI, MN, MO, OH, TN and WI. Supporting shipper: Fibrex, Inc., P.O. Box 1148, Aurora, IL 60507.

MC 128462 (Sub-4–3TA), filed September 7, 1982. Applicant: PRAIRIE REFRIGERATED EXPRESS, INC., P.O. Box 36, Long Prairie, MN 56347. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108. *Frozen potato products*, from the facilities of Chef-Reddy Foods Corp. at or near Park Rapids, MN to points in the U.S. (except AK and HI). Supporting shipper: Chef-Reddy Foods Corp., P.O. Box 552, Park Rapids, MN 56470.

MC 134551 (Sub-4–7TA), filed September 7, 1982. Applicant: LANTER REFRIGERATED DISTRIBUTING CO., No. 3 Caine Dr., Madison, IL 62060. Representative: Dean N. Wolfe, Suite 200, 444 N. Frederick Ave., Gathersburg, MD 20877. (1) *Printed matter*, between St. Louis, MO, and Chicago, IL, and its commerical zone, and (2) *Machinery and parts*, between St. Louis, Sikeston, and Columbia, MO, Mt. Vernon and Peoria, IL, Seymour, IN, Charleston, SC, and Philadelphia, PA, and their respective commercial zones, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shippers: Cummins Missouri, Inc., St. Louis, MO 63147, Open Door Press, Inc., St. Louis, MO 63127.

MC 145014 (Sub-4–1TA), filed August 30, 1982. Applicant: PARENT TRUCKING, INC., 4653 Turtle Rd., Turner, MI 48765. Representative: Sandra Fassett, 3051 Curtice Rd., Coleman, MI 48618. *Contract* irregular *Plastics and plastic products* (except commodities in bulk), between points in the U.S. (except HI an AK), under continuing contract(s) with Robinson Industries, Inc., 3051 Curtice Rd., Coleman, MI 48618.

MC 146438 (Sub-4–9 TA), filed September 7, 1982. Applicant: ETV, INC., P.O. Box 393, Comstock Park, MI 49321. Representative: William B. Elmer, P.O. Box 801, Traverse City, MI 49685–0801, (616) 941–5313.) *Food and related products* between points in MI on the one hand, and, on the other, points in the U.S. (except AK and HI) Supporting shippers: Triple D. Orchard Company, Empire, MI; Southern Michigan Cold Storage, Benton Harbor, MI; Chef Pierre, Inc., Traverse City, MI; Thomas Steele Corporation, Skokie, IL.

MC 147038 (Sub-4–5 TA), filed September 3, 1982. Applicant: C. STRANGE TRUCKING CO., INC., Route 2, Box 38, Wallace, MI 49893. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Contract;* Irregular; *Metal finishing supplies* between Milwaukee, WI on the one hand, and, on the other hand, points in IA, IL, MI, MN, OH, PA and TN. Restriction: restricted to transportation performed under continuing contract(s) with Metal Finishing Supply Company, Inc. Supporting shipper: Metal Finishing Supply Company, Inc., 21575 Doral Road, P.O. Box 526, Brookfield, WI 53005.

MC 149141 (Sub-4–2 TA), filed September 3, 1982. Applicant: MELVIN R. STEEN, Route No. 3, Princeton, IL 61356. Representatives: Edward D. McNamara, Jr., Leslieann G. Maxey, 907 South Fourth St., Springfield, IL 62703. Contract irregular: *Compressors, compressor pumps and parts, and machined castings* between Princeton, IL, on the one hand, and Montgomery, AL, Manteca, and Dallas, TX, on the other hand. Supporting shipper: Champion Pneumatic Machinery Company, 1301 N. Euclid, Princeton, IL 61356.

MC 155022 (Sub-4–6 TA), filed September 3, 1982. Applicant: PROCHNOW FARMS, INC., Route 5, Medford, WI 54451. Representative: James A. Spiegel, Att. Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719. *Diapers, underpants, tissues, cotton and rayon products, and*

wrapping paper between Cobb County, GA and Middlesex County, NJ on the one hand, and, on the other hand, points in Chicago, IL, MI, IN, WI, MN, TX, KS, and NE. Supporting shipper: medical Disposable Co., Inc., Box 1181–1165 Hayes Industrial Drive, Marietta, GA 30062.

MC 158651 (Sub-4–2), filed September 3, 1982. Applicant: GRAEBEL VAN LINES, INC., 719 N. Third Ave., Wausau, Wisconsin 54401. Representative: Robert J. Gallagher, Esq., 1000 Connecticut Ave. NW., Suite 1200, Washington, D.C. 20036. *Contract,* Irregular: *Household Goods, as defined by the Commission,* Between all points in the U.S. (excluding AK and HI), under continuing contract(s) with Texaco Inc., Houston, TX. Supporting shipper: Texaco, Inc., P.O. Box 52332, Houston, TX, 77052.

MC 163711 (Sub-4–1TA), filed September 7, 1982. Applicant: McCOY OF WISCONSIN, INC., d.b.a. FOOD LINER, Highway 11, Shullsberg, WI 53586. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Food and related products* between Green County, WI on the one hand and on the other hand points within the U.S. (except AK and HI). Supporting shipper: Roy's Dairy, Inc., 307 11th Street, Monroe, WI 53566.

MC 87113 (Sub-4–4TA), filed September 10, 1982. Applicant: WHEATON VAN LINES, INC., 8010 Castleton Rd., Indianapolis, IN 46250. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, D.C. 20006, (202) 833–8884. Contract, irregular, *household goods* between points in the U.S., under continuing contract(s) with Pabst Brewing Company of Milwaukee, WI for 270 days. Supporting Shipper: Pabst Brewing Company, 1000 North Market, Milwaukee, WI 53201.

MC 127064 (Sub-4–1TA), filed September 9, 1982. Applicant: E. J. PETER TRUCKING INC., 7525 Corlad Rd., Athens, WI 54411. Representative: Eugene J. Peter (same). *Products as manufactured or sold by Minnesota Mining & Manufacturing Company (3M)* Wausau, WI, (Except commodities in bulk in tank vehicles), from plantsite and storage facilities of Minnesota Mining and Manufacturing Company (3M) Wausau, WI, to points in IL, IN, MN, IA, and OH. Supporting Shipper: Minnesota Mining and Manufacturing Company (3M), 3M Center, St. Paul, MN 55144.

MC 128837 (Sub-4–31), filed September 9, 1982. Applicant: TRUCKING SERVICE, INC., P.O. Box 229, Carlinville, IL 62626. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. *Contract,* irregular: *Alcoholic beverages,* (1) between San Francisco and Union City, CA, Plainfield, IL, Louisville, KY, Elizabeth, Linden, Lawrenceville, NJ and Long Island City, NY; (2) between Plainfield, IL, on the one hand, and on the other, points in OH. Restricted to traffic moving under continuing contract(s) with Renfield Importers, Ltd. Supporting Shipper: Renfield Importers, Ltd., 919 Third Ave., New York, NY 10022.

MC 154127 (Sub-4–12TA), filed September 10, 1982. Applicant: A. LUURTSEMA TRUCK LINES, INC., 5367 School St., P.O. Box 67, Hudsonville, MI 49426. Representative: Michael D. McCormick, Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *Contract,* irregular: *Food and related products,* from Austin, IN, to Chicago, Moline, and Rock Island, IL, MI, and WI, under continuing contract(s) with Morgan Packing Company, Inc. of Austin, IN. An underlying ETA seeks 120 days authority. Supporting shipper: Morgan Packing Company, Inc., Austin, Indiana 47102.

MC 158583(Sub-4–2TA), filed: September 10, 1982. Applicant: RICHARDS BROS. TRANSPORT, LTD., Route 4, Box 293, Ft. Atkinson, W 53538. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Contract;* irregular; *petroleum products* between Janesville, WI on the one hand and on the other hand points within IL and IA. Restriction: restricted to transportation performed under continuing contract(s) with Cambeck Petroleum Corporation. Supporting shipper: Cambeck Petroleum Corporation, Box 1446, Janesville, WI 53547.

MC 160664 (Sub-4–2TA), filed: September 10, 1982. Applicant: REDWAY CONTRACT CARRIER CORPORATION, 500 Industrial Lane, Prairie View, IL 60069. Representative: Paul J. Maton, 27 E. Monroe St., Rm. 1000, Chicago, IL 60603. *Contract;* irregular; *automotive parts, supplies and materials, incidental to the manufacture of automobiles,* between Kenosha, WI and OH, IN, PA, MO, NY, MI, AR, KY, TN, IA, IL, and SC, under continuing contract with American Motors Corp., 5626 25th Avenue, Kenosha, WI 52140. Supporting shipper: American Motors Corp., 5626 25th Ave., Kenosha, WI 52140.

MC 160670 (Sub-4–4TA), filed: September 9, 1982. Applicant: HILL'S ENTERPRISES OF SOUTHWESTERN MICHIGAN, INC., 6447 Niles Road, St. Joseph, MI 49085. Representative: Nancy J. Amabile, 29891 Red Arrow Highway, Paw Paw, MI 49079. *Contract;* irregular; *Metal containers and metal container ends, and related products* between St. Joseph, MI and Clifton, NJ and points in MI, OH, TN, PA, NY, IL, IN, and NJ under continuing contract with Allstate Can Co., Supporting shipper: Allstate Can Co., 40 Isabella Street, Clifton, NJ 07012.

MC 163652 (Sub-4–1TA), filed: September 10, 1982. Applicant: FRED PURDY ENTERPRISES, INC., 8401 Pawnee Trail, Pinckney, MI 48169. Representative: Joseph Michael Roberts, 1730 M Street, NW., Suite 501, Washington, D.C. 20036–4579. *Contract carrier, Irregular: General commodities* (except classes A and B explosives, household goods, commodities in bulk and hazardous wastes), between points in OH, on the one hand, and, on the other, Atlanta, GA, New Orleans, LA, Dallas and Houston, TX, under continuing contract(s) with Rail-Van, Inc., of Mentor, OH. Supporting shipper: Rail-Van, Inc., P.O. Box 197, Mentor, OH 44060.

MC 163795 (Sub-4–1TA), filed: September 10, 1982. Applicant: THOMAS P. MOXLEY CARTAGE CO., 2325½ North 74th Ave., Elmwood Park, IL. 60635. Representative: Christine M. Steenbergen (same) *General commodities* (except Classes A and B explosives, household goods, and commodities in bulk), between Chicago, IL, Milwaukee, WI and their respective commercial zones as defined by the Commission), on the one hand, and, on the other, points in AR, IL, IN, IA, KY, LA, MI, MO, MS, OH, OK, TN, TX, and WI. An underlying ETA seeks 120 days authority. There are three supporting shippers.

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 9291 (Sub-5–10TA), filed September 8, 1982. Applicant: CARROL BALL TRANSPORT, INC., P.O. Box 53, Centerville, KS, 66014. Representative: Clyde N. Christey, Ks. Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Roofing, Roofing Materials & Roofing Equipment,* Between Houston, Dallas, San Antonio & Waxahachie, TX; Natchez, MS; St. Louis and Kansas City, MO and Memphis, TN, on the one hand and points in NE, TX, OK, KS, AR, IN, LA, OH, MS, MN, MO, IL, CO, WY, NM, SD, IA and UT on the other hand. Supporting shipper: Railton, Inc., Houston, TX.

MC 67234 (Sub-5-28TA), filed September 9, 1982. Applicant: UNITED VAN LINES, INC., One United Drive, Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105. *General Commodities (except Classes A and B explosives and commodities in bulk)* between points and places in the U.S. (including AK and HI), under continuing contract(s) with Memorex Corporation. Supporting shipper: Memorex Corporation, Santa Clara, CA 95052.

MC 1214557 (Sub-5-1TA), filed September 9, 1982. Applicant: MERCURY TRANSPORTATION, INC., 8502 Miller Road #3, Houston, TX 77049. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701. *Building materials; lumber or wood products, except furniture; and forest products*, between points in AL, AR, LA, MS, OK, and TX. Supporting shipper: Crown-Zellerbach Corporation, Bogalusa, LA 70427.

MC 145797 (Sub-5-7TA), filed September 9, 1982. Applicant: NANCY TRANSPORTATION, INC., 111 Hilltown Village Center, Chesterfield, MO 63017. Representative: R. Thomas Grasso (same as applicant). *General commodities (except hazardous or toxic wastes and Class A and B explosives)* between points in the U.S. Supporting shippers: 6.

MC 154426 (Sub-5-3TA), filed September 10, 1982. Applicant: DITZFELD TRANSFER, INC., 104 West Pacific, Sedalia, MO 65301. Representative: Jeremiah D. Finnegan, 4225 Baltimore, Kansas City, MO 64111. Contract; Irregular. *Chemicals and related products* between points in the US, under continuing contract(s) with ADCO, Inc. Supporting shipper: ADCO, Inc. Sedalia, MO 65301.

MC 163008 (Sub-5-2TA), filed September 9, 1982. Applicant: W. RAY ODOM, Route 3, Williford Road, Pineville, LA 71360. Representative: W. Ray Odom, P.O. Box 115, Ball, LA 71405. Contract; Irregular. *Bakery bun products on plastic trays*, between Meridian, MS, on the one hand, and, on the other, Osceola, Blytheville, Jonesboro, Paragould, Helena, Forrest City, and W. Memphis, AR and Memphis, Millington, Covington, Jackson, and Dyersburg, TN. Supporting shipper: Hardin's Bakeries Corp., Meridian, MS 39301.

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 or water* between points in AL, AR, FL, GA, LA, MS, TN, and TX. Supporting shipper(s): 6.

MC 163480 (Sub-5-1TA), filed September 10, 1982. Applicant: G. W. WATTERS, 549 Barbara Lane, Burleson, TX 76028. Representative: G. W. Watters (same as above). Contract irregular. *Travel trailers*, from Burleson, TX to points in AL, AR, CT, FL, GA, IL, IN, IA, KS, KY, LA, MA, ME, MD, MO, MI, MS, NE, NY, NJ, NH, NC, OH, OK, PA, SC, TN, VT, VA, WV, and WI. Supporting shipper: Komfort Industries of Texas, Inc., Burleson, TX 76028.

MC 163538 (Sub-5-1TA), filed September 10, 1982. Applicant: LEAD FREE ENTERPRISES INCORPORATED, 26 8th Avenue, Waukon, IA 52172. Representative: D. Douglas Titus, 340 Insurance Exchange Bldg., Sioux City, IA 51101. *Fly ash*, between points in IA, MN, SD, and WI, restricted to shipments originating at the facilities of or used by Midwest Flyash and Materials, Inc. and the suppliers and/or customers of Midwest Flyash and Materials, Inc. Supporting shipper: Midwest Flyash and Materials, Inc., Sioux City, IA 51102.

MC 163761 (Sub-5-1TA), filed September 9, 1982. Applicant: PAYTON OIL COMPANY, INC., d.b.a. PAYTON TRANSPORTATION CO., 5301 N.E. 10th Street, Oklahoma City, OK 73111. Representative: G. Timothy Armstrong, P.O. Box 1124, El Reno, OK 73036. (1) *Alcohol, in bulk in tank vehicles*, (a) from Hydro and Oklahoma City, OK to Alvin, Dallas and Houston, TX; Walsh and Campo, CO; and Leoti, KS; and (b) from Walsh and Campo, CO; and Leoti KS to Hydro, OK: and, (2) *lubricating oils, in bulk in tank vehicles and in containers*, (a) from Nederland, Dallas and Houston, TX to Oklahoma City, OK; (b) from Oklahoma City, OK to Amarillo, TX; and (c) from Oklahoma City and Tulsa, OK to Columbia and Memphis, TN. Supporting shipper: There are 3 supporting shippers.

MC 163762 (Sub-5-1TA), filed September 9, 1982. Applicant: COLT CARTAGE CO., INC., 1535 Roundtable Dr., Dallas, TX 75247. Representative: Larry Joseph Mack, 3115 Oradell #207, Dallas, TX 75220. Contract, Irregular; *Air conditioning and heating units* between Norman, OK and Dallas, TX on the one hand, and points in TX on the other. Supporting Shipper: York, Borg Warner Central Environmental Systems Inc., Dallas, TX 75234.

MC 163781 (Sub-5-1TA), filed September 10, 1982. Applicant: PRADON CONSTRUCTION & TRUCKING CO., INC., 2020 West 83rd, Odessa, TX 79762. Representative: William D. Lynch, P.O. Box 912, Austin, TX 78767. *Mercer commodities* between points in Ector and Midland Counties, TX on the one hand and points in CO, NM, and OK on the other. Supporting shippers: 10 supporting shippers.

MC 163782 (Sub-5-1TA), filed September 10, 1982. Applicant: KENT B. BALES, d.b.a. BALES TOWING & RECOVERY SERVICE, 7940 Gateway East, El Paso, TX 79915. Representative: William D. Lynch, 1003 West 6th St., Austin, TX 78703. *Wrecked or disabled vehicles including replacement vehicles*, between points in El Paso County, TX on the one hand and points in TX, NM, and AZ on the other. Restricted to points on and south of I-40, on and west of I-35, and on and east of I-19, I-17 and I-10. Supporting shippers: Southwestern Bell Telephone Company, El Paso, TX 79935; Ryder Truck Rental, El Paso, TX 79915; Magnolia Coca-Cola Bottling Co., El Paso, TX 79935, East Texas Motor Freight, Inc., El Paso, TX 79925.

MC 163787 (Sub-5-1TA), filed September 10, 1982. Applicant: OTTIS ADKISSON d.b.a. ADKISSON'S HOTSHOT SERVICE, Rt. 8 Box 1585, Odessa, TX 79763. Representative: Ottis Adkisson (same as above). *Machinery, materials, supplies, and equipment incidental to, or used in the construction, development, operation, and maintenance of facilities for the discovery, development and production of natural gas and petroleum* between points in TX, NM, and OK. Supporting Shipper(s): There are 22 supporting shippers.

MC 16334 (Sub-5-10TA), filed September 9, 1982. Applicant: DEBRICK TRUCK LINE CO., P.O. Box 421, Paola, KS 66071. Representative: John T. Pruitt, 9832 Connell, Overland Park, KS 66212. *Scrap Batteries and Recycled Metals* between points in Arapahoe and Denver Counties, CO, on the one hand, and, on the other, points in KS, NE, MO, TX, IL, OK, and IA. Supporting shipper: ReMelt Metals, Inc., Englewood, CO 80110.

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 151061 (Sub-6-2TA), filed September 7, 1982. Applicant: ROBERTS HOLIDAY LINES, INC., 930 Poinsettia St., Santa Ana, CA 92701. Representative: Richard J. Herbert, 934 W. McDowell Rd., Phoenix, AZ 85007. *Common*, regular route, scheduled service, *passengers and their baggage, express and newspapers* from points in CA to Laughlin, NV and return, for 180 days. An underlying ETA seeks 90 days. Route 1—Over Whittier Blvd. to

Interstate Hwy. 605 to Interstate Hwy. 5 to Anaheim to California 57 to Interstate Hwy. 210 to Claremont to California 66 to San Bernardino to Interstate Hwy. 15 to Interstate Hwy. 40 to Interstate Hwy. 95 to Nevada 163 to Laughlin and return. Route 2–A—Over Indian Ave. to California 62 to Vidal Junction to Interstate Hwy. 95 to Interstate Hwy. 40 to Needles to Interstate Hwy. 95 to Nevada 163 to Laughlin and return. Route 2–B—Over Indian Ave. to Interstate Hwy. 10 to California 111 to Interstate Hwy. 10 to Blythe to Arizona 95 to Lake Havasu City to Arizona 95 to Interstate Hwy. 40 to Needles to Interstate Hwy. 95 to Nevada 163 to Laughlin and return. Supporting shipper: Edgewater Hotel & Casino, 2020 So. Casino Dr., Laughlin, NV 89046.

MC 163720 (Sub-6–1TA) filed September 7, 1982. Applicant: LANPHEIR TRUCKING CO., 550 SW. 139th Ave., Beaverton, OR 97005. Representative: Lex F. Page, 1007 Orbanco Building, 1001 SW. 5th Ave., Portland, OR 97204. *Food and related products* between points in OR, WA, and CA, on the one hand and, on the other, points in the U.S., for 270 days. Supporting shipper: Galletti Brothers Foods, 1729 E. 21st St., Los Angeles, CA 90058.

MC 52793 (Sub-6–25TA), filed September 7, 1982. Applicant: BEKINS VAN LINES CO., 333 South Center Street, Hillside, IL 60162. Representative: David A. Gallagher (same address as applicant). *Contract* irregular: *Electronics, frequency converters, uninterruptible power supply systems and machinery, component parts, accessories, and supplies therefor,* between points in the U.S., except AK and HI. Restricted to traffic moving under continuing contract with Teledyne Inet, for 270 days. Supporting shipper: Teledyne Inet, 2750 West Lomita Boulevard, Torrence, CA 90509.

MC 52793 (Sub-6–26TA), filed September 7, 1982. Applicant: BEKINS VAN LINES CO., 333 South Center St., Hillside, IL 60162. Representative: David A. Gallagher (same address as applicant). *Contract* irregular: *General commodities (except class A & B explosives and household goods)* between points in MN on the one hand and, on the other, points in AZ, CA, CO and UT, for 270 days. Restricted to traffic moving under continuing contract with International Business Machines Corporation. Supporting Shipper: International Business Machines Corporation, P.O.B. 10, Princeton, NJ 08540.

MC 163721 (Sub-6–1TA), filed September 7, 1982. Applicant: CHAPARRAL EQUIPMENT, LEASING AND RENTAL, INC., 2845 Workman Mill Rd., Whittier, CA 90601. Representative: Miles L. Kavaller, 315 S. Beverly Dr., Suite 315, Beverly Hills, CA 90212. *General commodities,* (except household goods, classes A and B explosives, hazardous waste, bulk) between points in CA, on the one hand and, on the other, points in the US, except AK and HI, under a continuing contract with Interstate Freight Service, Inc. of Downey, CA, for 270 days. Supporting shipper: Interstate Freight Service, Inc., 9710 Shellyfield, Downey, CA 90240.

MC 152330 (Sub-6–6TA), filed September 7, 1982. Applicant: GLACIER CARRIERS, P.O.B. 490, Columbia Falls, MT. 59912. Representative: John T. Wirth, 717 17th Street, Suite 2600, Denver, CO 80202–3357. *Contract carrier,* irregular routes: *Pipe and tubing,* between the facilities of Plexco at Fontana, CA, Knoxville, TN, Fairfield, IA, North Lima, OH, Franklin Park, IL and Harvey, LA on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Plexco of Franklin Park, IL, for 270 days. Supporting shipper: Plexco, 3240 N. Mannheim Rd., Franklin Park, IL 60131.

MC 148281 (Sub-6–5TA), filed September 7, 1982. Applicant: SUSANA TRANSPORT SYSTEMS, INC., 2845 Workman Mill Rd., Whittier, CA 90601. Representative: Miles L. Kavaller, 315 S. Beverly Dr., Suite 315, Beverly Hills, CA 90212. *General commodities,* (except household goods, classes A and B explosives, hazardous waste, bulk) between points in CA, on the one hand and, on the other, points in the US, except AK and HI, under a continuing contract with Interstate Freight Service, Inc. of Downey, CA, for 270 days. Supporting shipper: Interstate Freight Service, Inc., 9710 Shellyfield, Downey, CA 90240.

MC 162971 (Sub-6–3TA), filed September 9, 1982. Applicant: DONALD R. LIND and NULLET L. SCHNEIDER, a partnership, d.b.a. D & N TRUCKING, 840 Hamilton Dr., Pleasant Hill, CA 94523. Representative: Ronald C. Chauvel, 100 Pine St., No. 2550, San Francisco, CA 94111. *Contract Carrier,* irregular routes, *Food and kindred products,* between Hayward, CA, on the one hand, and, on the other, Portland, Salem and Milwaukee, OR and Spokane, Tacoma and Seattle, WA, under continuing contracts with J & R Warehouses and Service Co., for 270 days. Supporting shipper: J & R Warhouses and Service Co., 31281 Wiegman Dr., Hayward, CA 94544.

MC 149100 (Sub-6–14TA), filed September 9, 1982. Applicant: JIM PALMER TRUCKING (a corporation), 9730 Derby Dr., Missoula, MT 59801. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202–3357. *Contract carrier,* irregular routes: *Lumber and wood products,* from points in WA, OR, ID, MT, MS and AL to points in IL, IN, IA, MI, MN, OH and WI, under continuing contract(s) with Marsh & Truman Lumber Co., Inc. of Chicago, IL, for 270 days. Supporting shipper: Marsh & Truman Lumber Company, Inc., 332 S. Michigan Ave., Chicago, IL 60604.

MC 42487 (Sub-6–70TA), filed September 9, 1982. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. *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), under continuing contract(s) with General Mills, Inc. of Minneapolis, MN and its wholly owned subsidiaries, for 270 days. Supporting shipper: General Mills, Inc., P.O. Box 1113, Minneapolis, MN 55440.

MC 136939 (Sub-VI–1TA), filed September 9, 1982. Applicant: CLAYTON'S, INC., POB 38, Ucon, ID 83454. Representative: David E. Wishney, P.O. Box 837, Boise, ID 8371. *Contract carrier,* irregular routes: *Corrugated boxes,* knocked down, from the facilities of Packaging Corporation of America, located at or near Salt Lake City, UT, to points in CO and ID, under continuing contract(s) with Packaging Corporation of America of Salt Lake City, UT for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Packaging Corporation of America, P.O. Box 567, Salt Lake City, UT 84110.

MC 163776 (Sub-6–1), filed September 9, 1982. Applicant: D.H.S. TRUCKING, INC., P.O. Box 307, Dupont, CO 80024. Representative: William F. Mix, 21 A Muzzey St., Lexington, MA 02173. *General commodities* (except Classes A & B explosives, commodities in bulk and household goods as defined by the Commission), between points in the U.S. in and west of ND, SD, NE, KS, OK and TX (except AK and HI) for 270 days. Supporting shipper: There are 11 shippers. Their statements may be examined at the Regional Office listed above.

MC 163771 (Sub-6–1TA), filed September 9, 1982. Applicant: TERRY G.

LEEPER, d.b.a. HIGH PLAINS CARRIERS, 3215 Misty Pl., Colorado Springs, CO 80907. Representative: Terry G. Leeper (same as applicant). *Hazadous and Non-Hazardous waste* (limited to transport of materials registered under E.P.A. #COD-980716484). (1) Between points in CO (restricted to loading LTL shipments, originating at E.P.A. regulated generator sites, for transport to named disposal facilities). (2) From points in CO to U.S.P.C.I. Inc. located at Woodward OK, over Interstate Hwy 25 to junction U.S. Hwy 50, then along U.S. Hwy 50 to junction U.S. Hwy 287, then over U.S. Hwy 287 to junction U.S. Hwy 64, then over U.S. Hwy 64 to junction OK Hwy 3, then over OK Hwy 3 to junction U.S. Hwy 270, and then over U.S. Hwy 270 to destination; also to E.S.I. Inc. Grand View ID, over Interstate Hwy 25 (or U.S. Hwy 24 as an alternate) to junction Interstate Hwy 70, then over Interstate Hwy 70 to junction U.S. Hwy 6, then over U.S. Hwy 6 to junction Interstate Hwy 15, then over Interstate Hwy 15 to junction Interstate Hwy 80n, then over Interstate Hwy 80n to junction ID Hwy 78, then over ID Hwy 78 to destination; or, when required by shipper, to continue over Interstate Hwy 80n to Chemical Security Inc. located at Arlington OR, for 270 days. Supporting shippers: Kaman Sciences Corp., 4675 Northpark Drive, Colorado Springs, CO 80907; NCR Corp., 1635 Aeroplaza, Colorado Springs, CO 80916.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-25848 Filed 9-17-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Decision-Notice; Finance Applications

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed by Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 243 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: September 14, 1982.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

Agatha L. Mergenovich,

Secretary.

MC-F-14930, filed August 11, 1982. BLUE ARROW, INC. (BAI) (525 Burton S.E., Grand Rapids, MI 49507)—merger—ARLEDGE TRANSFER, INC., (ATI). (P.O. Box 157, Burlington, IA 52601). Representative: Carl L. Steiner, 29 South La Salle Street, Chicago, IL 60603. ATI seeks to merge all its operating rights and properties into BAI. BAI operates a motor carrier under certificate No. MC—2990. All the issued and outstanding stock of BAI is owned by Kysor Industrial Corporation (an entity not subject to the provisions of 49 U.S.C. 11302 and 11145). Kysor Industrial Corporation also controls ATI. Kysor Industrial Corporation seeks to control the merged rights through the transaction. ATI transports *general commodities* according to its authority in MC-101186 and subs thereunder. No TA application has been filed.

MC-F-14931, filed August 12, 1982. ZENITH TRANSPORT LTD. (ZENITH) (2381 Rogers Ave., Coquitlam, B.C. Canada V3K 5Y2)—PUR—AAA TRANSFER, INC. (AAA) (615 South 96th St., Seattle, WA 98124). Representative: Michael B. Crutcher, 2000 IBM Building, Seattle, WA 98101. Zenith seeks to purchase all of the operating rights of AAA. 236087 B.C. Ltd., a holding company which controls Zenith through stock ownership and Leigh K. Bennett and Margaret Ann Bennett, who control 236087 B.C. Ltd., through stock ownership, seeks authority to control the operating rights, through the transaction. The authority to be purchased in contained in Certificate No. MC-9194 (Sub-No. 4)X which authorizes operations as a common carrier, over irregular routes, transporting (1) general commodities, (except classes A & B explosives), (a) between points in Washington and Oregon and (b) between points in Washington and Oregon, on the one hand, and, on the other, points in California, Idaho, Nevada, Utah and Montana, and (2) empty used containers, used trailers, and used trailer chassis, between points in Washington and Oregon, on the one hand, and, on the other, points in California, Idaho, Nevada, Utah and Montana. Zenith is presently authorized to conduct common carrier irregular route operations between ports of entry on the United States-Canada Boundary in Washington

and described points and areas in California, Oregon, Washington, and Nevada under Certificate No. MC-134548 (Sub-No. 9)X. Zenith is also authorized to conduct contract carrier operations between points in the United States for named shippers under Permit No. MC-134548 (Sub-No. 10)X. Condition: Zenith is controlled by 236087 B.C. Ltd., through ownership of all stock. Under 49 U.S.C. 11343, it is a necessary party to the transaction. The stock of 236087 B.C. Ltd., is owned jointly by Leigh K. Bennett and Margaret Ann Bennett, who are also necessary parties to the transaction. Only Leigh K. Bennett has joined the application, in his own name, as a party in control of Zenith. Accordingly, 236087 B.C. Ltd., and Margaret Anne Bennett must join in the application. This may be done by submission of a new signature page 3 of the application or by submission of a letter signed by Margaret Ann Bennett and a representative of 236087 B.C. Ltd., requesting joinder in the application.

MC-F-14941, filed August 24, 1982. Decided September 1, 1982. GEORGE B. KING, d.b.a. KING TRANSFER (King) (21st and Pearl Street, P.O. Box 70, Onawa, IA 51040)—purchase (portion)—ECKLEY TRUCKING, INC., (Eckley) (P.O. Box 156, Mead, NE 68041). Representatives: George L. Hirschbach, 920 West 21st Street, P.O. Box 155, South Sioux City, NE 68776; and A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101. King seeks authority to purchase that portion of Eckley's operating rights which are contained in Certificate No. MC-5227 (Sub-No. 70), and which authorize the transportation of *salt and salt products*, from Lyons and Kanapolis, KS, and points in Reno County, KS, to points in AZ, AR, CO, ID, IL, IN, IA, KY, LA, MN, MS, MO, MT, NE, NM, OH, OK, TN, TX, UT, WI, and WY.

Note.—Transferee holds authority under MO-127745.

MC-F-14945, filed August 26, 1982. TIKO TRANSPORTATION, INC. (Tiko) (101 Terminal Court, Nashville, TN 37211)—purchase (portion)—WILSON FREIGHT COMPANY (Wilson) (640 Northland Blvd., Suite 12, Cincinnati, OH 45240) (Debtor in Possession) (CONSOLIDATED CARTAGE CO., INC.—assignor). Representatives: Henry E. Seaton, 1024 Pennsylvania Bldg., 425 13th Street, NW., Washington, DC 20004; and Fritz R. Kahn, Suite 1100, 1660 L Street, NW., Washington, DC 20036. Tiko, a newly formed non-carrier, seeks authority to purchase a portion of the interstate operating rights of Wilson. James McFarlin and Riggs Hayes, equal stockholders of Tiko, seek authority to acquire control of said rights through the transaction. Riggs Hayes is a stockholder of Nashville-Clarksville-Express, Inc., a motor carrier operating under MC-134870. James McFarlin is president and stockholder of M & W Transportation, a new carrier operating under MC-159420. Tiko seeks to purchase authority set forth in Certificate No. MC-13123 Sub-Nos. 18 (portion), 19, 50, 60, 70, 77, 79, 90, 93, and 96. This authority constitutes package number W-5 sold by order of the U.S. Bankruptcy Court. This authority authorizes the transportation of *general commodities* (with exceptions), over regular routes, between (1) Louisville, KY, and Evansville, IN, (2) Louisville, KY, and Cincinnati, OH, (3) Louisville and Harlan, KY, (4) Lexington and Manchester, KY, (5) Louisville, KY, and Nashville, TN, (6) Bowling Green and Hopkinsville, KY, (7) New Albany and Dale, IN, (8) Jeffersonville and Versailles, IN, (9) junction IN Hwys 62 and 56 and Paoli, IN, (10) Eminence and Louisville, KY, (11) Cincinnati OH, and Eminence, KY, (12) Nashville and Dover, TN, and (13) Hopkinsville, KY, and Clarksville, TN, serving various intermediate and off-route points.

Note.—TA has been filed.

MC-F-14928, filed August 9, 1982. Decided September 3, 1982. TRUMAN BARKS d.b.a. BARKS TRUCKING CO. (BARKS) (Greenville, MO 63944) purchase (portion)—ECKLEY TRUCKING INC. (Eckley) (P.O. Box 156, Mead, NE 68041). Representatives: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101; Stephen G. Newman, Hawkins, Brydon & Swearengen, P.C., P.O. Box 456, Jefferson City, MO 65102. Barks seeks authority to purchase that portion of the operating authority of Eckley contained in certificate Nos. MC-5227 (Subs 48, 50F, 55F, and 56F) authorizing the transportation of *iron and steel articles*, (1) under the Sub 48 certificate, from the facilities of North-Western Steel & Wire Co., at Sterling and Rock Falls, IL, to points in IA, NE, MN, CO, KS, MO, AR, IN, MI, WI, WY, UT, MT, ID, NV, CA, OR, WA, TX, OK, NM, AZ, ND and SD; and (2) under the sub 50 certificate from Chicago, IL to Marianna, AR, and (3) under the sub 56 certificates from Chicago, IL to points in KS, MO and CO; and (4) under sub 5, *iron and steel articles and aluminum articles*, from Chicago, IL to points in OK and TX. Barks is a motor carrier operating under MC-157942 and MC-157942 (Sub-No. S-1 TA). A TA Application has been filed.

[FR Doc. 82-25741 Filed 9-17-82; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Decision-Notice; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC-FC-79512. By decision of September 3, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to MARI MOTOR EXPRESS, INC., of Morrisville, PA of Certificate Nos. MC-84450 (Sub-No. 1), issued

October 18, 1979 and MC-84450 (Sub-No. 11) issued September 24, 1981 to S. R. T. MOTOR FREIGHT, INC. of Morrisville, PA, authorizing the transportation under the sub 1 authority of *iron and steel articles* from the facilities of Bethlehem Steel Corporation at Sparrows Point, MD, to points in DE, CT, MA, RI, NJ, NY, and PA, restricted to the transportation of traffic originating at the named origin, and under this sub 11 authority of *metal products* between points in Lebanon and Dauphin Counties, PA, on the one hand, and, on the other, points in OH, IN, IL, MI, IA, WI, MN, MO, AR, KY, TN, MS, AL, LA, TX, VA, WV, NC, SC, GA, and FL. Representative: Alan Kahn, Abrahams & Loewenstein's, 100 South Broad Street, Philadelphia, PA 19110.

Note.—This supplements the notice published in MC-FC-79512 in the **Federal Register** issue of January 13, 1982.

Supplemental Publication

MC-FC-79813. By decision of September 8, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to PECK LEASING, INC., of Fall River, MA, of Permit No. MC-156045 (Sub-No. 3) issued July 20, 1982, to H. P. LEASING, INC., of Somerset, MA, authorizing *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the United States, under continuing contracts with (1) Eastern Company, D/B/A Eastco, of Westwood, MA, (2) Handy Pax Inc., of Randolph, MA, and (3) U.S. Textile Co., Inc., of Fall River, MA. Representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043, Phone: 617-749-6500.

Note.—A prior decision of May 20, 1982, published June 4, 1982, approved the transfer to transferee of transferor's Permit No. MC-156045, MC-156045 (Sub-No. 1) and MC-156045 (Sub-No. 2).

MC-FC-79852. By decision of September 7, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Appellate Division 2 approved the transfer to NCV INDUSTRIES, INC. of Omaha, NE of a portion of Certificate No. MC-127602 (Sub-No. 30)X issued to FLATLANDS EXPRESS, INC. of Litchfield Park, AZ, authorizing general commodities (except classes A and B explosives), between Omaha, NE and Sioux City, IA, serving all intermediate points: from Omaha over U.S. Hwy 73 to Sioux City, and return over the same route. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. TA lease is not sought. Transferee is not a carrier.

MC-F-79975. By decision of September 1, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to TUSC-MAR, INC. of Certificate No. MC-127777 (Sub-Nos. 1, 12, 13, 14 and 18) issued to MOBILE TRANSPORT SYSTEMS, INC. authorizing the transportation of (1) *mobile homes*, in initial movements, in driveaway or truckaway service, from Reedsburg, WI and points in Kenosha County, WI to points in the United States (including AK but excluding HI), (2) *trailers* designed to be drawn by passenger automobiles, in initial movements (a) from points in Waupaca County, WI, and the facilities of Fleetwood Homes of Wisconsin, Inc. at or near Portage, WI, to points in IL, IA, MI, MN, ND and SD, (b) from points in Humboldt County, IA and Outagamie and Iron Counties, WI (except Hurley) to points in the United States (including AK but excluding HI), (c) from points in Grant County, WI, to points in the United States (including AK but excluding HI), and (d) from points in Anson County, NC, to points in the United States (except AK and HI). Representative: Audrey Thomas, Krapp, WI 54749.

Note.—Transferee is a non-carrier.

MC-FC-80015. By decision of September 3, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to D. SABATELLI, INC., of Media, PA of Certificate No. MC-124045 (Sub-No. 5) issued October 18, 1981, to RAYMOND G. WISHARD, doing business as WISHARD TRUCKING, of Chambersburg, PA, authorizing the transportation of Clay, concrete, glass or stone products between points in Huntingdon County, PA, on the one hand, and, on the other points in 14 Eastern States. Representative: Anthony J. Sabatelli, 630 S. Ridley Creek Road, Media, PA 19063.

MC-FC-80019. By decision of August 31, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to THE SANDERS TRUCK TRANSPORTATION CO., INC., of Augusta, GA, of Certificate No. MC-138521 issued to BEST WAY FREIGHT, INC., of Augusta, GA, authorizing the transportation of (a) groceries and hardware from Augusta, Savannah, and Port Wentworth, GA, and Charleston, SC, to Allendale and Charleston, SC; (b) syrup from Cairo and Thomasville, GA, to Allendale and Charleston, SC; (c) lard and lard substitutes from Chattanooga, TN, and Macon, GA, to points in SC; and (d) canned goods from Atlanta, GA, to Cheriton and Richmond, VA, and Baltimore, MD, to points in SC. TA has not been sought. Representative: Richard M. Tettelbaum, P.O. Box 720434, Atlanta, GA 30328.

Notes.—Transferee holds authority from this Commission in Certificates Nos. MC-26088 and MC-26088 (Sub-Nos. 6, 7, 8, 11, 13, 15, 19, 23, 26F, 27F, 28F, and 29X). That contained in the Sub-No. 29X Certificate has been authorized in MC-F-79634 for transfer to Georgia-Carolina Truck Transportation Co., Inc., which is commonly controlled with transferee.

MC-FC-80024. By decision of September 3, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to TOWN & COUNTRY LIMOUSINE, LTD., of Certificate No. MC-159694 (Sub-No. 1) issued August 12, 1982, to THOMAS F. FOLDY, doing business as COLONIAL LIMOUSINE authorizing the transportation of *passenger and their baggage*, limited to the transportation of not more than 15 passengers (excluding the driver) in one vehicle at one time, beginning and ending at points in CT, ME and extending to points in ME, NH, VT, MA, CT, RI, NY, PA, NJ, DE, MD, VA, NC, SC, GA, FL, and DC. Representative: Edward J. Kiley, 1230 M Street, N.W., Suite 501, Washington, DC 20036.

MC-FC-80034. By decision of September 3, 1982 issued 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to TRANS CARIBBEAN MOVING & SHIPPING, INC., of Bronx, NY, of Certificate No. MC-148260F, issued to LA GRANDE MOVING & SHIPPING, INC., of Bronx, NY, authorizing the transporation of household goods, as defined by the Commission, between New York, NY, on the one hand, and, on the other, points in CT, NJ, and NY, restricted to traffic moving in foreign commerce. Representative: John L. Alfano, 550 Mamaroneck Avenue, Harrison, NY.

Note.—Transferee holds no authority from this Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-25740 Filed 9-17-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR

86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109. Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the from of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to Team 2, (202) 275-7030.

Volume No. OP2-221

Decided: September 10, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 20722 (Sub-45), filed August 27, 1982. Applicant: M & G CONVOY, INC., 590 Elk St., Buffalo, NY 14240. Representative: Eugene C. Ewald, 100 West Long Lake Rd., Suite 102, Bloomfield Hills, MI 48013, 313-645-9600. Transporting *motor vehicles*, between points in the U.S. (except AK and HI), under continuing contract(s) with persons as defined in Section 10923 of the Motor Carrier Act of 1980 who are engaged in business as manufacturers, distributors, or dealers of motor vehicles.

MC 140763 (Sub-13), filed August 31,1982. Applicant: ONEIDA-COLUMBUS EXPRESS COMPANY, P.O. Box 376, Oneida, TN 37841. Representative: Marshall Kragen, 1919 Pennsylvania Ave., NW. Suite 300, Washington, DC 20006, 202-466-3778. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Service Brokerage, Inc., of Oneida, TN.

MC 143553 (Sub-17), filed September 1, 1982. Applicant: CONTINENTAL TRANSPORT SYSTEMS, INC., 35 Main St., Versailles, CT 06383. Representative: Ronald I. Shapss, 450 7th Ave., New York NY 10123, 212-239-4610. Transporting *metal articles*, between points in the U.S. (except AK and HI), under continuing contract(s) with Century Brass Products, Inc., of Waterbury, CT.

MC 148653 (Sub-4), filed September 2, 1982. Applicant: MILTON WOODARD d.b.a. WOODARD TRUCKING COMPANY, 261 North Main St., P.O. Box 308, Ripley, TN 38063. Representative: Dale Woodall, 6077 Primacy Parkway, Suite 209, Memphis, TN 38119, 901-683-5400. Transporting *commodities in bulk*, between points in CO, KS, NE, NM, OK, TX, AR, LA, MS, MO, IL, IN, OH, KY, TN, AL, FL, GA, NC, and SC.

MC 162792, filed September 1, 1982. Applicant: JOSEPHINE HARTLE, d.b.a. CROWN LIMOUSINE SERVICE, 62 Roosevelt Dr., Trumbull, CT 06611. Representative Joseph Hartle, 272 West Cedar St., Norwalk, CT 06854, 203-853-6030. Transporting *passengers and their baggage, express, and newspapers*, in the same vehicle with passengers, between points in CT, on the one hand, and, on the other, points in NY, NJ, RI, and MA.

Please direct status inquiries to Team 3 (202) 275-5223.

Volume No. OP3-141

Decided: September 13, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 126904 (Sub-46), filed August 30, 1982. Applicant: H. C. PARRISH TRUCK SERVICE, INC., Rural Route 2, P.O. Box 264, Freeburg, IL 62243. Representative: Larry R. McDowell, 1200 Avenue of the Arts Building, Philadelphia, PA 19107, (215) 735-3090. Transporting *food and related products*, between points in the U.S. (except AK and HI).

MC 142935 (Sub-30), filed August 25, 1982. Applicant: PLASTIC EXPRESS, a Corporation, 2301 E. Francis St., Ontario, CA 91761. Representative: Richard C. Celio, 2300 Camino Sel Sol, (714) 738-3889. Transporting *such commodities* as are dealt in or used by mining operations, between points in the U.S. (except AK and HI).

MC 144094 (Sub-8), filed August 26, 1982. Applicant: ALADDIN, INC., 15 Scout Ave., Kearny, NJ 07032. Representative: Edward F. Bowes, P.O. Box Y, Roseland, NJ 07068, (201) 992-2200. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Multi-Carrier Service, Inc. of Hackensack, NJ.

MC 144455 (Sub-3), filed August 31, 1982. Applicant: GAYLORD HAUSSERMAN d.b.a. HAUSSERMAN TRUCKING SERVICE, 44 Lovell Ct., Ionia, MI 48846. Representative: Jack L. Schiller, 123-60 83rd Ave., Kew Gardens, NY 11415, (212) 263-2078. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), (except AK and HI), under continuing contract(s) with L. Perrigo Company of Allegan, MI.

MC 145695 (Sub-12), filed August 30, 1982. Applicant: MAZCO SYSTEMS, INC., 140 Grand St., Carlstadt, NJ 07072. Representative: Harold L. Reckson, 33-28 Halsey Rd., Fair Lawn, NJ 07410, (201) 791-2270. Transporting (1) *general commodities* (except classes A and B

explosives, household goods and commodities in bulk), between Boston, MA, New York, NY, Bridgeport, Ct, Philadelphia, PA, Baltimore, MD, Norfolk, VA, Wilmington, NC, Charleston, SC, Savannah, GA, Jacksonville, Miami and Tampa, FL and points in Suffolk County, NY, on the one hand, and, on the other, points in the U.S. (except AK and HI), (2) *ores and minerals, metal products and chemicals*, between points in the U.S. (except AK and HI) and (3) *printed matter*, between points in Adams County, PA and Clarke County, VA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 149295 (Sub-4), filed August 30, 1982. Applicant: H & W HOTSHOT DELIVERY SERVICE, INC., P.O. Box 96503, Houston, TX 77015. Representative: John W. Carlisle, P.O. Box 967, Missouri City, TX 77459, (713) 437–1768. Transporting (1) *Mercer commodities*, (2) *machinery and parts*, and (3) *metal products*, between points in the U.S. (except AK and HI).

MC 154135 (Sub-1), filed August 30, 1982. Applicant: ELLISON TRANSPORTATION CO., P.O. Box 636, Roseburg, OR 97470. Representative: Jerry R. Woods, 1600 One Main Place, 101 SW Main St., Portland, OR 97204 (503) 224–5525. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Coos and Curry Counties, OR, and extending to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY.

MC 15884 (Sub-1), filed August 30, 1982. Applicant: GERALD H. POULSEN, d.b.a. H. D. TRANSFER, P.O. Box 16318, Salt Lake City, UT 84111 (801) 531–1300. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in UT, ID, NV, and WY.

MC 163454 (Sub-1), filed August 30, 1982. Applicant: DOT TRANSPORT, INC., 5299 Roswell Road, N.E., Suite 212, Atlanta, GA 30342. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328 (404) 256–4320. Transporting *such commodities* as are dealt in by grocery stores, between those points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 163585, filed August 26, 1982. Applicant: HINKLE TRUCKING, INC., P.O. Box 65, Circleville, WV 26804. Representative: Henry E. Seaton, 1024 Pennsylvania Bldg., 425 13th St., N.W., Washington, D.C. 20004 (202) 347–8862. Transporting *clay, glass or stone products*, between points in Pendleton County, WV, on the one hand, and, on the other, points in MD, VA, WV, DE, OH, PA, KY, NC, NJ, TN and DC.

MC 163624, filed August 30, 1982. Applicant: OMNI TOURS, LTD, 12645 W. Burliegh St., Brookfield, WI 53005. Representative: Ruth C. Wakeland, 3438 N. Hackett Ave., Milwaukee, WI 53211 (414) 962–7376. As a *broker* at Milwaukee, WI, in arranging for the transportation by motor vehicle, of *passengers and their baggage*, beginning and ending at points in WI and extending to points in the U.S.

MC 163634, filed August 30, 1982. Applicant: D & M TOURS, INC., 396 Belmont Ave., Haledon, NJ 07508. Representative: Edward F. Bowes, 7 Becker Farm Rd., P.O. Box Y, Roseland, NJ 07068, (201) 992–2200. Transporting *passengers and their baggage*, in special and charter operations, between points in the U.S. (except AK and HI), under continuing contract(s) with Gadabout Tours, Inc. of Haledon, NJ.

MC 163635, filed August 30, 1982. Applicant: GLENN R. BROOKS, d.b.a. HAMMERDOWN EXPRESS, Box 635, Lincolnton, NC 28092. Representative: Dwight L. Koerber, Jr., 110 North Second St., P.O. Box 1320, Clearfield, PA 16830, (814) 765–9611. Transporting *furniture*, between points in the U.S. (except AK and HI), under continuing contract(s) with Burris Industries, Inc., of Lincolnton, NC.

Please direct status inquiries to Team 5, (202) 275–7289.

Volume No. OP5–184

Decided: September 2, 1982.

By the Commission, Review Board No. 3, members Krock, Joyce, and Dowell.

MC 40898 (Sub-35), filed August 30, 1982. Applicant: S & W MOTOR LINES, INC., I–40 and Highway 68, P.O. Box 18267, Greensboro, NC 27419. Representative: George H. Sharp (same address as applicant), (919) 668–2456. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk) between points in the U.S. in and east of TX, OK, MO, IL and WI.

MC 96328 (Sub-10), filed August 4, 1982. Applicant: J. AND W. CORPORATION, 3525 South Leavitt St., Chicago, IL 60609. Representative: Robert J. Gill, First Commercial Bank Bldg., 410 Cortez Road West, Suite 406, Bradenton, FL 33507, (813) 758–4153. Transporting *Paper and related products*, between Chicago, IL, and points in Lincoln County, NE, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 109708 (Sub-107), filed August 27, 1982. Applicant: INDIAN RIVER TRANSPORT COMPANY, INC., 2580 Executive Road, P.O. Box AG, Dundee, FL 33838. Representative: John J. Harned (same address as applicant), (813) 324–2430. Transporting *commodities in bulk*, between points in the U.S. (except AK and HI).

MC 118838 (Sub-100), filed August 30, 1982. Applicant: GABOR TRUCKING, INC., P.O. Box 687, Detroit Lakes, MN 56501. Representative: Patrick M. Porritt (same address as applicant), (218) 847–9217. Transporting *general commodities*, between points in the U.S., under continuing contract(s) with Louisiana-Pacific Corporation, of Portland, OR.

MC 145629 (Sub-7), filed August 30, 1982. Applicant: FUCHS, INC., Rural Route 1, Box 576, Sauk City, WI 53583. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703, 608–256–7444. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in IL and WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 155938 (Sub-1), filed August 27, 1982. Applicant: TRI–L TRANSPORT, INC., P.O. Box 558, Richmond, VA 23204. Representative: John R. Simms, Jr., 915 Pennsylvania Bldg., 425 13th St., N.W., Washington, D.C. 20004, 202–737–1030. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 156518 (Sub-1), filed August 27, 1982. Applicant: VIP TRANSFER CO., INC., 1 Westways Plaza, Long Island City, NY 11101. Representative: Jack L. Schiller, 123–60 83rd Ave., Kew Gardens, NY 11415, 212–263–2078. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Borden, Inc. of Columbus, OH.

MC 159049 (Sub-1), filed August 27, 1982. Applicant: ROBERTSON TRUCKING, INC., 4460 North Springfield, Chicago, IL 60625. Representative: Irwin D. Rozner, 134 North LaSalle St., Chicago, IL 60602, (312) 782–6937. Transporting *foundry and steel mill supplies* between points in the U.S., under continuing contract(s) with Foseco, Inc., of Brook Park, OH.

MC 163608, filed August 30, 1982. Applicant: HELLER & SONS DISTRIBUTING, INC., P.O. Box 66, Hermiston, OR 97838. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210 (503) 226–3755.

Transporting *petroleum, natural gas and their products*, between points in Franklin County, WA, on the one hand, and, on the other, points in OR and ID.

MC 163609, filed August 30, 1982. Applicant: SAVAGE COAL SERVICE CORPORATION, P.O. Box 430, Flora Vista, NM 87415. Representative: Lon Rodney Kump, 333 East Fourth South, Salt Lake City, UT 84111 (801) 328-8987. Transporting *coal*, between points in AZ, CO, NM, TX, and UT.

Volume No. OP5-185

Decided: September 3, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 79658 (Sub-34), filed August 30, 1982. Applicant: ATLAS VAN LINES, INC., 1212 St. George Rd., P.O. Box 509, Evansville, IN 47711. Representative: Robert C. Mills (same address as applicant) 812-424-2222. Transporting *household goods*, between points in the U.S. (except AK and HI), under continuing contract(s) with Atlantic Richfield Company of Los Angeles, CA.

MC 151118 (Sub-24), filed August 30, 1982. Applicant: M.D.R. CARTAGE, INC., 516 West Johnson St., Jonesboro, AR 72401. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701, 601-335-3576. Transporting (1) *metal products*, (2) *wood products*, (3) *furniture and fixtures*, between Los Angeles, CA, Boston, MA, Portland, OR, Salt Lake City, UT, Boston, MA, and points in Clay, Craighead, Cross, Greene, Lawrence, Randolph, and St. Francis Counties, AR; San Joaquin County, CA; New Haven County, CT; Blackhawk County, IA; Elkhart County, IN; Norfolk County, MA; Cumberland, Penobscot and York Counties, ME; Pettis County, MO; Cass County, ND; Belknap, Grafton and Stratford Counties, NH; and Albany and Onondaga Counties, NY on the one hand, and, on the other, points in the U.S. (except AK and HI), and (4) *rubber and plastic products*, between points in Cross and St. Francis Counties, AR, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 152109 (Sub-11), filed August 20, 1982. Applicant: KAIBAB TRANSPORTATION, INC., P.O. Box 20506, Phoenix, AZ 85036. Representative: Michael F. Morrone, 1150 17th St., N.W., Suite 1000, Washington, DC 20036, 202-457-1124. Transporting *petroleum and petroleum products, automotive chemicals* and *filters*, between points in the U.S. (except AK and HI), under continuing contract(s) with Ashland Petroleum Company, Division of Ashland Oil, Inc., of Ashland, KY.

MC 152109 (Sub-12), filed August 20, 1982. Applicant: KAIBAB TRANSPORTATION, INC., P.O. Box 20506, Phoenix, AZ 85036. Representative: Michael F. Morrone, 1150 17 St., NW, Suite 1000, Washington, DC 20036 (202) 457-1124. Transporting *building materials* between points in the U.S. (except AK and HI), under continuing contracts(s) with Hoff Companies, Inc., of Caldwell, ID, and its subsidiaries, Hoff Forest Products, Hoff Building Center, and Hoff Door Shop, all of Caldwell, ID, Hoff Rhonde Valley Lumber of Union, OR, and Western Forest Products of Meridian, ID.

MC 153758 (Sub-4), filed August 23, 1982. Applicant: LAMPMAN BROKERAGE, INC. d.b.a. MASTRO ENTERPRISES, 4233 West Sierra Madre, No. 206, Fresno, CA 93711. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, 608-273-1003. Transporting *food and related products*, between points in IL and WI on the one hand, and, on the other, points in CA, under continuing contract(s) with Monterrey Cheese Company of San Francisco, CA.

MC 156029 (Sub-2), filed August 30, 1982. Applicant: TRANSPORT ENTERPRISES, INC., 400 Broadway, Freehold, NJ 07728. Representative: A. David Millner, P.O. Box Y, 7 Becker Farm Rd., Roseland, NJ 07068, (201) 992-2200. Transporting (1) *general commodities* (Except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Allied Stores Corporation of New York, NY, and (2) *chemicals and related products and rubber and plastic products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Franklin Plastics Corporation of Kearny, NJ.

MC 162048 (Sub-1), filed August 30, 1982. Applicant: GALLATI CARTAGE OF MICHIGAN, INC., 6134 West Jefferson Avenue, Detroit, MI 48209. Representative: Raymond P. Keigher, Suite 102, 401 E. Jefferson St., Rockville, MD 20850, (301) 424-2420. In foreign commerce only, transporting *general commodities* (except classes A and B explosives and household goods) between Detroit, MI, on the one hand, and, on the other, points in CT, DE, IL, IN, KY, MD, MA, MI, MN, NJ, NY, OH, PA, VA, and WI.

MC 163649, filed August 30, 1982. Applicant: METRO ENGINEERING & TRANSPORTATION CORP. d.b.a. METCO, 290 Cocoanut, Sarasota, FL 33577. Representative: Robert J. Gill, First Commercial Bank Bldg., 410 Cortez Rd., West, Bradenton, FL 33507, (813) 758-4153. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with DK Transportation Corp., of Downers Grove, IL.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-25744 Filed 9-17-82; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP5-183]

Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of petition for leave to intervene must be filed with the Commission within 30 days after the date of this **Federal Register** notice addressing specifically the issue(s) indicated as the purpose for republication.

Agatha L. Mergenovich,

Secretary.

MC 98589 (Sub-5) (republication), filed April 6, 1982, published in the **Federal Register** issue of April 27, 1982, and republished this issue. Applicant: WORLD TRANSPORT, INC., 56 Oak Hill Way, Brockton, MA 02403. Representative: John G. Downes (same address as applicant). An Order of the Commission, Review Board 3, decided July 28, 1982, and served August 5, 1982, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes, transporting (1) *food and related products*, between points in Plymouth, Suffolk, and Hampden Counties, MA, Cumberland and Penobscot Counties, ME, Hartford County, CT, Franklin, Orleans, and Chittenden Counties, VT, Burlington County, NJ, Kenosha County, WI, Hopkins County, TX, Berrien County, MI, Polk and Indian River Counties, FL, Sutter County, CA, and Montgomery County, AL, on the one hand, and, on the other, points in California and those points in the United States in and east of Minnesota, Iowa, Missouri, Oklahoma, and Texas; (2) *shoes*, between points in Norfolk

County, MA, on the one hand, and, on the other, points in Minnesota, Wisconsin, Pennsylvania, New York, and New Jersey; (3) *nails and fasteners*, between Cleveland, and Cincinnati, OH, and Chicago, IL, and points in Plymouth County, MA, on the one hand, and, on the other, those points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International boundary line between the United States and Canada; and (4) *chemicals and related products and coal tar products* (a) between Los Angeles, CA, Atlanta, GA, Jacksonville, FL, Houston, TX, Chicago, IL, and St. Paul, MN, and points in Suffolk County, MA and Mecklenburg County, NC, on the one hand, and, on the other, points in California and those points in the United States in and east of Minnesota, Iowa, Missouri, Oklahoma, and Texas, and (b) between points in San Mateo County, CA, on the one hand, and, on the other, those points in the United States in and east of Minnesota, Iowa, Missouri, Oklahoma, and Texas, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate the applicant's actual grant of authority.

[FR Doc. 82-25739 Filed 9-17-82; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 295]

Motor Carriers; Permanent Authority Decisions, Restriction Removals; Decision-Notice

Decided: September 14, 1982.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1136. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Canadian Carrier Applicants

In the event an application to transport preperty filed by a Canadian domiciled motor carrier, is unopposed, it will be reopened on the Commission's own motion for receipt of additional evidence and further consideration in light of the record developed in Ex Parte No. MC-157, *Investigation Into Canadian Law and Policy Regarding Applications of American Motor Carriers For Canadian Operating Authority.*

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Shaffer, Williams, and Higgins.

Agatha L. Mergenovich,

Secretary.

MC 22510 (Sub-2)X, filed September 3, 1982. Applicant: THOMAS C. DOOLAN & SONS, INC., 48 Prospect St., Canton, MA 02021. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Lead and Sub 1; (1) broaden to (a) "general commodities (except classes A and B explosives, household goods and commodities in bulk)" from general commodities (with exceptions), in lead and Sub 1, (b) "rubber and plastic products, and such materials, supplies and equipment as are used in their manufacture" from rubber goods and products, and * * * manufacture, in Sub 1; (2) authorize service on all intermediate points on regular routes in Sub-1; (3) expand to counties (a) in lead, Boston and Cambridge, MA (Suffolk, Norfolk, Plymouth, Essex, and Middlesex Counties), and Quincy, MA (Suffolk and Norfolk Counties), (b) in Sub 1 (regular routes), off-route points in Braintree, Whitman, East Bridgewater, Avon, Taunton, Abington, and Easton, MA (Norfolk, Bristol, Plymouth, and Suffolk Counties), Milton, Cambridge, Somerville, and Chelsea, MA (Norfolk, Middlesex, Essex, and Suffolk Counties), (c) in Sub 1 (irregular route), Canton, MA (Norfolk County), Bristol, Central Falls, Cranston, Newport, Pawtucket, Providence, Warwick, and Woonsocket, RI (all points in RI [Bristol, Newport, Providence, Kent, and Washington Counties], and Bristol, Norfolk, and Worcester Counties, MA).

MC 42984 (Sub-2)X, filed August 24, 1982. Applicant: ARISTA VAN LINES, INC., 74 Ottawa Road South, Marlboro, NJ 07746. Representative: Arthur J. Piken, Esq., Queens Office Tower, 95-25 Queens Boulevard, Rego Park, NY 11374. Sub 1, broaden household goods to "household goods, furniture and fixtures."

MC 59806 (Sub-27)X, filed August 19, 1982. Applicant: GROSS & HECHT TRUCKING, INC., 35 Brunswick Ave., Edison, NJ 08817. Representative: A. David Millner, P.O. Box Y, 7 Becker Farm Rd., Fairfield, NJ 07068. Sub 24X permit: Broaden (A) from (1) liquid sugar, invert sugar, corn syrup and blends thereof and syrup to "food and related products", part 3; (2) liquid sugar, invert sugar, flavoring syrups, and blends thereof, carbonated beverages and containers to "food and related products and containers", part 4; (3) liquid sugar, invert sugar, flavoring syrups and blends thereof, carbonated beverages, containers, and packaging materials to "food and related products, containers and packaging materials", part 5; (4) liquid sugar, in bulk, in tank vehicles, part 2(b), and invert sugar, in bulk, in tank vehicles, part 2(c) to "commodities in bulk"; and (5) citrus products and beverages and beverage concentrates to "food and related products and farm products", part 7; and, (B) to "between points in the U.S. (except AK and HI)", under continuing contract(s) with unnamed shippers, part 2 (b) and (c).

MC 140139 (Sub-2)X, filed September 8, 1982. Applicant: THEODORE L. PERUSSE, d.b.a. BAUDETTE TRANSFER, Post Office Box 157, Baudette, MN 56623. Representative: Samuel Rubenstein, Post Office Box 5, Minneapolis, MN 55440. Lead, broaden to serve all intermediate points on regular route operations, between named points in MN.

MC 140635 (Sub-35)X, filed August 24, 1982. Applicant: ADAMS LINES, INC., P.O. Box 7343, Omaha, NE 68107. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave., N.W., Washington, D.C. 20036. Sub-Nos. 21F, 23F, 28 and 29F certificates: (A) Broaden (1) Sub 21F, from chemicals, chemical compounds and anti-freeze to "chemicals and related products"; plastic and plastic products to "rubber and plastic products"; (2) Sub 23F, plumbers goods, bathroom vanities,

accessories used in the manufacture and distribution of plumbers goods and bathroom vanities to "furniture and fixtures, rubber and plastic products, clay, concrete, glass or stone products, metal products, and machinery"; and (3) Sub 29F, glass and glass products to "clay, concrete, glass or stone products; and meats, meat products, meat by-products and articles distributed by meat packing houses to "food and related products"; (B) remove (1) all exceptions from its general commodities authority, except classes A and B explosives and household goods, Sub 28; (2) the "except commodities in bulk" and/or "hides", Subs 21F, 23F and 29F; (3) "in tank vehicles" restriction, Sub 29F; (4) "originating at or destined to" restriction, Sub 23F; (5) the "originating at shipper association" restriction, Sub 28, (C) broaden to (1) county-wide authority: (a) Sub 21, Blue Earth County, MN (Mankato); Licking County, OH (Newark); Worcester County, MA (Clinton); Peoria County, IL (Mapleton); Grundy County, IL (Morris); Cook, Lake and DuPage Conties, IL, and Lake County, IN, (Chicago, IL); (b) Sub 23, Maricopa County, AZ (Phoenix); San Bernardino County, CA (Redlands); Greene County, GA (Union Point); Walton County, GA (Monroe); Jasper County, IN (Rennsselaer); Montgomery County, IN (Crawfordsville); Worcester County, MA (Leonminster); Wappello County, IA (Ottumwa); Columbiana County, OH (Salem); Lawrence County, PA (New Castle); Medina County, TX (Hondo); Navarro County, TX (Corsicana); Milwaukee, Ozaukee, Waukesha, and Racine Counties, WI (Milwaukee); (c) Sub 29, Webster County, IA (Ft. Dodge); Pottawattamie County, IA (Oakland); Westmoreland County, PA (Jeanette); Harrison County, WV (Clarksburg); Sullivan County, TN (Kingsport); Cook, Lake, and DuPage Counties, IL, and Lake County, IN (Chicago, IL); Bergen, Essex, Passaic, Hudson, and Union Counties, NJ, Bronx, Kings, and Queens Counties, NY (S. Kearney, NJ); and (2) radial authority, Subs, 28 and 29F.

MC 151740 (Sub-7)X, filed August 24, 1982. Applicant: LARRYMAR CORPORATION, P.O. Box 5, Mt. Holly, NJ 08060. Representative: James H. Sweeney, 468 Kentucky Ave., Williamstown, NJ 80894. Sub 5 certificate: (A) Broaden (1) paragraph 3, petroleum lubricants to "petroleum or coal products"; cleaning oils, in containers to "chemicals and related products"; advertising material and premiums to "printed matter and miscellaneous products of manufacturing"; display racks to lumber and wood products and furniture and fixtures"; cleaning machines to "machinery, including electrical machinery or equipment"; sheet-metal ware used in the distribution and consumption of petroleum lubricating and cleaning oils to "metal products"; (2) paragraph 4, paper, paper products to "pulp, paper and related products"; rubber, printing plates to "printed matter"; (3) paragraph 5, paper products to "pulp, paper and related products"; (4) paragraph 6, soap, soap products, washing, cleaning and bleaching compounds, soda ash and carbonate of soda to "chemicals and related products"; (5) paragraph 7, office furniture to "furniture and fixtures"; and (6) paragraph 8, frozen berries to "food and related products"; (B) remove (1) New Brunswick, NJ and Wilmington, DE in paragraph 6a and New Brunswick, NJ in paragraph 6b; and (2) "except in bulk, in tank vehicles" restriction, paragraph 6; (C) broaden to (1) paragraph 5, (Newark, New Brunswick, Trenton, Perth Amboy, Passaic and Paterson) Essex, Middlesex, Mercer and Passaic Counties, NJ; (2) paragraph 6, (Providence, RI, New Haven and Watertown, CT) Providence County, RI, New Haven and Litchfield Counties, CT; (Wilmington) New Castle County, DE; and (New Brunswick) Middlesex County, NJ; and (3) radial authority, paragraphs 1, 3, 4 and 8.

MC 159977 (Sub-1)X, filed August 12, 1982. Applicant: POLZIN, INC., P.O. Box 119, Stanford, MT 59479. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Lead certificate (A) broaden to "rubber and plastic products, lumber and wood products, metal products, clay, concrete, glass or stone products, building materials, and machinery" from fiberglass buildings, fiberglass building sections and building panels, structured building components, and building equipment, part (1); (B) remove the bulk restriction, part (2); and (C) broaden to county-wide authority: Hall County, NE (facilities—Grand Island), part (2).

[FR Doc. 82-25742 Filed 9-17-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte 387 (Sub-259)]

Burlington Northern Railroad Co., Exemption for Contract Tariff; ICC-BN-C-0144 (Merchandise)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: A provisional exemption is granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the above-noted contract tariff may become effective on one day's notice. This exemption may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

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

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in this instance to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse or market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption request meets the requirements of 49 U.S.C. 10505(a) and is granted subject to the following conditions:

This grant neither shall be construed to mean that the Commission has approved the contract for purposes of 49 U.S.C. 10713(e) nor that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to determine its lawfulness.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Decided: September 13, 1982.

By the Commission, Division 1, Commissioners Sterrett, Simmons, and Gradison.

Agatha L. Mergenovich,

Secretay.

[FR Doc. 82-25748 Filed 9-17-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte 387 (Sub-263)]

Chicago, Milwaukee, St. Paul and Pacific Railroad Co., Exemption for Contract Tariff; ICC-MILW-C-0218 (Bituminous Coal via Port of Chicago)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: A provisional exemption is granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the above-noted contract tariff may become effective on one day's notice. This exemption may be revoked if protests are filed.

DATE: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

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

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in this instance to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption request meets the requirements of 49 U.S.C. 10505(a) and is granted subject to the following conditions.

This grant neither shall be construed to mean that the Commission has approved the contract for purposes of 49 U.S.C. 10713(e) nor that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to determine its lawfulness.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Decided: September 13, 1982.

By the Commission, Division 1, Commissioners Sterrett, Simmons, and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-25746 Filed 9-17-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte 387 (Sub-261)]

The Denver and Rio Grande Western Railroad Co., Exemption for Contract Tariff; ICC-DRGW-C-0021-A (Canned Goods)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: A provisional exemption is granted under 49 U.S.C. 10505 from the notice requirement of 49 U.S.C. 10713(e), and the above-noted contract tariff may become effective on one day's notice. This exemption may be revoked if protests are filed.

DATE: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

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

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in this instance to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption request meets the requirements of 49 U.S.C. 10505(a) and is granted subject to the following conditions:

This grant neither shall be construed to mean that the Commission has approved the contract for purposes of 49 U.S.C. 10713(e) nor that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to determine its lawfulness.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Decided: September 13, 1982.

By the Commission, Division 1, Commissioners Sterrett, Simmons, and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-25747 Filed 9-17-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte 387 (Sub-265)]

Illinois Central Gulf Railroad Co., Exemption for Contract Tariff; ICC-ICG-C-0045 (Coal)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: A provisional exemption is granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the above-noted contract tariff may become effective on one day's notice. This exemption may be revoked if protests are filed.

DATE: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

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

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in this instance to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption request meets the requirements of 49 U.S.C. 10505(a) and is granted subject to the following conditions:

This grant neither shall be construed to mean that the Commission has aproved the contract for purposes of 49 U.S.C. 10713(e) nor that the Commission is deprived of jurisdiction to institiute a proceeding on its own initiative or on complaint, to review this contract and to determine its lawfulness.

This action will not significantly affect the quality of the human environment or conservation of energy resources

(49 U.S.C. 10505)

Decided: September 13, 1982.

By the Commission, Division 1, Commissioners Sterrett, Simmons, and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-25749 Filed 9-17-82 8:45 am]

BILLING CODE 7035-01-M

[Docket AB-10 (Sub-26)]

Norfolk and Western Railway Co.—Abandonment in Putnam, Allen, Hancock, and Wyandot Counties, OH; Findings

The Commission has found that the public convenience and necessity permit the Norfolk and Western Railway Company to abandon a 51.24-mile portion of its line of railroad between milepost 1.76 near Delphos, OH and milepost 53.0, near Carey, OH, all in Putnam, Allen, Hancock, and Wyandot Counties, OH. A certificate will be issued authorizing this abandonment unless within 15 days after this publication the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be resubmitted within this 10-day period.

Information and procedures regarding financial assistance for continued rail services are contained in 49 U.S.C. 10905 and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-25743 Filed 9-17-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte 387 (Sub-262)]

Union Pacific Railroad Company Exemption for Contract Tariff ICC-UP-C-0081 (Grain)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: A provisional exemption is granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the above-noted contract tariff may become effective on one day's notice. This exemption may be revoked if protests are filed.

DATE: Protests are due within 15 days of publication in the **Federal Register**.

ADDRESSES: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway, (202) 275-7278.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in this instance to carry out the transportation policy of 49 U.S.C. 10101(a) or to protect shippers from abuse of market power, moreover, the transaction is of limited scope. Therefore, we find that the exemption request meets the requirements of 49 U.S.C. 10505(a) and is granted subject to the following condition:

This grant neither shall be construed to mean that the Commission has approved the contract for purposes of 49 U.S.C. 10713(e) nor that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to determine its lawfulness.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Decided: September 13, 1982.

By the Commission, Division 2, Commissioners Andre, Gilliam, and Taylor. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-25738 Filed 9-17-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte 387 (Sub-257)]

Western Pacific Railroad Co., Exemption for Contract Tariffs; ICC-WP-C-0035, ICC-WP-C-0036, ICC-WP-C-0039, ICC-WP-C-0041, ICC-WP-C-0044, ICC-WP-C-0046, ICC-WP-C-0047, ICC-WP-C-0049, ICC-WP-C-0051, ICC-WP-C-0052, ICC-WP-C-0053, and ICC-WP-C-0062 (Canned or Preserved Foodstuffs)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: A provisional exemption is granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the above-noted contract tariffs may become effective on one day's notice. This exemption may be revoked if protests are filed.

DATE: Protests are due within 15 days of publication in the **Federal Register**.

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in this instance to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption request meets the requirements of 49 U.S.C. 10505(a) and is granted subject to the following conditions:

This grant neither shall be construed to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) nor that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine their lawfulness.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Decided: September 13, 1982.

By the Commission, Division 1, Commissioners Sterrett, Simmons, and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-25745 Filed 9-17-82; 8:45 am]

BILLING CODE 7035-01-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Meeting Addendum

September 15, 1982.

Additions have been made to the agenda for the Coast Guard Panel Meeting of the National Advisory Committee on Oceans and Atmosphere (NACOA) on September 23-24, 1982, published in the **Federal Register** of September 9, 1982 (Page 47 FR 39764). The tentative agenda is as follows:

Thursday, September 23, 1982

9:00 a.m.-10:30 a.m.
- Enforcement of Laws and Treaties, Capt. Schowengerdt—USCG, Chief, Operational Law Enforcement Division, TBA—NOAA/National Marine Fisheries Service, Abraham Azzam—Drug Enforcement Administration, Chief, Investigative Support Section, Bob Grimes—U.S. Customs Service, Director, Office of Patrol, Discussion

10:30 a.m.-12:00 Noon
- Aids to Navigation, RADM Richard Bauman—USCG, Chief, Office of Navigation, William Godwin—Army Corps, Assistant Chief, Construction Operations Division, Crowley Maritime Corporation, Discussion

12:00 Noon-1:00 p.m.—Lunch

1:00 p.m.-2:30 p.m.
- Search and Rescue, Capt. Sullivan—USCG, Chief, Search and Rescue Division, Richard Schwartz—Boat/US, Executive Director, Capt. Charles Mitchell, Mitchell Towing Company, Discussion

2:30 p.m.-4:00 p.m.
- Coast Guard Programs, Planning, and Budget, Capt. Duca—USCG, Chief, Programs Division, Discussion

4:00 p.m.-4:30 p.m.
- Congressional Actions, Bill Woodward, Duncan Smith, House Subcommittee on Coast Guard and Navigation

4:30 p.m.-6:00 p.m.
- User Fees, Charles Bingman—DOT, Office of the Secretary, Michael Sciulla—Boat/US, Director, Government and Public Affairs, Discussion

Friday, September 24, 1982

9:00 a.m.-1:00 p.m.
- Panel Discussion, Mission-by-Mission Recommendations, Cross-cut Recommendations, Report Outline

Additional information concerning this meeting may be obtained through the NACOA Executive Director, Mr. Steven N. Anastasion, or Ms. Linda K. Glover, the Staff Member for the Coast

Guard Panel. The mailing address is: NACOA, 3300 Whitehaven Street, NW., (Suite 438, Page Building No. 1), Washington, D.C. 20235.

Dated: September 13, 1982.

Steven N. Anastasion,

Executive Director.

[FR Doc. 82-25806 Filed 9-17-82; 8:45 am]

BILLING CODE 3510-12-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Dance Advisory Panel; 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 Dance Advisory Panel to the National Council on the Arts will be held on October 4-6, 1982, from 9:00 a.m.-5:30 p.m. in room 1422 of the Columbia Plaza Office Building, 2401 E Street, NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on October 4, 1982 from 1:00 p.m.-5:30 p.m.; October 5, 1982 from 9:00 a.m.-5:30 p.m.; and on October 6, 1982 from 9:00 a.m.-3:30 p.m. to discuss guidelines and policy issues.

The remaining sessions of this meeting on October 4, 1982 from 9:00 a.m.-1:00 p.m. and on October 6, 1982 from 3:30 p.m.-5:30 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 applicants. 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.

September 13, 1982.

[FR Doc. 82-25705 Filed 9-17-82; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Clinch River Breeder Reactor, Working Group on Systems Integration and Instrumentation Control; Correction

The ACRS Subcommittee title has been corrected re meeting of the Clinch River Breeder Reactor (CRBR) Working Group on Systems Integration and Instrumentation Control scheduled for September 30, 1982, Room 1046, 1717 H Street, NW., Washington, D.C. The Subcommittee will discuss the CRBR plant protection and instrument and control systems.

All other items regarding this meeting remain the same as announced in the **Federal Register** published Monday, September 13, 1982 (47 FR 40260).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Dr. Richard Savio (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: September 14, 1982.

Samuel J. Chilk,

Acting Advisory Committee Management Officer.

[FR Doc. 82-25772 Filed 9-17-82; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Reactor Operations; Agenda Changes

The ACRS Subcommittee on Reactor Operations scheduled for September 29, 1982, Room 1046, 1717 H Street, NW., Washington, DC agenda items have been changed as noted below:

The Subcommittee plans to discuss: (a) The pressure transients during shutdown at Turkey Point Unit 4 and other related incidents with the Staffs of the Offices of Analysis and Evaluation of Operational Data, Nuclear Reactor Regulation, Inspection and Enforcement, and Region II; (b) discussion of Quality Assurance Policy; Accreditation of Licensee's Quality Assurance Program; and (c) discussion of suppression pool or containment sump water contamination with potential adverse effects on post-accident cooling pumps.

All other items regarding this meeting remain the same as announced in the **Federal Register** published Monday, September 13, 1982 (47 FR 40259).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Richard K. Major (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: September 14, 1982.

Samual J. Chilk,

Acting Advisory Committee Management Officer.

[FR Doc. 82-25771 Filed 9-17-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-184]

Availabilty of Final Environmental Statement for National Bureau of Standards Reactor

Notice is hereby given that a Final Environmental Statement (NUREG-0877) has been prepared by the Commission's Office of Nuclear Reactor Regulation related to the license renewal and power increase for the National Bureau of Standards (NBS) research reactor. This reactor is located on the 576-acre NBS site near Gaithersburg in Montgomery County, Maryland about 20 miles northwest of the center of Washington, D.C.

The Final Environmental Statement is also being made available at the State Clearinghouse, Department of State Planning, 301 West Preston Street, Baltimore, Maryland 21201.

The notice of availability of the Draft Environmental Statement (DES) and request for comments was published in the **Federal Register** on February 25, 1982 (47 FR 8273). The comments received from Federal, State and local agencies, and interested members of the public have been included as appendices to the Final Environmental Statement.

Copies of the Final Environmental Statement (NUREG-0877) may be purchased at current rates from the National Technical Information Service, Department of Commerce, 5238 Port Royal Road, Springfield, Virginia 22161, and from the Sales Office, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Bethesda, Maryland, this 13th day of September 1982.

For the Nuclear Regulatory Commission.

Cecil O. Thomas,

Acting Chief, Standardization and Special Projects Branch, Division of Licensing.

[FR Doc. 82-25776 Filed 9-17-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-325 and 50-324]

Carolina Power & Light Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 49 and 74 to Facility Operating License Nos. DPR-71 and DPR-62 issued to Carolina Power & Light Company (the licensee) which revised the licenses for operation of the Brunswick Steam Electric Plant, Units 1 and 2 (the facility), located in Brunswick County, North Carolina. The amendments are effective as of July 1, 1982.

The amendments change the licenses to permit continued operation until such time as certain surveillances can be performed; but, in any event, no later than July 15, 1982.

The application for amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendments.

For further details with respect to this action, see (1) the application for amendments dated July 1, 1982, (2) Amendment Nos. 49 and 74 to License Nos. DPR-71 and DPR-62, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Southport-Brunswick County Library, 109 West Moore Street, Southport, North Carolina 28461. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 9th day of September 1982.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 82-25773 Filed 9-17-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-325 and 50-324]

Carolina Power & Light Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 50 and 75 to Facility Operating License Nos. DPR-71 and DPR-62 issued to Carolina Power & Light Company (the licensee) which revised the licenses for operation of the Brunswick Steam Electric Plant, Units 1 and 2 (the facility), located in Brunswick County, North Carolina. The amendments are effective as of July 1, 1982 through July 8, 1982, only.

The amendments modify the licenses, for a limited time, to extend from 72 hours to seven days the period of time that a diesel generator may remain inoperable before a plant shutdown must be initiated.

The application for amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendments.

For further details with respect to this action, see (1) the application for amendments dated July 3, 1982, (2) Amendment Nos. 50 and 75 to License Nos. DRO-71 and DPR-62, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Southport-Brunswick County Library, 109 West Moore Street, Southport, North Carolina 28461. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 9th day of September, 1982.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 82-25774 Filed 9-17-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-309]

Maine Yankee Atomic Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 63 to Facility Operating License No. DPR-36, issued to Maine Yankee Atomic Power Company, which revised Technical Specifications for operation of the Maine Yankee Atomic Power Station (the facility) located in Lincoln County, Maine. The amendment is effective as of the date of issuance.

This amendment changes the Technical Specifications making the Limiting Conditions for Operation more restrictive and increasing the Surveillance Requirements for Ventilation and Filter Systems.

The applications for the amendment comply with the standards and requirments of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 26, 1975 and subsequently revised January 27, 1977, March 19, 1980 and February 13, 1982 (2)

Amendment No. 63 to License No. DPR-36 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 7th day of September 1982.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 82-25777 Filed 9-17-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-333]

Power Authority of the State of New York; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 70 to Facility Operating License No. DPR-59 issued to the Power Authority of the State of New York (the licensee), which revises the Technical Specifications for operation of the James A. FitzPatrick Nuclear Power Plant (the facility), located in Oswego County, New York. The amendment was authorized by telephone on August 13, 1982, and was confirmed by letter dated August 13, 1982.

The amendment allows continued plant operation with one relief valve inoperable until the next FitzPatrick plant outage.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated August 12, 1982, (2) Amendment No. 70 to License No. DPR-59, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Penfield Library, State University College of Oswego, Oswego, New York. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 8th day of September 1982.

For the Nuclear Regulation Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 82-25775 Filed 9-17-82; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Federal Regional Councils; Evaluation of Federal Regional Council System

AGENCY: Management and Budget Office.

ACTION: Notice of Evaluation of Federal Regional Council System.

SUMMARY: The Federal Regional Councils (FRC's) are interagency coordinating groups structed to respond to opportunities for promoting Federal policies and to support interagency and intergovernmental cooperation. They operate in each of the ten regional cities. The FEC's were restructured through Executive Order 12314 on July 22, 1981. Plans were made at that time to evaluate them after one year of operation. The Office of Management and Budget is now undertaking that evaluation and, based on its results, will make recommendations about the future of the FRC system.

The evaluaiton will focus on whether the goals for the FRC system are appropriate goals; whether the goals are being met; and if they are not, the reasons why. Suggestions for the future of the system will be developed.

ADDITIONAL INFORMATION: For the text of E.O. 12314, see 3 CFR, 1981 comp., p. 161.

COMMENTS: Any persons wishing to comment should submit written comments to James F. Kelly, Deputy Associate Director, Intergovernmental Affairs Division, Office of Management and Budget, Washington, D.C. 20503, by October 11, 1982.

FOR FURTHER INFORMATION CONTACT: William R. Feezle on Area Code 202, 395-5105 or Gary M. Katz on Area Code 202-395-4866.

Issued in Washington, D.C., on September 10, 1982.

Candice C. Bryant,

Acting Deputy Assistant Director for Administration.

[FR Doc. 82-25689 Filed 9-17-82; 8:45 am]

BILLING CODE 3110-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Advisory Committee for Trade Negotiations; Meeting and Determination of Closing of Meeting

The meeting of the Advisory Committee for Trade Negotiations (the Advisory Committee) to be held Friday, October 1, 1982, from 2:30 p.m. to 5:00 p.m. at the Federal Home Loan Bank Board, Amphitheater, will involve a review and discussion of the current issues involving the trade policy of the United States. The review and discussion will deal with information submitted in confidence by the private sector members of the Committee under Section 135(g)(1)(A) of the Trade Act of 1974, as amended, (the Act); information submitted by government officials under Section 135(g)(2) of the Act the disclosure of which could be reasonably expected to prejudice United States negotiating objectives; information the disclosure of which would be likely to significantly frustrate implementation of proposed government action; and information properly classified pursuant to Executive Order 12065 and specifically required by such Order to be kept secret in the interests of national security (i.e., the conduct of foreign relations) of the United States. All members of the Advisory Committee have all necessary security clearances. Consistent with previous determinations concerning other advisory committees, established under Section 135(c) of the Act, I hereby determine that the meeting of the Advisory Committee will be concerned with matters listed above and with matters listed in Section 552b(c) of Title 5 of the United States Code. Therefore, the meeting of the Advisory Committee for Trade Negotiations will be closed to the public.

More detailed information can be obtained by contacting Phyllis O. Bonanno, Director, Office of Private

Sector Liaison, Office of the United States Trade Representative, Executive Office of the President, Washington, D.C. 20506.

William E. Brock,

United States Trade Representative.

[FR Doc. 82-25753 Filed 9-17-82; 8:45 am]

BILLING CODE 3190-01-M

POSTAL RATE COMMISSION

[Docket No. C82-1]

Complaint of Warshawsky & Co.; Institution of Proceedings on the Record in Docket No. C82-1

Issued: September 14, 1982.

Notice is hereby given that the Postal Rate Commission will conduct hearings on the complaint of Warshawsky & Company ("Warshawsky") of Chicago, Illinois, filed pursuant to section 3662 of the Postal Reorganization Act (39 U.S.C. 3662). In its complaint, which was denominated Docket No. C82-1, Warshawsky alleges that in charging 45 cents a pound for bulk third-class pieces weighing between approximately 3.9 ounces and 16 ounces that the United States Postal Service has violated several mandates of the Postal Reorganization Act. Specifically, Warshawsky alleges that implementation of the 45 cents pound rate does not comport with the requirement of the Act that (1) rates be fair and equitable, (2) the effect of rate increases for business mail users be considered, and (3) the availability of alternative means of sending and receiving mail at reasonable costs be considered.

Warshawsky also asserts that third-class bulk regular mailers who mail at the pound rate established by the Decision of the Board of Governors of the United States Postal Service on September 29, 1981, must pay rates which cover approximately 240 percent of attributable costs while those mailers using the applicable minimum per-piece rate for mail weighing less than approximately 3.9 ounces pay rates which cover only 172 percent of attributable costs. Warshawsky also points out that the November 1, 1981 rate increase to 45 cents a pound has resulted in a 36 percent increase in its postal rates, that the increase will force it to decrease its third-class mailing during 1982 and, in conjunction with substantial secondary volume effects due to reduced first-class order responses and reduced fourth-class order shipments, will result in a net revenue loss to the Postal Service.

Although Warshawsky cannot specify which other persons would be similarly affected by the rates which are the subject of its complaint, it does state that the alleged inequity would be applicable to any mailer of bulk third-class mail who mails at the pound rate. The relief requested by Warshawsky is for third-class regular rate bulk pieces subject to the pound rate to be charged 33 cents per pound, the temporary rate placed into effect by the Governors on March 22, 1981, rather than the current 45 cents per pound.

On December 4, 1981, the United States Postal Service filed a motion to dismiss Warshawsky's complaint. One of the grounds posited by the Postal Service to justify dismissal of Warshawsky's complaint was the pending review of the third-class rate structure in the United States Court of Appeals for the Second Circuit in *Time, Inc., et al.* v. *United States Postal Service.*[1] Although the Commission denied the Postal Service's motion to dismiss in Order No. 416, January 8, 1982, the Commission taking cognizance of the pending judicial action, decided to defer a determination of whether to proceed with a hearing on Warshawsky's complaint pending resolution of the court case.

On July 9, 1982, the Court of Appeals for the Second Circuit issued its opinion in *Time, Inc.* Insofar as Warshawsky's complaint relating to third-class rates was concerned the court held that the third-class bulk rates implemented by the Governors could only be maintained in effect on a temporary basis until a set of permanent third-class rates consistent with existing classification structure was recommended by the Commission and approved by the Governors.

With the issuance of a definitive decision on the status of bulk third-class rates by the Court of Appeals, at the direction of the Commission in accordance with Rule 84 of the Commission's rules of practice, 39 CFR 3001.84, the Postal Service filed a response to Warshawsky's complaint. In its response the Postal Service denied the substantive allegations of the complaint, *i.e.*, that the 45 cents pound rates violates the requirements of 39 U.S.C. 3621 and 3622(b)(1) that rates be fair and equitable, and that the pound rate was implemented without taking into account the effect on mailers of the rate increase or the availability of alternative means of sending mail at reasonable costs.

Continuing, the Postal Service states that the disparity between the 240 percent cost coverage between pound rated third-class material and the 172 percent cost coverage for minimum per-piece material is justified because "90 percent of all regular bulk third-class mail weighs 3 ounces or less" and presumably benefits from the lower cost coverage. In conclusion, the Postal Service asserts that to remedy the disparity between cost coverages by changing the rate structure to "benefit heavier pieces to the severe detriment of the majority of users of this subclass could not be implemented consistently with the policies of title 39." Postal Service Response at 16.

Section 3662 of the Postal Reorganization Act contemplates that the Commission will ventilate complaints "which clearly raise an issue concerning whether or not rates or services contravene the policies of the Act."[2] On its face, Warshawsky's complaint with its allegations supported by detailed offers of proof relating to disparate costs coverages, financial impact and alternative means of transmitting mail fulfills this standard.

Despite Postal Service's position to the contrary, the Postal Service response coupled with its requests for dismissal tend to accentuate Warshawsky's contention that there are viable issues relating to third-class: for example, which portion of the subclass is to bear the heavier cost coverages if disparate cost coverages are warranted. Otherwise, the only other argument presented by the Postal Service is that the existing temporary rates were found valid in *Time, Inc.* and thus not subject to a section 3662 proceeding. As to the Postal Service's contention relating to *Time, Inc.* validating the existing rates, it is evident to us that the court's opinion was of narrow scope in that it simply found that the implementation of temporary rates now extent were a proper response to the Commission's failure to recommend rates consistent with the existing classification structure. The court did not discuss nor did it reach the issue of whether the rates conform to the policies of the Act. Nor did the court even hint that such rates were immune from scrutiny under the complaint provision of section 3662. In this light, we do not find the actions of the Court of Appeals in *Time, Inc.* represents a barrier to holding a hearing on the merits of Warshawsky's complaint.[3]

[1] Time, Inc., *et al.* v. United States Postal Service,——F.2d ——, No. 81-4183, *et al.*, (2nd Cir., July 9, 1982) (hereinafter "*Time, Inc.*").

[2] 39 CFR 3001.82.

[3] Whether it may be suitable to consolidate this complaint with further consideration of third-class

Based on the foregoing the Commission will hold hearings on Warshawsky's complaint designated as Docket No. C82-1. Any person desiring to be heard with reference thereto and to become a party to the proceeding, or to participate as a party in any hearing thereon, should file a petition for leave to intervene. Petitions for leave to intervene must be filed with the Secretary, Postal Rate Commission, Washington, D.C. 20268 on or before September 27, 1982, and must be in accordance with section 20 of the Commission's rules of practice (39 CFR 3001.20). We direct specific attention to section 20(b) which provides that petitions for leave to intervene shall affirmatively state whether or not petitioner requests a hearing or, in lieu thereof, a conference; and further, whether or not the petitioner intends to participate actively in the hearing. Alternatively, persons seeking limited participation, but who do not wish to become parties may, on or before September 27, 1982, file a written request for leave to be heard as a "limited participator" pursuant to section 19a of the Commission's rules of practice (39 CFR 3001.19a). In addition, persons wishing to express their views informally, and not desiring to become a party or limited participant, may file comments pursuant to section 19b of the Commission's rules, 39 CFR 3001.19B.

The complaint of Warshawsky & Company is on file with the Commission and is available for public inspection during regular business hours. The Commission appoints Mark Stephens as Officer of the Commission to participate in this docket.

Attached is a tentative schedule. Parties seeking modifications to this schedule should file appropriate motions by September 27, 1982.

By the Commission.

David F. Harris,

Secretary.

Attachment—Tentative Hearing Schedule

September 27, 1982—Last day for intervention
October 4, 1982—Warshawsky files testimony
October 18, 1982—Discovery ends
October 25, 1982—Hearings on Warshawsky's proposal
November 8, 1982—Rebuttal testimony due
November 18, 1982—Hearings on rebuttal testimony
December 2, 1982—Briefs due
December 13, 1982—Reply briefs due

[FR Doc. 82-25796 Filed 9-17-82; 8:45 am]

BILLING CODE 7715-01-M

rates in Docket No. R80-1 is not being precluded herein. We note in this context, that the Commission has presently before it a joint motion of various third-class mailers for issuance of a recommended decision in Docket No. R80-1 for permanent third-class rates.

SMALL BUSINESS ADMINISTRATION

Region II—Advisory Council; Public Meeting

The Small Business Administration, Region II Newark Advisory Council, located in the geographical area of Newark, New Jersey, will hold a public meeting at 9:00 a.m. on Thursday, September 30, 1982, at the Ramada Inn, 36 Valley Road, Clark, New Jersey 07066, to discuss such business as may be presented by members and the staff of the Small Business Administration or others attending. For further information, write or call Andrew P. Lynch, District Director, U.S. Small Business Administration, 970 Broad Street, Newark, New Jersey 07102, 201-645-3580.

Jeam M. Nowak,

Actong Director, Office of Advisory Councils.

September 15,1982.

[FR Doc. 82-25804 Filed 9-17-82; 8:45 am]

BILLING CODE 8025-01-M

Region IV Advisory Council Meeting; Birmingham Advisory Council

The Small Business Administration, Region IV Advisory Council located in the geographical area of Birmingham, Alabama, will hold a public meeting at 9:00 a.m., on Friday, October 1, 1982, Holiday Inn-Gulf Shores, Highway 182 East Gulf Shores Boulevard, Gulf Shores, Alabama 36542, to discuss such matters as may be presented by members staff of the Small Business Administration, or others present.

For further information, write or call James C. Barksdale, District Director, U.S. Small Business Administration 908 South 20th Street, Room 202, Birmingham, Alabama, (205) 254-1341.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

September 15, 1982.

[FR Doc. 82-25799 Filed 9-17-82; 8:45 am]

BILLING CODE 8025-01-M

Region V—Advisory Council; Public Meeting

The Small Business Administration, Region V Advisory Council, located in the geographical area of Wisconsin, will hold a public meeting at 10:00 a.m., on Friday, October 1, 1982, at the Director's Room for Robert W. Baird & Co., Inc., 777 East Wisconsin Avenue, Milwaukee, Wisconsin, to discuss such business as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Curtis A. Charter, District Director, U.S. Small Business Administration, 212 East Washington Avenue, Room 213, Madison, Wisconsin 53703, (608) 264-5505.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

September 15, 1982.

[FR Doc. 82-25800 Filed 9-17-82; 8:45 am]

BILLING CODE 8025-01-M

Region VII—Advisory Council; Public Meeting

The Small Business Administration, Region VII Advisory Council, located in the geographical area of Des Moines, will hold a public meeting at 10:00 a.m., Friday, October 8, 1982, at the Federal Building—210 Walnut Street, Room 749, Des Moines, Iowa, to discuss such business as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Conard E. Lawlor, District Director, U.S. Small Business Administration, 210 Walnut, Room 749, Des Moines, Iowa 50309, (515) 284-4567.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

September 15, 1982.

[FR Doc. 82-25798 Filed 9-17-82; 8:45 am]

BILLING CODE 8025-01-M

Region VII Advisory Council Meeting; Public Meeting

The Small Business Administration, Region VII Advisory Council, located in the geographical area of Kansas City, will hold a public meeting at 9:30 a.m., on Wednesday, October 6, 1982, at the Landmark Building, 309 N. Jefferson (1st floor), Springfield, Missouri, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present. For further information, write or call Patrick E. Smythe, District Director, U.S. Small Business Administration, Fourth Floor, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106, (816) 374-5557.

Jean M. Nowak,

Acting Director, Office of Advisory Council.

September 15, 1982.

[FR Doc. 82-25802 Filed 9-17-82; 8:45 am]

BILLING CODE 8025-01-M

Region VIII—Advisory Council; Public Meeting

The Small Business Administration, Region VIII Advisory Council, located in the geographical area of Denver, Colorado, will hold a public meeting at 9:00 a.m., Wednesday, October 6, 1982, in the U.S. Custom House, 721 19th Street, Room 158, Denver, Colorado, to discuss such business as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Douglas F. Graves, District Director, U.S. Small Business Administration, 721 19th Street, Room 426a, Denver, Colorado 80202, (303) 837-3673.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

September 15, 1982.

[FR Doc. 82-25803 Filed 9-17-82; 8:45 am]

BILLING CODE 8025-01-M

Region X—Advisory Council; Public Meeting

The Small Business Administration, Region X Advisory Council, located in the geographcial area of Portland, Oregon, will hold a public meeting at 10:00 a.m., Wednesday, October 6, 1982, in the Board Room of the Portland Chamber of Commerce, 824 S.W. Fifth Avenue, Portland, Oregon, to discuss such business as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Stewart L. Rollins, District Director, U.S. Small Business Administration, 1220 SW., Third Avenue, Portland, Oregon 97202, (502) 423-5221.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

September 15, 1982.

[FR Doc. 82-25801 Filed 9-17-82; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/556]

Advisory Committee on International Investment, Technology, and Development; Meeting

The Department of State will hold a meeting of the Advisory Committee on International Investment, Technology, and Development on Wednesday, November 3, 1982, from 9:30 a.m. to 12:00 noon and 2:00 to 4:00 p.m. in the Loy Henderson Conference Room at the Department of State, 2201 C Street, NW., Washington, D.C. 20502. The meeting will be open to the public.

Among the issues to be discussed at the meeting are a report on the U.N. Commission on Transnational Corporations meeting, including next steps on the U.N. Code of Conduct and Accounting Standards; a report on the 27th Session of the OECD Committee on International Investment and Multinational Enterprises; preparations for the GATT Ministerial; an update on the Bilateral Investment Treaty Program; recent developments on transfer of technology and restrictive business practices; a review of the energy and development areas; and a discussion of private capital flows to developing countries.

Requests for further information on the meeting should be directed to Philip T. Lincoln, Jr., Department of State, Office of Investment Affairs, Bureau of Economic and Business Affairs, Washington, D.C. 20520. He may be reached by telephone on (area code 202) 632-2728.

Members of the public wishing to attend the meeting must contact Mr. Lincoln's office in order to arrange entrance to the State Department building.

The Chairman of the Advisory Committee will, as time permits, entertain oral comments from members of the public attending the meeting.

Dated: September 1, 1982.

Philip T. Lincoln, Jr.,

Executive Secretary.

[FR Doc. 82-25727 Filed 9-17-82; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/554]

Shipping Coordinating Committee; Subcommittee on Safety of Life at Sea; Meeting

The Working Group on Radiocommunications of the Subcommittee on Safety of Life at Sea will conduct an open meeting at 9:00 a.m. on October 7, 1982, Room 8334-8336 of the Department of Transportation, 400 7th St., SW., Wash., D.C. 20590.

The purpose of the meeting is to prepare position documents for the 25th session of the Subcommittee on Radiocommunications of the International Maritime Organization (IMO) to be held in London, December 13, 1982. The working group will discuss the following topics:

—maritime distress system;

—digital selective calling;

—matters related to the ITU WARC for Mobile telecommunications;

—matters related to CCIR Study Group 8;

—satellite EPIRB's.

Members of the public may attend up to the seating capacity of the room. For further information contact Mr. Richard Swanson, USCG (G-TPP-3/63), Wash., D.C. 20593. Telephone: (202) 426-1231.

Gordon S. Brown,

Chairman, Shipping Coordinating Committee.

September 1, 1982.

[FR Doc. 82-25725 Filed 9-17-82; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/555]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea; Meeting

The Working Group on Standards of Training and Watchkeeping of the Subcommittee on Safety of Life at Sea (SOLAS), a part of the Shipping Coordinating Committee (SHC), will conduct an open meeting to be held on Tuesday, October 12, 1982, at 2:00 P.M., in room 3201 of the U.S. Coast Guard Headquarters, 2100 Second Street, SW, Washington, D.C. 20593. If additional time is needed, the meeting will be continued at 9:30 A.M., on Wednesday, October 13, 1982, in the same room of the same building.

The purpose of the meeting will be to discuss the following agenda items of the Sixteenth Session of the IMO Subcommittee on Standards of Training and Watchkeeping tentatively scheduled to commence on January 31, 1983.

1. Matters relating to the 1978 STCW Convention.

2. Training and certification of crews of fishing vessels.

3. Training and qualifications of officers and ratings in the handling of hazardous or noxious dry chemicals in bulk.

4. Revision of the Document for Guidance—1975.

Members of the public may attend up to the seating capacity of the room.

For the further information contact Captain R. A. Sutherland, U.S. Coast Guard Headquarters (G-MVP/14), 2100 Second Street, SW, Washington, D.C. 20593. Telephone: (202) 426-1500.

The Chairman will entertain comments from the public as time permits.

Dated: September 2, 1982.

Gordon S. Brown,

Chairman, Shipping Coordinating Committee.

[FR Doc.82-25726 Filed 9-17-82;8:45am]

BILLING CODE 4710-07-M

[Public Notice CM-8/557]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea; Meeting

The U.S. SOLAS Subcommittee will conduct an open meeting on Tuesday, October 12, 1982, at 9:30 A.M., in room 3201 of the U.S. Coast Guard Headquarters, 2100 Second Street, SW, Washington, D.C. 20593.

The purpose of this meeting will be to examine the 1978 Convention on Standards of Training, Certification and Watchkeeping for Seafarers. The agenda will include the following topics:

(a) Background concerning development of the 1978 STCW Convention;

(b) Discussion of current status;

(c) Description of controversy concerning specific provisions within the Convention;

(d) Examination of alternatives with respect to course of action.

The purpose of the meeting is to determine what course of action the United States should take with respect to ratification thereof.

Members of the public may attend up to the seating capacity of the room.

For further information contact Captain R. A. Sutherland, U.S. Coast Guard (G-MVP/14), 2100 Second Street, SW, Washington, D.C. 20593. Telephone: (202) 426-1500. Or contact Mr. D. F. Sheehan, U.S. Coast Guard (G-MM/24), 2100 Second Street, SW, Washington, D.C. 20593. Telephone: (202) 426-2170.

Dated: September 2, 1982.

Gordon S. Brown,

Chairman, Shipping Coordinating Committee.

[FR Doc. 82-25728 Filed 9-17-82; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/553]

Study Group 9 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 9 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on October 6, 1982, in Room 330, 1200 19th Street, NW., Washington, D.C. (Federal Communications Commission) at 9:30 a.m.

Study Group 9 deals with questions relating to line-of-sight and trans-horizon radio-relay systems operating via terrestrial stations at frequencies above about 30 MHz. The main purposes of the meeting will be:

1. Review of February, 1982 XVth Plenary Assembly;

2. Review of July, 1982 Conference Preparatory Meeting for the 1983 Regional Broadcasting Satellite Conference;

3. Organization of work for the next study period.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Request for further information should be directed to Mr. Gordon Huffcutt, State Department, Washington, D.C. 20520, telephone (202) 632-2592.

Dated: September 1, 1982.

Gordon L. Huffcutt,

Chairman, U.S. CCIR National Committee.

[FR Doc. 82-25724 Filed 9-17-82; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Monmouth County, N.J.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Monmouth County, New Jersey.

FOR FURTHER INFORMATION CONTACT: Lloyd J. Jacobs, Staff Specialist for the Environment, Federal Highway Administration, 25 Scotch Road, Second Floor, Trenton, New Jersey 08628, Telephone: (609) 989-2291.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the New Jersey Department of Transportation (NJDOT), intends to prepare an Environmental Impact Statement on a proposed action to construct a section of Route 18 Freeway in Monmouth County, New Jersey (Federal Project Numbers RF-U-29(101) and U-RF-29(101)). The proposed project would consist of constructing a four-lane freeway between the existing termini of Route 18 Freeway at Deal Road in Ocean Township and the Garden State Parkway in Tinton Falls Borough, a distance of approximately three miles. In addition, a spur will be constructed as part of this project ot connect the proposed freeway with Route 36 in Eatontown Borough. The purpose of this proposed project is to complete a "missing link" between completed sections of Route 18 Freeway, thereby forming a unified highway through central Monmouth County. Also, traffic relief would be provided on adjacent state, county, and local routes. Existing conditions force motorists to exit the freeway and use local two-lane roads to bridge the three-mile gap.

Alternatives presently under consideration include (1) development of the missing link as a freeway or as an expressway, (2) major improvements of local roads, (3) TSM consisting of minor widenings and intersection improvements, and (4) the no-build alternative. The FHWA and NJDOT will consult with other government agencies on their areas of responsibility. NJDOT is presently contacting federal, state, and local agencies with a description of the proposed project and inviting those interested agencies with questions or comments to attend project scoping meetings.

John J. Kessler, Jr.,

Division Administrator, Trenton, New Jersey.

[FR Doc. 82-25703 Filed 9-17-82; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

[Docket No. IP82-18; Notice 1]

Suzuki Motor Co., Ltd.; Receipt of Petition for Inconsequential Defect

Suzuki Motor Co., Ltd. of Brea, California, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for a defect in certain of its motorcycles that it deems is safety-related. The basis of the petition is that the defect is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the Act (15 U.S.C. 1417) and does not represent any agency decision or exercise of judgment concerning the merits of the petition.

Among the information that 49 CFR Part 567 requires to be placed on a motor vehicle's permanently attached certification of compliance is the vehicle's gross vehicle weight rating (GVWR). The GVWR is "not less than the sum of the unloaded vehicle weight, rated cargo load, and 150 times the vehicle's designating seating capacity (§ 567.4(g)(3)). Suzuki manufactured, imported, and sold almost a thousand 1982 model year GS450GA motorcycles with incorrectly marked certification labels. The GVWR marked on these labels is 60 lbs. The correct value is 860 lbs.

Suzuki argues that the error is inconsequential as it relates to motor

vehicles safety because directly beneath the erroneous value are the correct values for the front gross axle weight rating (330 lbs.) and the rear gross axle weight rating (530) lbs.). Therefore, simply by adding the two additional ratings the operator can determine the correct GVWR for the motorcycle.

Interested persons are invited to submit written data, views and arguments on the petition of Suzuki Motor Co., Ltd. described above. Comments should refer to the docket number and be submitted to Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

The engineer and attorney responsible for this notice are James Thomas and Taylor Vinson, respectively.

Comment closing date: October 20, 1982.

(Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on September 15, 1982.

Francis A. Armstrong,

Acting Associate Administrator for Enforcement.

FR Doc. 82–25833 Filed 9–17–82; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF THE TREASURY

Fiscal Service

Treasury Current Value of Funds Rate

AGENCY: Bureau of Government Financial Operations.

ACTION: Notice of rate for use in Federal cash management operations.

SUMMARY: This notice provides the percentage rate based on the current value of funds to the Treasury. This rate is required by the Treasury Fiscal Requirements Manual (I TFRM 6–8000) to be used in Federal billing, collection, and disbursement operations and is provided here as public notice to assist agencies in their negotiations with affected contractors, organizations, and individuals. The applicable rate is 11.98 percent.

DATES: The rate will be in effect for the period beginning on October 1, 1982 and ending on December 31, 1982.

FOR FURTHER INFORMATION CONTACT: Inquiries should be directed to the Cash Management Regulations and Compliance Staff, Bureau of Government Financial Operations, Department of the Treasury, Treasury Annex No. 1, (PB–711), Washington, D.C. 20226 (Telephone: 202/634–5707).

SUPPLEMENTARY INFORMATION: Revisions to I TFRM 6–8000 in June 1980, provided that the current value of funds rate would be used in assessing charges for late payments to the Government (except where prohibited by law or where a different rule is prescribed by statute), and in determining whether it is cost-effective for the Government to avail itself of prompt payment discounts. This rate reflects the short-term value of funds to the Treasury and is based on rates set for purposes of Pub. L. 95–147, 91 Stat. 1227. It should be noted that the Federal Claims Collection Standards (4 CFR 102.12) also require that interest be charged on delinquent debts and debts being paid in installments in accordance with I TFRM 6–8000.

Dated: September 15, 1982.

W. E. Douglas,

Commissioner.

[FR Doc. 82–25768 Filed 9–17–82; 8:45 am]

BILING CODE 4810–35–M

Office of the Secretary

[Department Circular Public Debt Series—No. 24–82]

Treasury Notes of September 30, 1986 Series J–1986

September 15, 1982.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $5,000,000,000 of United States securities, designated Treasury Notes of September 30, 1986, Series J–1986 (CUSIP No. 912827 NR 9). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated September 30, 1982, and will bear interest from that date, payable on a semiannual basis on March 31, 1983, and each subsequent 6 months on September 30 and March 31 until the principal becomes payable. They will mature September 30, 1986, 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 depsosits 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, September 21, 1982. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, September 20, 1982, and

received no later than Thursday, September 30, 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 ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.000. 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 calulations 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 Thursday, September 30, 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 Tuesday, September 28, 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. 82-25987 Filed 9-17-82; 8:45 am]

BILLING CODE 4810-40-M

[Department Circular Public Debt Series—No. 25-82]

Treasury Notes of October 15, 1989; Series F-1989

September 15, 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 $4,000,000,000 of United States securities, designated Treasury Notes of October 15, 1989, Series F-1989 (CUSIP No. 912827 NS 7). 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 29, 1982, and will bear interest from that date, payable on a semiannual basis on April 15, 1983, and each subsequent 6 months on October 15 and April 15 until the principal becomes payable. They will mature October 15, 1989, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Wednesday, September 22, 1982. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, September 21, 1982, and received no later than Wednesday, September 29, 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 successivelly higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 98.250. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive

tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Wednesday, September 29, 1982. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Monday, September 27, 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. 82-25988 Filed 9-17-82; 8:45 am]

BILLING CODE 4810-40-M

[Department Circular Public Debt Series—No. 26-82]

Treasury Bonds of 2002

September 15, 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 $2,750,000,000 of United States securities, designated Treasury Bonds of 2002 (CUSIP No. 912810 DA 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 29, 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, 2002, and will be 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 prinicipal 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. 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 these amounts. Interchanges of securities of difference denominations and of 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, Thurday, September 23, 1982. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Wednesday, September 22, 1982, and received no later than Wednesday, September 29, 1982.

3.2. Each tender must state the face amount of securities bid for. The mininum bid is $1,000, and larger bids must be multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimials, 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. Commerical 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 borrowing on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customers 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, an annual interest rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 95.000. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Wednesday, September 29, 1982. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Monday, September 27, 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)." 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. 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, and to receive payment for and make delivery of securities on full-paid allotments.

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. 82-25989 Filed 9-17-82; 8:45 am]

BILLING CODE 4810-40-M

VETERANS ADMINISTRATION

120-Bed NHCU and Parking Structure, San Francisco, Calif.; Availability of Final Environmental Impact Statement (FEIS)

The Final Environmental Impact Statement, for the 120-Bed Nursing Home Care Unit and Parking Structure, Veterans Administration Medical Center, San Francisco, California, dated June 1982 has been prepared as required by Section 102(2)(C) of the National Environmental Policy Act of 1969, and is available for public distribution. This statement discusses the potential environmental impacts of four alternatives for the project. These alternatives are: (a) A two-story 120-Bed Nursing Home Care Unit (NHCU); (b) The NHCU, and a two level parking structure for approximately 170 cars; (c) The NHCU, and a two level parking structure designed to accommodate vertical expansion to four levels for approximately 340 cars; (d) No action, in which case conditions would remain as they are.

The agency's preferred alternative is (c).

Several other alternatives, such as, renovating an existing offsite building, contracting with private nursing home facilities, and building a NHCU over existing parking were studied by the agency. These alternatives were considered not to be viable solutions.

The Statement is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E., Environmental Affairs Staff, Room 423, Veterans Administration, 811 Vermont Ave., NW., Washington, D.C., (202)-389-3316. Single copies of the Statement may be obtained by writing to: Environmental Affairs Staff (005B), 811 Vermont Avenue, NW., Washington, D.C. 20420.

Dated: September 13, 1982.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

[FR Doc. 82-25751 Filed 9-17-82; 8:45 am]

BILLING CODE 8320-01-M

National Cemetery, Fla.; Availability of Draft Environmental Impact Statement

Notice is hereby given that a document entitiled "Draft Environmental Impact Statement for Veterans Administration National Cemetery, Florida," dated August 1982, has been prepared as required by the National Environmental Policy Act of 1969.

This Draft Environmental Impact Statement evaluates the adverse and beneficial effects of creating a new National Cemetery in Florida. For both of the alternative sites—Withlacoochee State Forest Site and Cross Florida Barge Canal Site near Ocala—seven categories of economic, social and physical environmental effects are examined and compared with existing conditions. For each site and for each category of impact, measures to mitigate impacts are described. Alternative sites are discussed, as is the no-action alternative. Finally, a list of preparers, bibliography and index to appendices available upon request is provided.

The document is being placed for public examination at the Veterans Administration in Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, Director, Office of Environmental Affairs (005B), Room 423, Veterans Administration, 811 Vermont Avenue, NW., Washington, D.C. 20420, (202-389-3316). Single copies of the Draft Environmental Impact Statement may be obtained on request to the above office.

Dated: September 13, 1982.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

[FR Doc. 82-25750 Filed 9-17-82; 8:45 am]

BILLING CODE 8320-01-M

Veterans Administration Wage Committee; Meetings

The Veterans Administration, in accordance with Pub. L. 92-463, gives notice that meetings of the Veterans Administration Wage Committee will be held on:

Thursday, October 14, 1982
Thursday, October 28, 1982
Wednesday, Novmeber 10, 1982
Wednesday, November 24, 1982
Thursday, December 9, 1982
Thursday, December 23, 1982

The meetings will begin at 2:30 p.m. and will be held in Room 304, Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, DC 20420.

The Committee's purpose is to advise the Chief Medical Director on the development and authorization of wage schedules for Federal Wage System (blue-collar) employees.

At these meetings the Committee will consider wage survey specifications, wage survey data, local committee

reports and recommendations, statistical analyses, and proposed wage schedules.

All portions of the meetings will be closed to the public because the matters considerd are related solely to the internal personnel rules and practices of the Veterans Administration and because the wage survey data considered by the Committee have been obtained from officials of private business establishments with a guarantee that the data will be held in confidence. Closure of the meetings is in accordance with subsection 10(d) of Pub. L. 92–463, as amended by Pub. L. 94–409, and as cited in 5 U.S.C. 552b(c)(2) and (4).

However, members of the public are invited to submit material in writing to the Chairman for the Committee's attention.

Additional information concerning these meetings may be obtained from the Chairman, Veterans Administration Wage Committee, Room 1175, 810 Vermont Avenue, NW., Washington, DC 20420.

Dated: September 10, 1982.

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 82-25752 Filed 9-17-82; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 182
Monday, September 20, 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).

CONTENTS

1

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10 a.m., Wednesday, September 22, 1982.

LOCATION: Room 456, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Beer Kegs Petition, CP 82-3
The Commission will consider petition CP 82-3 from Mr. William C. Haensch which requests a consumer product safety rule to declare certain beer keg tap rod assemblies to be a banned hazardous product under the CPSA.

Closed to the Public:

2. Enforcement Matter OS# 5966

The staff will brief the Commission on isues related to enforcement matter OS# 5966.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Deputy Secretary, Office of the Secretary, Room 342, 5401 Westbard Avenue, Bethesda, Maryland 20207; Telephone (301) 492-6800.

[S-1339-82 Filed 9-16-82; 2:57 pm]

BILLING CODE 6355-01-M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: Tuesday, September 21, 1982, 9:30 a.m. (eastern time).

PLACE: Commission Conference Room No. 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street, NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Freedom of Information Act Appeal No. 82-07-FOIA-088-MK, concerning a request for information from a charge file.
2. Freedom of Information Act Appeal No. 82-7-FOIA-24-DE, concerning a request for information contained in an age, equal pay and Title VII charge file.
3. Freedom of Information Act Appeal No. 82-8-FOIA-031-CT, concerning a request for a closed ADEA file.
4. EEOC's Semi-Annual Regulatory Agenda (as required by Executive Order 12291 and the Regulatory Flexibility Act).
5. Proposed Disposition of Comparable Worth Charges.
6. Ninety-Day Notice: Commission Initiated Charges.
7. Proposed Contracts for Expert Witness Services.
8. A Report on Commission Operations by the Acting Executive Director.

Closed:

1. Litigation Authorization: General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides recorded announcements a full week in advance on future Commission sessions. Please telephone (202) 634-6748 at all times for information on these meetings).

CONTACT PERSON FOR MORE INFORMATION:
Treva I. McCall, Executive Officer, Executive Secretariat at (202) 634-6748.

This Notice Issued September 14, 1982.

[S-1338-82 Filed 9-16-82; 9:32 am]

BILLING CODE 6570-06-M

3

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

September 15, 1982.

TIME AND DATE: 10 a.m., Wednesday, September 22, 1982.

PLACE: Room 600, 1730 K Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Secretary of Labor, MSHA, and United Mine Workers of America on behalf of Howard Mullins v. Consolidation Coal Company (successor to Pocahontas Fuel Co.), Docket Nos. HOPE 75-680, IBMA 75-39, IBMA 75-40. (Issues include interpretation and application of § 203(b)(3) of the 1969 Coal Act.)

CONTACT PERSON FOR MORE INFORMATION: JEAN ELLEN (202) 653-5632.

[S-1340-82 Filed 9-16-82; 4:15 pm]

BILLING CODE 6735-01-M

federal register

Monday
September 20, 1982

Part II

Department of the Interior

Office of the Secretary

Theodore Roosevelt National Park and Lostwood National Wildlife Refuge; Final Certification of No Adverse Impact

DEPARTMENT OF THE INTERIOR

Final Certification of No Adverse Impact on Theodore Roosevelt National Park and the Wilderness Portion of Lostwood National Wildlife Refuge Under Section 165(d)(2)(C)(iii) of the Clean Air Act

AGENCY: Interior Department.

ACTION: Notice of final determination under Section 165(d)(2)(C)(iii) of the Clean Air Act.

SUMMARY: This notice announces the final determination by the Federal Land Manager of Theodore Roosevelt National Park and Lostwood National Wildlife Refuge, effective September 15, 1982, that five proposed sources in North Dakota subject to Prevention of Significant Deterioration air quality requirements will not adversely affect the resources of the park and refuge (wilderness portion). The Department of the Interior has made the final determination after full consideration of the best available information and the public comments received on the issues involved. The intent of this notice is to announce the final determination of no adverse impact, provide a statement of reasons supporting it, and inform interested persons of the availability of supporting documentation, including a detailed "Response to Public Comments," for inspection and copying.

DATE: The certification of no adverse impact is effective as of September 15, 1982.

ADDRESSES: Copies of the supporting documentation and response to public comments are available for public inspection and copying between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, at the following locations: National Park Service, Main Interior Building, Room 3021, 18th and C Sts. N.W., Washington, D.C.; Air Quality Division, 11011 W. Sixth Avenue, Denver CO, Room 306; and Theodore Roosevelt National Park, Headquarters, Medora, ND. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: John P. Christiano, Air Quality Division, National Park Service—AIR, P.O. Box 25287, Denver, CO 80225, telephone number (303) 234-6620.

SUPPLEMENTARY INFORMATION: The Prevention of Significant Deterioration section of the Clean Air Act deals with an important issue. It concerns major new facilities which wish to locate in relatively unpolluted areas of the country ("clean air regions"), where the new pollution might affect certain federal conservation areas ("class I areas"), set aside for their pristine air quality or other natural, scenic, recreational, or historic values vulnerable to air pollution. In this situation, the Act imposes special requirements on the proposed facilities to ensure that the pollution from them will be minimal. In addition, the Act imposes special responsibilities on the managers of the federal class I areas to ensure that no new facility will have an unacceptable impact on the areas' protected resources.

The Clean Air Act establishes several 'Standards" or "tests" for analyzing a proposed facility's impact on the clean air regions in general, and on the class I area in particular. These standards or tests include, among others, National Ambient Air Quality Standards; Prevention of Significant Deterioration class I, II, and III air pollution increments; and the "adverse impact" determination for class I areas. An explanation of the relationship among these standards or tests is particularly relevant to the action which is the subject of this notice.

In brief, *National Ambient Air Quality Standards,* which a proposed facility must not violate under any circumstances, are standards applicable to the entire country. These standards represent those pollution levels acceptable for protecting the public health and national welfare. Attainment and maintenance of these National Ambient Air Quality Standards constitute one of the fundamental purposes of the Clean Air Act: all areas presently not in compliance with the standards must improve their air quality to meet them, and all areas cleaner than the standards must not deteriorate so as to violate them.

The two remaining "standards" or "tests"—class I, II, and III increments and adverse impact determinations—are the primary tools of the Prevention of Significant Deterioration (PSD) provisions which govern the permitting of proposed major new sources of pollution in clean air regions. The *class I increments* apply to clean air regions of the country containing areas such as national parks and wilderness areas. Under the Clean Air Act, Congress designated 158 natural, scenic, or historic areas of special national significance as class I. The class I increments represent the extremely small amount of additional pollution that Congress thought, as a general rule, should be allowed in class I areas. The class I increments also represent the restriction on additional pollution which Congress thought necessary in most cases for protection of the resources in federal class I areas. Typically, therefore, a proposed facility must not violate the class I increment.

The *"adverse impact" determination,* however, provides the possible exception to the general rule that a proposed facility must not violate the class I increment described above. The adverse impact determination, which is the subject of this notice, is a site specific test which examines whether a proposed facility will, in fact, unacceptably affect the resources of a class I area. If the manager of the federal class I area determines that a proposed facility will not adversely affect the class I area, then the permitting authority may authorize the facility even though the facility's emissions may cause a violation of the class I increment. In this situation, the facility must nevertheless not exceed a revised set of class I increments established by the Act. Conversely, if the Federal Land Manager determines and convinces the permitting authority that a proposed facility will adversely affect the class I area even though it will not cause a violation of the class I increment, then the permitting authority may not authorize the facility. Thus, the adverse impact determination is a critical test for a proposed facility which desires to locate near a class I national park or wilderness area.

The action which is the subject of today's notice concerns two mandatory class I areas: Theodore Roosevelt National Park (Theodore Roosevelt NP) and the wilderness portion of Lostwood National Wildlife Refuge (Lostwood NWR). The situation is that the proposed and existing sources located in the vicinity of the two class I areas will meet the National Ambient Air Quality Standards, but they will apparently exceed the class I increments for sulfur dioxide (SO_2). Therefore, the adverse impact determination of the Federal Land Manager may be the determining factor in the State of North Dakota's pending permit decision for six proposed facilities.

Prevention of Significant Deterioration New Source Applications: Six Prevention of Significant Deterioration (PSD) permit applications have been submitted to the State of North Dakota. The applicants are Basin Electric Power Cooperative for a 500 MW unit expansion to the Antelope Valley electric generating station; Warren Petroleum for an expansion of a natural gas processing facility; Nokota Company for a coal-to-methanol plant; Minnesota Power and Light for a 500 MW electric generating station; Amoco Production Company for a natural gas

processing facility; and Phillips Petroleum Company for a natural gas processing facility.

The State of North Dakota, which has been delegated complete PSD authority, has performed regional scale modeling to determine the cumulative air pollution concentrations resulting from all sources subject to PSD on Theodore Roosevelt NP and Lostwood NWR. These sources include ten facilities already permitted or operating and the six applicants. The results indicate concentrations higher than the allowed sulfur dioxide class I 24-hour and 3-hour increments in the North and South Units of Theodore Roosevelt NP and higher than the class I 24-hour increment at the Theodore Roosevelt Elkhorn Ranch Unit and Lostwood NWR.

Because of the model results, the State informed five of the applicants of several options available for obtaining a permit, including the option of requesting certification from the Federal Land Manager under Section 165(d)(2)(C)(iii) of the Clean Air Act that the sources will have no adverse effect on the resources of Theodore Roosevelt NP and the wilderness portion of Lostwood NWR even though the maximum allowable class I increase (i.e., class I increments) will be exceeded. The sixth applicant, Phillips, does not need to request certification from the Federal Land Manager because the emissions from the proposed Phillips plant do not contribute to concentrations that exceed the maximum allowable increases in the class I areas. The five other applicants have chosen to request Federal Land Manager's certification from the Department of the Interior.

Discussion of Public Comments: On July 12, 1982 (47 FR 30222), the Federal Land Manager announced the preliminary determination that the proposed sources would not adversely affect the resources of the two class I areas and provided for a 30-day public comment period. During the public comment period, the State released new air quality data from the first months of 1982. In addition to considering the new air quality data, the Federal Land Manager performed a revised and expanded visibility analysis, including short-term effects. The analysis included consideration of sulfate formation in response to a request from one of the public commenters. On August 27, 1982, in keeping with its policy to invite full public discussion of the issues and thereafter to make a decision based on the best available information, the Department of the Interior reopened the public comment period to make the supplemental information available to interested persons, to solicit comments on the new data and expanded analysis, and to announce the FLM's preliminary determination that the supplemental information did not change the conclusions published on July 12 (47 FR 37968).

Six comments were received representing nine commenters in response to the July 12 **Federal Register** notice. Three comments were received representing six commenters in response to the August 27 notice. In addition to raising the issue of the availability of the new air quality data, the comments were primarily directed to procedural issues, best available control technology, adverse impact criteria, vegetation effects methodology, visibility impairment analysis, and statistical methodology. A summary of the comments follows.

1. *Procedural issues.* Some of the commenters requested preparation of an Environmental Impact Statement (EIS) or an Environmental Assessment (EA) and the holding of an adjudicatory hearing prior to making a final decision to grant or deny the certification requests. It is the position of the Federal Land Manager that section 102(2)(C) of the National Environmental Policy Act (NEPA), and the various implementing regulations, do not apply to the Department's determination of no adverse impact under section 165(d)(2)(C)(iii) of the Clean Air Act, since the determination is not a proposal for a "major Federal action significantly affecting the quality of the human environment" under NEPA, and even were it considered a proposal for a major federal action, it would be exempt from NEPA's environmental impact statement requirement under the specific provisions of section 7(c)(1) of the Energy Supply and Environmental Coordination Act of 1974 ("ESECA"), 15 U.S.C. 793(c)(1). ESECA specifically exempts all actions under the Clean Air Act from the requirements of section 102(2)(C) of NEPA. Nevertheless, the Department's adverse impact determination process involves the type of thorough environmental review and consideration of public comments that is the essence of NEPA, subject to the statutory time deadlines for processing permit applications under the Clean Air Act.

Regarding the request that the Federal Land Manager hold a separate public hearing on the adverse impact determination, neither the Clean Air Act nor the Administrative Procedure Act requires the Federal Land Manager to provide an adjudicatory hearing on an adverse impact determination pursuant to section 165(d)(2)(C)(iii). The Clean Air Act requires only that the permitting authority, not the Federal Land Manager, provide a public hearing with opportunity for written or oral comment. The State of North Dakota, the permitting authority in this action, has announced a public comment period and a public hearing for each of the proposed applicants. Congress stressed the need for both state and federal agencies to avoid delay in the prevention of significant deterioration permitting process. A separate public hearing on the Federal Land Manager's adverse impact determination would consume time and resources while duplicating an aspect of the public hearing required at the state level. Such an action would therefore be inconsistent with clear Congressional intent. All interested parties, including the Department, will have the opportunity to testify at the State's scheduled public hearing.

2. *Best available control technology (BACT).* Several commenters addressed the Federal Land Manager's BACT findings provided in the July 12 Technical Review. The determination that the proposed sources will have no adverse impact is based on the emissions resulting from the applicants' proposed control technologies, and is not based on the Technical Review's recommendations of BACT. Therefore, the BACT recommendations will be submitted to the state during the public comment period for consideration. Since the State of North Dakota is the permitting authority, it is the responsibility of the state to consider BACT comments and to determine what additional control technology, if any, constitutes BACT after weighing all energy, economic, and environmental concerns.

3. *Adverse impact criteria.* One commenter said that an adverse impact on air quality related values must include any changes in the physical, chemical or biological environment (other than changes in air quality) which measurably or predictably modify the natural environment of the park. The Department disagrees with this definition. The Department believes that changes which do not (1) diminish the national significance of the class I area, (2) impair the structure or functioning of the ecosystem, or (3) impair the quality of the visitor experience, are *de minimis* and, therefore, acceptable. Both the legislative history of section 165(d) of the Clean Air Act as well as EPA's regulatory definition of the term "adverse impact" support the

Department's interpretation. The Department stands by its record in the case at hand as illustrative of the aggressive role required of the Federal Land Manager in protecting class I lands and of the proper allocation of the "benefit of the doubt" in favor of the lands' protection. Accordingly, based on "worst case" analyses with correspondingly ample margins of protection for the class I lands, the Federal Land Manager has concluded with confidence, and set forth in the record, that the granting of permits to the five proposed sources will not cause any unacceptable, adverse impacts on the air quality related values of Theodore Roosevelt NP and Lostwood NWR (wilderness portion.)

One commenter misconstrued the July 12 adverse impact discussion to mean that "reversibility" of damage was a criteria for determining adverse impact. Reversibility is just one of many factors considered by the Federal Land Manager in determining the magnitude and scope of potential effects, but it is not one of the three criteria for adverse impact determinations listed above.

Other commenters equated any perceptible change to visibility as adverse. Again, the Department disagrees with this definition. The EPA "visibility regulations" on new source review clearly distinguish between "visibility impairment," which is defined as a humanly perceptible change (40 CFR 51.301(x)), and "adverse impact," which is defined as visibility impairment which occurs to such an extent or with such intensity, duration or frequency as to interfere with the preservation of the area or with the visitor's visual enjoyment of the area (40 CFR 51.301(a)).

4. *Vegetation effects methodology.* Several commenters sought further elaboration on the Federal Land Manager's methodology for determining the potential for effects on sensitive vegetation resources, the potential for effects on soils and the ecosystem, and the likelihood for synergistic effects from various combinations of pollutants. The Federal Land Manager's "Response to Public Comments" document addresses these concerns in detail.

Other commenters mistakenly equated the potential for the temporary disappearance of a few individual lichens with the elimination of an entire lichen species. Based on conservative, "worst case" assumptions, the Federal Land Manager found that emissions from the proposed new sources will have minimal impact of any kind on the resources of the two class I areas. Indeed, the only identified potential impact concerns certain lichens, which are the resources most sensitive to air pollution. However, even these potential impacts, should they occur, are expected to be minimal, extremely limited in magnitude and scope, and most likely temporary and reversible.

5. *Visibility impairment analysis.* In response to a request by one commenter, the Federal Land Manager expanded the July visibility analysis of plume perceptibility and annual regional haze to include the short-term (24-hour) effects, including sulfate, on regional haze. It should be pointed out that the visibility regulations promulgated by the Environmental Protection Agency in December 1980 (45 FR 80084) were limited to those visibility impacts from plumes that reasonably could be attributed to one or more point sources. This narrow approach was a result of what scientific experts believed were the limits of current scientific knowledge and available modeling techniques. Nevertheless, based on additional modeling provided by the State at the request of the Federal Land Manager, the visibility analysis was expanded in an innovative attempt to quantify the potential 24-hour effects on regional haze resulting from the combined emissions of all increment consuming sources, including the proposed sources.

After reviewing the Federal Land Manager's analysis, one commenter performed an alternative analysis which yielded somewhat different and greater frequencies of occurrence based on a set of different assumptions. After careful consideration of both analyses, the Federal Land Manager concludes that the assumptions used in the August supplemental review are preferable since they are appropriate for the meteorological and atmospheric conditions of the two class I areas. The "Response to Public Comments" document elaborates on this conclusion and provides supporting references from the scientific literature.

It should be noted from the previous discussion on adverse impact criteria, that the Federal Land Manager does not necessarily equate a perceptible visibility impairment with an unacceptable, adverse impact. Rather, the Federal Land Manager takes into account the magnitude, duration and frequency of the occurrence of perceptible visibility impairment as it may affect the scenic features of the class I areas that are important to either the national significance or the visitor's enjoyment of the area.

6. *Statistical methodology.* Several commenters suggested alternative ways of estimating the maximum total contributions and of calculating the conversion of the averaging times of the monitored and modeled estimated concentrations to make them comparable with the dose response times in the effects literature. In all cases, the methodology used by the Federal Land Manager resulted in higher, more conservative, worst-case estimates than would have resulted by the alternative methodologies suggested. The Federal Land Manager believes that the use of these extremely conservative assumptions and methodologies provided an ample margin of safety in favor of assuring park protection.

Findings and Determinations: As detailed in the following statements, the Federal Land Manager concludes that the proposed new sources will have minimal impact of any kind, and no adverse impact, on either of the class I areas.

1. Plant and animal species known to be sensitive to low levels of SO_2 and particulate matter are present in each class I area. Lichens appear to be the species most sensitive to changes in air quality, and potential effects would be minimal.

2. The model predicts that SO_2 concentrations higher than the class I increments would occur in the park and refuge even if the six applicants are not permitted.

3. A cumulative frequency of occurrence analysis of the measured SO_2 data shows that high concentrations are episodic and do not represent typical conditions. Half the hourly values are an order of magnitude below the minimum detectable limit of the instruments (5 $\mu g/m^3$).

4. Worst case estimates of the maximum SO_2 concentrations in Theodore Roosevelt NP and Lostwood NWR are at levels known to produce effects on only certain sensitive species, (i. e., two species of lichens).

5. Predicted concentrations of particulate matter are lower than the clas I increments and are expected to contribute virtually nothing to ambient air quality levels.

6. Estimated ambient air fluoride concentrations in the park and refuge (wilderness) are insignificant.

7. Soils in the park and refuge (wilderness) are buffered and are therefore unlikely to be affected by acidic rainfall events. Similarly, the streams, ponds and rivers are also unlikely to be affected.

8. Recent field evaluations of sensitive species in each class I area found no symptoms of visible injury due to current ambient air pollution.

9. None of the applicants alone should cause a perceptible plume affecting visibility in the class I areas. An

estimate of the combined effect of all sources on visibility indicates that less than a 2% reduction in annual standard visual range should occur. This is below the threshold limit for human observers. When the regional haze analysis is extended to short-term (24-hour) periods and expanded to include consideration of sulfate formation, visibility impairment to views within the class I areas probably would not be humanly perceptible. It might further be noted that visibility impairment to views of landscape features outside the boundaries of the areas would occur infrequently and would be barely perceptible.

10. Many factors exist in this analysis that tend to overpredict effects on air quality related values. In other words, the actual impact on the resources from the proposed sources will probably be even less than the analysis assumes.

11. The effects on air quality related values are not found to impair the structure and functioning of ecosystems, impair the quality of visitor experience, or diminish the national significance of either class I area.

Based on the above findings and the overall analysis, the Federal Land Manager concludes the following:

1. Granting these permits will not cause an unacceptable, adverse impact on the natural resources of Theodore Roosevelt NP or the wilderness portion of Lostwood NWR. The predicted concentrations (modeled estimates plus monitored concentrations) in the park are at levels at which studies have indicated no effects on mosses and the potential for effects on only two species of lichens. These effects would be limited in magnitude and scope, and would not threaten the basic abundance of the species in either class I area. Even in the absence of the five new sources which have requested a certification from the Federal Land Manpower, the model estimates and air quality data indicate concentrations high enough to produce these effects. It is likely that the major contributors to the monitored SO_2 concentrations are existing sources near the class I areas. In the case of the proposed gas processing plants, processing sour natural gas which is presently being flared will result in an overall decrease in SO_2 emissions. This offset in emissions cannot be quantified without an extensive emission inventory of all the oil wells that are flaring gas (probably in the thousands); however, there should be an emission reduction when the proposed gas plants begin processing the sour gas.

2. Even though the Federal Land Manager is confident of no significant risk to resources in this case, because of the potential for additional growth near these class I areas, it is recommended that several studies be undertaken to provide an extra measure of protection. Possibilities for studies include completion of vegetation maps for the class I areas; lichen monitoring studies; analysis of particulate matter burdens in bird lungs; sulfur analyses of vegetation and soils; and increased ambient monitoring. In the event these studies indicate increased potential for adverse effects, a State Implementation Plan revision might be appropriate to reduce emissions of existing and unreviewed sources.

Conclusions reached in this certification should not be extrapolated to any future permit applications in the vicinity of Theodore Roosevelt NP or Lostwood NWR. Each future application must be reviewed on a case-by-case basis, because a source's emission parameters, such as stack height, gas temperature, and geographic location, determine its interaction with other sources and hence, the potential for effects. New applicants must demonstrate to the Federal Land Manager's satisfaction that the proposed source will not cause or contribute to an adverse impact on the resources of Theodore Roosevelt NP and wilderness portion of Lostwood NWR.

This certification is based on, and therefore limited to, concentrations at or below those specified in the State of North Dakota's pollution modeling and used in the Federal Land Manager's Technical Review. This certification specifically does not apply to any higher concentrations, such as the alternate concentrations set forth in Section 165(d)(2)(C)(iv) of the Clean Air Act.

Dated: September 15, 1982.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks, Federal Land Manager of Theodore Roosevelt National Park and Lostwood National Wildlife Refuge.

[FR Doc. 82-25733 Filed 9-17-82; 8:45 am]

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federal register

Monday
September 20, 1982

Part III

Department of Transportation

Federal Aviation Administration

Air Transportation Regulation

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 120, 121, 135; and SFAR 38

[Docket No. 22480; Notice No. 82-13]

Air Transportation Regulation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to remove Parts 121 and 135 from the Federal Aviation Regulations and to add a new Part 120 which implements a new concept in aviation safety regulations entitled "Regulation By Objective" (RBO). Because of the ever-changing operating environment, the FAA is considering replacing traditional "how to" regulations with the safety objectives they are intended to achieve. This will allow the affected operators to assess their operations and seek more effective and efficient methods of complying with safety objectives while maintaining the highest level of safety. This action, therefore, is consistent with Executive Order 12291 and the Regulatory Flexibility Act of 1980.

DATE: Comments must be received on or before January 20, 1983.

ADDRESS: Comments on the proposals may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 22480, 800 Independence Avenue, SW., Washington, D.C. 20591 or delivered in duplicate to: Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591. Comments delivered must be marked: Docket No. 22480. Comments may be inspected at Room 916 between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Dan Beaudette, Training and Technical Standards Branch (AFO-260), Air Transportation Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3460.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, or economic impact that might result from adopting the proposals contained in this notice are invited. All comments received on or before the closing date for comments 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 substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket. Persons wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 22480." The postcard will be date/time stamped and returned to the commenter.

Availability of NPRM

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

Regulatory Objectives

The Federal Aviation Administration (FAA) is considering a significant change in its method of establishing air transportation safety regulations. Under a new concept entitled "regulation by objective" (RBO), the FAA would substitute broadly stated safety objectives for many of its detailed "how to" regulations.

Regulation by objective has three major goals:

1. To continue the high level of safety that has made United States aviation regulatory standards a model for almost every aviation regulatory body in the world.

2. To provide regulatory flexibility so that the aviation industry will not be impeded in developing innovative methods for achieving the level of safety thus far maintained under Federally established safety objectives.

3. To comply with the requirements of Executive Order 12291 and the Regulatory Flexibility Act of 1980 for reviewing existing regulations.

Historical Background

Federal safety regulation of air transportation, which is the primary mission of the FAA, began with the Air Commerce Act of 1926 and continues today under the Federal Aviation Act of 1958. The regulations in which the FAA establishes standards for most commercial flights are Parts 121 and 135 of the Federal Aviation Regulations. These parts cover commercial operations ranging form the use of a small airplane for a 100-mile flight to the use of a 400-seat airplane engaged in worldwide operations. Specific regulations cover such subjects as the number of hours a pilot may fly between rest periods and the amount of fuel an airplane must carry for each flight.

The current regulations have been developed over the last 50 years in response to growth and change within the aviation industry. The earliest Federal aviation regulations, developed in the 1930's, covered the "domestic" operations of scheduled operators. In 1945 regulations to cover overseas operations ("flag" air carriers) and nonscheduled operations ("supplemental" and "nonscheduled" air carriers) were added. Over the next 35 years, detailed and complex regulations were necessitated by factors such as economic regulation by the Civil Aeronautics Board (CAB) and changes in the aircraft available for passenger-carrying operations.

At various times during this period, Federal regulations made distinctions based not only on the domestic, flag, and supplemental categories, but also on the takeoff weight of the airplane ("large" versus "small" airplanes), type of engine (reciprocating versus turbine), and number of passengers that could be carried.

Further distinctions, based on the size and economics of the operation, led to additional categories of operators such as commercial operators, air taxi operators, commuter operators, and others. As the variety of aircraft and the variety of operators grew, so did the complexity of the regulations. Much of this complexity resulted because airlines were treated differently depending on whether they required economic authority from the CAB and, if so, depending on the type of that authority. Some of this historical development was related to the fact that the CAB, for many years, had both economic and safety regulatory authority.

Many of the distinctions that led to the current set of regulations are no longer valid. For example, the traditional relationship between the takeoff weight of a small airplane, the number of passengers carried, and the type of operation flown was obscured as airplane manufacturers produced small airplanes that carried passenger loads nearly double the previously accepted maximums. Because airplanes used, and types of operations flown, no longer fell into traditional categories, a whole new category of operator was needed. Also, the gradual economic deregulation of the airline industry made invalid many other traditional distinction between the types of airline operations.

Federal safety regulators have attempted to respond to these many changes in the aviation industry. However, because most safety regulations are written in detailed "how to" form and because the process of revising regulations is time consuming, it has become increasingly difficult to specifically regulate the various types of operators and operations. Thus, the FAA has sought a more effective method for dealing with the increasing complexity of safety regulations and for maintaining regulatory flexibility. Regulation by objective is that method.

Current Regulatory Climate

For many years there were few major complaints from either the aviation community or the affected public about Federal aviation safety regulations. One indication of this fact is that aviation safety regulations have seldom been the subject of litigation. Before 1970 Federal regulations in general were rarely challenged in court and, if so, rarely challenged successfully. However, throughout the 1970's regulatory litigation flourished and agencies such as the Environmental Protection Agency and the Occupational Safety and Health Administration could expect to be challenged, often successfully, by the regulated industry, a public interest group, or both, on virtually every significant regulatory document issued.

Aviation safety regulations have not been similarly challenged perhaps because the complex "how to" regulations that grew over the last 40 years are serving the best interests of the regulated industry and the public, or perhaps because the aviation industry became accustomed to detailed safety regulations in the same manner that it became accustomed to economic regulation. Whatever the reasons, it is now clear that change in the economic regulatory climate has affected the attitude of regulated aircraft operators. Some of the newer, expanding operators are prone to question the appropriateness of "how to" regulations and are inclined to seek better, more efficient ways of achieving safety objectives. That innovative approaches to solving long-term safety objectives have been initiated by the newer and smaller operators should not be surprising. It has been estimated that nearly half of the technological innovations introduced in the United States between 1953 and 1973 were developed by businesses with fewer than 1,000 employees.

In any case, a regulatory system that sets forth complex and specific methods intended for general applicability throughout an industry tends to inhibit innovation within that industry. A number of FAA regulations are already written, at least partially, in objective terms that allow for individual approaches subject to FAA approval. (The continuous airworthiness maintenance program and other examples are discussed more fully later.) In addition, through individually approved operations specifications, exemptions, and responses to petitions for rulemaking, the FAA has attempted to respond to operators who believe that the present regulations should be changed or who believe that an equivalent level of safety can be achieved through a method not specifically authorized under existing regulations. However, few in the aviation industry are likely to argue that the present system is perceived as being open and responsive to innovative approaches to achieving agreed upon safety goals. Whether justified or not, the present exemption and regulation amendment programs are viewed by most knowledgeable people as ponderous, time-consuming methods for change.

With respect to a general rule change, there is an even stronger perception among some operators that is better to live with the present system than to try to change it. The possibility of a general, though favorable, rule change that will take 2 or 3 years to accomplish does not encourage operators to devote their resources to innovative solutions for achieving regulatory objectives.

The primary thrust of the proposed regulation by objective program is to change the climate described above. The FAA would continue to establish broad safety objectives and detailed acceptable methods of complying with those objectives. Aircraft operators will not be discouraged from seeking and proposing more effective methods of achieving those objectives.

Developing the RBO Concept

Regulation by objective is a system that separates the safety objectives inherent in present Parts 121 and 135 and from the detailed "how to" regulations set out at length in those parts. Most current regulations provide a broad safety objective and specific means for achieving that objective. For example, § 121.337 requires "protective breathing equipment covering the eyes, nose, and mouth" to protect a flight crewmember from smoke or other harmful gased, and then specifies that there be "at least 300-liter standard temperature and pressure dry supply of oxygen for each required flight crewmember * * *."

In numerous sections of Parts 121 and 135, safety objectives are currently stated along with "how to" procedures that are either broadly stated or are specified but include an operator-initiated option. For example, § 121.367 pertaining to maintenance, preventive maintenance, and alterations states that each certificate holder shall have a program that ensures that "maintenance, preventive maintenance, and alterations performed by it, or by other persons, are performed in accordance with the certificate holder's manual;" that "competent personnel and adequate facilities and equipment are provided * * *;" and that "each aircraft released to service is airworthy and has been properly maintained * * *" Each individual operator's maintenance program is an adaptation of these requirements and is approved for that operator by an FAA inspector at the field level. These arrangements allow the operator to tailor its maintenance program to suit its operating characteristics.

Although § 135.39 specifies qualifications for director of operations, chief pilot, and director of maintenance, § 135.39(d) states, "Deviations from this section may be authorized if the person has had equivalent aeronautical experience."

The practice, then, of approving variations of compliance methods or approval of control systems that allow the operator to make such variations exists, in part, under the present system, and operating experience demonstrates that such regulatory flexibility does not result in a reduction in safety.

To achieve regulation by objective, thereby providing regulatory flexibility that will not adversely affect safety, the FAA has reviewed each section of the current regulations and separated the objectives from the means of achieving the objectives. Each section of Parts 121

and 135 was carefully examined by the FAA to determine how that section could be incorporated into the regulation by objective concept. It was determined that portions of sections or entire sections could be assigned to one of the following categories:

1. The objective of the rule could be determined and stated as an objective in Part 120. (§§ 120.17 and 120.25 are examples.)

2. The rule, as stated in Parts 121 or 135, should remain specific ("how to") because no acceptable alternative is anticipated. (§§ 120.81 and 120.85 are examples.)

3. The rule, as stated in Parts 121 or 135, describes applicability, certification, and implementation procedures for an operator category that would no longer be specified, and thus, needs to be revised. (§§ 120.1 and 120.9 are examples.)

4. The rule should be deleted for one of the following reasons:

(a) The rule is an obsolete applicability provision.

(b) The rule contains outdated requirements such as compliance dates which have expired.

(c) The rule describes a service or provides information that is more appropriately published in a nonregulatory document.

The distribution table at the end of proposed new Part 120 indicates the sections that would be deleted and the reasons for doing so.

Proposed Part 120 contains all of the objectives that the FAA identified in current Parts 121 and 135. The FAA proposes that these objectives become the central body of regulations to be issued, periodically reviewed, and updated as needed. Proposed Part 120 also contains certain procedural regulations an some "how to" regulations which will remain in effect as general regulations.

At the time that Part 120 replaces Parts 121 and 135, the full text of each substantive safety requirement that presently appears in Parts 121 and 135, and that is not included in Part 120, will be issued by the FAA in advisory circular form as an acceptable method of complying with the safety objectives in Part 120.

One advisory circular will contain all of the substantive provisions to be transferred from Part 121 while another will do the same for Part 135. The Part 121 and 135 provisions listed in the source notes for proposed §§ 120.17 through 120.77 will be included verbatim in the advisory circular. The Part 121 and 135 provisions listed in the source notes for proposed §§ 120.1, 120.9, 120.13, 120.81, and 120.85 have been fully reflected in Part 120 and, therefore, will not appear in the advisory circular. Each advisory circular will also contain an administrative section that will explain the procedures for use of the RBO system, including the process for changing methods of compliance, either on an indivudual basis for a particular operator or generally—whether initiated by an operator, the FAA, or a third party.

How RBO Works

Under RBO every operator will be required to achieve broadly stated safety objectives to be contained in Part 120. At the time that an RBO system takes effect, the operator's particular "how to" regulations for achieving safety objectives will be identical to the appropriate acceptable methods contained in the advisory circulars as modified by the provisons of any exemptions that are still in effect for that operator. Thus, initially, an operator would be subject to the same regulations that now apply under either Part 121 or 135. An operator will be issued an operating certificate and an operating document consisting of three parts—

1. The sections of Part 120 that apply to that operator;

2. The specific methods of compliance that the operator uses in complying with Part 120 objectives; and

3. The applicable operations specifications.

The specific methods of complying with Part 120 objectives will have the same legal status and enforceability as operations specifications which have been issued with airline operating certificates from the very beginning of Federal safety regulations.

A major difference under RBO is that the operator may either continue to use its specific "how to" regulations as stated in its operating document, or it may seek to change those specific methods of compliance. If it wants to revise a specific method for achieving a safety objective, the operator may request a change to its operating document. The operator submits both the requested change and a validation procedure by which the operator can show that the proposal provides an equal level of safety as that provided under the current specific method of compliance. The proposed change will be reviewed by the FAA and will be approved only if the change is consistent with the current safety level and with the stated objectives.

While one of the primary goals of RBO is to provide regulatory flexibility so that airline operators will not be impeded in developing new methods for achieving the minimum safety objectives, validating a new method will be the operator's responsibility.

Validation

Methods of compliance developed by an operator will require proof-of-concept—a validation procedure. The validation procedure would be submitted to the FAA for approval. The proposed validation procedures will be reviewed for suitability. Once the validation procedure is approved, the operator would then use that procedure to prove to the FAA that the proposed method of compliance is safe, feasible, and capable of implementation and enforcement. One or more validation methods may be appropriate, depending on the proposal to be validated.

The following are examples of validation methods:

1. Tests (written, practical, functional, performance).

2. Analysis (statistical, engineering, operations, technical).

3. Studies (control/study group, data collection).

4. Inspections (persons, equipment, procedures, facilities).

5. Demonstrations (proving runs, operators, maintenance).

6. Sampling techniques (persons, equipment, procedures, facilities).

7. Simulation (aircraft, procedures, equipment, environment, performance).

Other Essential Features of RBO

In addition to the features already described, the RBO system includes several essential components which will ensure that the FAA's overall safety objectives are met. These are:

1. A new Aviation Safety Analysis System (ASAS).

2. Briefings and information documents for those regulated or interested in RBO and its ASAS component and training for FAA personnel in administering the RBO system.

3. A central FAA office that could be responsible for ensuring uniform application throughout the FAA and that there is no decrease in the overall level of aviation safety.

4. Public information files for general and specific methods of compliance and opportunity for public comment for changes that may affect the level of safety.

Aviation Safety Analysis System

Recently the FAA has undertaken to establish an Aviation Safety Analysis System (ASAS) that will be designed to make maximum use of present technology for information collection

and documentation. This system will integrate hardware ranging from simple word processors to sophisticated computers. The ASAS will make it possible for the FAA to accomplish the following:

1. Record and maintain, in a current status, the Part 120 regulations that apply to an operator and the specific methods of compliance that have been approved for that operator. The system will be capable of producing, amending, and storing these documents for such purposes as research, evaluation, and analysis.

2. Correlate data from safety reports presently collected from operators.

3. Correlate information collected and documents produced throughout the FAA system, such as field inspections, legal interpretations, safety objectives, and provide summary data reports.

This system will provide the FAA with the information needed to deal with specific operator requests and to anticipate the need for FAA initiated regulatory changes whether of a general or specific nature. It will also make it possible for those subject to FAA regulation and for the general public to keep abreast of the workings and effectiveness of the regulation by objective system as well as other FAA activities. With the exception of protected materials such as proprietary information, active investigative, files, and certain protected internal agency communications, it is anticipated that information contained in the ASAS will be available to the public, subject to charges for services where applicable.

Training and Information Documents and Briefings

To derive maximum benefit from RBO, both aircraft operators and FAA personnel must be thoroughly informed on all aspects of the system. Training programs and briefing sessions conducted FAA-wide, as well as information documents, will inform field personnel and aircraft operators of their role in the RBO system. These programs and documents will cover in depth the process, management, and legal implications of the RBO system, the Aviation Safety Analysis System, and their interrelationships.

Central Review

A natural, and justified, concern of persons familiar with any particularized system of approval, such as the proposed RBO system, is that inconsistencies will develop that may affect the integrity of the system and ultimately the level of safety that system is designed to achieve.

To address this concern, the RBO system will have, as an integral feature, a central FAA office that will use the Aviation Safety Analysis System to ensure that (1) each operator's specific methods of compliance remain consistent with the level of safety inherent in the acceptable methods of compliance and the overall safety objectives; and, (2) that the system is administered uniformly.

To achieve acceptable and desirable change, this office will be staffed with highly qualified persons in each needed technical area. In addition, this staff will be served by and will be expert in the use of the new Aviation Safety Analysis System.

Public Process

The FAA has, for many years, been a leader in conducting rulemaking in a manner that maximizes the opportunity for public participation. Such opportunities would continue to be available under RBO. First, the proposed RBO system is, under this notice, subject to the usual public participation process. Drafts of advisory circulars will also be made available for public comment before any final action is taken on this proposal. Second, the safety objectives stated in Part 120 would be changed on an industry-wide basis only after the usual notice and public comment procedures. Third, whenever the FAA believes a change to an acceptable method of compliance is warranted and that the change may affect the level of safety, the FAA will invite and consider public comment. Finally, both the acceptable method of compliance in the advisory circular and the particular regulations included in an operating document will be publicly available. In addition, except for certain proprietary information submitted during the validation process, all materials considered by the FAA in approving acceptable methods of compliance or particular regulations will be available to the public.

Economic Evaluation

There are no discernible costs to industry asssociated with Part 120, since it establishes no new standards and sets no new requirements. Operators may comply with the objectives of Part 120 by following standards which are present Part 121 and Part 135 regulations.

The degree of benefits of the regulatory action proposed are difficult to quantify at this time because they are contingent on industry initiative. If the aviation industry develops innovative, less costly ways to comply with the safety objectives, the benefits will be considerable. However, the number and types of such actions and subsequent benefits cannot currently be forecast in any quantitative manner.

Implementation and Effects of RBO on other Regulations and Related Documents

The requirements of present Parts 121 and 135 are referenced in many other provisions in the Federal Aviation Regulations. In addition, Parts 121 and 135 are affected by Special Federal Aviation Regulations (SFAR) 14, 34, 36, and 41.

This document does not state the impact that adopting a new Part 120 would have on either the existing references to Parts 121 and 135 or the SFAR's. Both issues will be dealt with in a supplemental document to be issued for public comment before final action is taken on this proposal.

This proposal, if adopted, will be implemented by FAA consistent with U.S. obligations under the International Civil Aviation Covention.

Pending Rules. At the present time, the FAA is processing several rulemaking actions affecting Parts 121 and 135. These include NPRM's that are being developed as part of our ongoing regulatory program (for example, the Rotorcraft Review Program), as well as NPRM's that have been published but for which no final action has been taken.

These rulemaking activities are not included in this notice but may be added in the future as amendments to Part 120 (regulatory objectives) or as acceptable methods of compliance following the normal rulemaking process.

Implementation. At the time a regulation by objective system is adopted, each holder of a valid operating certificate will qualify for a Part 120 operating certificate. A reasonable period of time will be allowed for transition from the present system to the new system. Concurrent with issuance of a Part 120 rule, the FAA intends to issue a Special Federal Aviaton Regulation that will state how a Part 121 or Part 135 certificate holder will qualify for operations under Part 120.

Public Meeting

In addition to seeking comments on proposed Part 120, the FAA plans to schedule a public presentation of RBO which will explain what it is and how it will work. The presentation will be followed by a question-and-answer period. This meeting will be announced in the **Federal Register** when the details are finalized.

In commenting on this proposal, the FAA invites attention to the following questions:

1. To what extent will the aviation industry devote resources to finding innovative and more efficient ways to comply with the safety objectives that underlie the present regulations in Parts 121 and 135?

2. Will the RBO concept be perceived as being more conducive to innovation than the present system of detailed "how to" regulations with its provisions for exemptions and petitions for rulemaking?

3. Can you project and quantify any efficiencies, economies or savings which your operation could realize from exercising the flexibility allowed by RBO? If so, please provide such estimates with some indications of your methodology.

4. What effect will this proposal have on the level of safety presently maintained in air transportation operations?

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96–511), any reporting or recordkeeping provisions that may be included in this regulation will be submitted for approval to the Office of Management and Budget (OMB). They are not effective until OMB approval has been obtained and the public notified to that effect.

List of Subjects in 14 CFR Part 120

Acceptable method of compliance, Air carriers, Air taxi, Air transportation, Air traffic control, Aircraft, Airmen, Airplanes, Airports, Airspace, Airworthiness directives and standards, Airworthiness, Alcohol, Aviation safety, Baggage, Beverages, Cargo, Chemicals, Children, Common carriers, Drugs, Flammable materials, Flight operations personnel, Handicapped, Hazardous materials, Helicopters, Hours of work, Mail, Narcotics, Operating document, Pilots, Safety, Smoking, Transportation, Weapons.

The Proposed Amendments

Accordingly, the FAA proposes to amend 14 CFR, Chapter I by removing Parts 121 and 135 and SFAR 38 and adding a new Part 120 as follows:

PART 121—[RESERVED]

1. By removing Part 121 and marking it reserved.

PART 135—[RESERVED]

2. By removing Part 135 and marking it reserved.

3. By removing SFAR–38.

4. By adding a new Part 120 to read as follows:

PART 120—AIR TRANSPORTATION

Sec.

Authority.—Sections 313(a), 314(a), 601 through 610, and 1120 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1355(a), 1421 through 1430, and 1502); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

§120.1 Applicability.

(a) This part prescribes rules governing the certification and operations of the following:

(1) Each person who, whether directly, indirectly, or by a lease or any other arrangement, engages in air transportation.

(2) Each person who, for compensation or hire, engages in the common carriage of persons or property by aircraft in air commerce solely between points entirely within any state of the United States.

(3) Each person who engages in the carriage, in air commerce, of persons or property for compensation or hire as a commercial operator (not an air carrier) in aircraft having a maximum seating configuration of less than 20 passengers or a maximum payload capacity of less than 6,000 pounds.

Source: 121.1(a).

Note.—To avoid voluminous duplication in the source listings, the part number is listed once and the following numbers are sections within that part.

Example: 121.339; 340; 353; 135.167.

(b) In addition, this part prescribes rules governing—

(1) Each person employed or used by any person conducting operations under this part, including the maintenance, preventive maintenance, and alteration of aircraft; and

(2) Each person on board an aircraft being operated under this part.

Source: 121.1(c); 135.1(a); 3.

(c) The rules in this part which refer to a person certificated under this section apply also to any person who engages in an operation governed by this part without the appropriate certificate and operating document required by this part.

Source: 121.4; 135.7.

(d) This part does not apply to operations conducted under Parts 125, 129, 133, and 137 of this chapter, Part 375 of this title, or emergency mail services conducted under Section 405(h) of the Federal Aviation Act of 1958 as amended. In addition, this part does not apply to the following:

(1) Training or ferry flights.

(2) Aerial work operations, including—

(i) Crop dusting, seeding, spraying, and bird chasing;

(ii) Banner towing;

(iii) Aerial photography or survey;

(iv) Fire fighting; and

(v) Powerline or pipeline patrol.

(3) Sightseeing flights conducted in hot air balloons.

(4) Operations conducted under § 91.59.

(5) Operations with aircraft having a seating configuration of 30 seats or less, or a maximum payload capacity of 7,500 pounds or less when conducting—

(i) Nonstop sightseeing flights that begin and end at the same airport and are conducted within a 25-statute-mile radius of that airport; or

(ii) Nonstop flights conducted within a 25-statute-mile radius of the airport of takeoff carrying persons for the purpose of intentional parachute jumps.

(iii) Helicopter flights conducted within a 25-statute-mile radius of the airport of takeoff, if—

(A) Not more than two passengers are carried in the helicopter in addition to the required flightcrew;

(B) Each flight is made under VFR during the day;

(C) The helicopter used is certificated in the standard category and complies with the 100-hour inspection requirements of Part 91 of this chapter;

(D) The operator notifies the FAA Flight Standards District Office responsible for the geographic area

concerned at least 72 hours before each flight and furnishes any essential information that the office requests;

(E) The number of flights does not exceed a total of six in any calendar year;

(F) Each flight has been approved by the Administrator; and

(G) Cargo is not carried in or on the helicopter.

Source: 121.1(b), (f); 135.1(a)(7), (b).

§ 120.5 Definitions.

For the purpose of this part:

"Flight operations personnel" means all crewmembers, flight operations instructors and evaluators, and those persons designated by the certificate holder to authorize flights.

"Operating document" means an approved document which prescribes a certificate holder's specific methods of complying with this part.

"Specific method of compliance" means a method, system, or equipment approved for use by the certificate holder to comply with one or more rules of this part.

§ 120.9 Certification.

(a) *General.* Each person engaging in operations under this part shall obtain and continuously maintain an appropriate certificate and operating document.

(1) Each person engaging in air transportation shall obtain an air carrier operating certificate and an operating document.

(2) Each person engaging only in common carriage solely between points entirely within any state of the United States shall obtain an operating certificate and an operating document.

(3) Each person engaging only in the carriage in air commerce of persons or property for compensation or hire as a commercial operator (not an air carrier) in aircraft having a maximum seating configuration of less than 20 passengers or a maximum payload capacity of less than 6,000 pounds shall obtain an operating certificate and an operating document.

Source: 121.3(a), (c), (e), (f); 13; 135.5; 9; 13; SFAR-38.

(b) *Certificate contents.* Each certificate, as appropriate, shall contain the following:

(1) The holder's name, all business names under which the holder may conduct operations, and the address of the principal operations base or business office.

(2) A description of the operations authorized.

(3) A statement by the Administrator that the holder has met the requirements for, and is entitled to, the certificate.

(4) The date it is issued.

Source: 121.25(a); 45(a); 135.27(a); 29.

(c) *Operating document contents.* Each operating document shall be approved by the Administrator and contain the following:

(1) Applicable portions of this part.

(2) Specific methods of compliance required to be used by the certificate holder to comply with the portions of this part specified in paragraph (c)(1) of this section.

(3) Operations specifications which contain specific authorizations and limitations such as, but not limited to—

(i) Airports, routes, and area limitations and authorizations applicable to the type of operation conducted by the certificate holder;

(ii) Types of aircraft authorized for use;

(iii) Approved aircraft maintenance program, if applicable;

(iv) Approved aircraft inspection program, if applicable;

(v) Procedures for control of weight and balance of aircraft, if applicable;

(vi) Interline equipment interchange or leasehold agreement requirements, if applicable; and

(vii) Any other item that the Administrator determines is necessary to cover a particular situation.

Source: 121.25(b); 45(b); 135.33.

(d) *Initial application.* (1) An applicant shall be a citizen of the United States and, if required by the Federal Aviation Act of 1958, as amended, hold appropriate economic authority.

(2) An applicant shall possess, through ownership or leasehold agreements, sufficient aircraft and facilities to safely and adequately perform the operations for which application is made.

(3) An applicant shall submit an application, in a form, manner, and content acceptable to the Administrator, to the appropriate FAA district office in whose area the applicant proposes to establish its principal operations base. Application shall be made at least 60 days in advance of the proposed operation.

Source: 121.26; 47; 51(a); 135.11.

(e) *Issuance.* (1) Before issuing a certificate and an operating document, based on the type of operation that the applicant intends to conduct, the Administrator—

(i) Prescribes the contents of the applicant's operating document; and

(ii) Determines that the applicant is properly and adequately equipped, qualified, and able to conduct safe operations in accordance with the operating document.

(2) After issuance of a certificate and operating document, the certificate holder and each person used by the certificate holder, shall conduct operations in accordance with the certificate and the operating document.

Source: 121.27(a); 51(a); 135.11.

(f) *Amendments.* (1) A specific method of compliance in the operating document may be amended if the certificate holder applies for the amendment and the Administrator determines that the proposed amendment meets the intent of the safety objective, provides an equivalent level of safety with the method of compliance it would replace, and is in the public interest. Conditional operating approval may be granted by the Administrator for the purpose of validating the proposal. In the event that the amendment is disapproved, the certificate holder may petition for reconsideration. In such case, within 30 days after receiving a notice to refuse the amendment, the applicant may petition the Director of Airworthiness for amendments pertaining to airworthiness, or the Director of Flight Operations for amendments pertaining to flight operations, to reconsider the refusal to amend.

(2) The certificate or the operations specifications may be amended if the certificate holder applies for the amendment and the FAA district office charged with the overall inspection responsibility determines that safety and the public interest allow the amendment.

(3) The Administrator may amend a certificate holder's specific method of compliance or operations specifications, or both, if it is determined that safety in air transportation or air commerce and the public interest requires the amendment. In such case, the FAA district office charged with overall inspection responsibility notifies the certificate holder, in writing, of the proposed amendment fixing a reasonable period (but not less than 7 days) within which the certificate holder may submit written information, views, and arguments on the amendments. After considering all relevant material presented, the district office notifies the certificate holder of any amendment adopted or rescinds the notice. The amendment becomes effective not less than 30 days after the certificate holder receives notification, unless the certificate holder petitions the Associate Administrator for Aviation Standards to reconsider the amendment, in which

case its effective date is stayed pending a decision by the Associate Administrator. If the district office finds that there is an emergency requiring immediate action with respect to safety in air transportation or air commerce that makes the procedure in this paragraph impracticable or contrary to the public interest, it may issue an amendment, effective without stay, on the date the holder receives notification. In such case, the district office incorporates the finding and a brief statement of the reasons for it in the notice of the amendment to be adopted.

(4) The Administrator may amend a certificate under the provisions of Section 609 of the Federal Aviation Act of 1958, as amended, and Part 13 of this chapter.

Source: 121.77(a); 79(a), (b), (d); 135.15; 17.

(g) *Duration.* A certificate issued or amended under this part is effective until it is surrendered by the holder or it is suspended, revoked, or otherwise terminated by the Administrator. The certificate shall be returned to the Administrator within 30 days after a certificate holder ceases operations under this part. The certificate shall be returned to the Administrator immediately if it is suspended, revoked, or otherwise terminated.

Source: 121.29(a), (b); 53(a), (e); 135.9; 35.

§ 120.11 Enforcement.

No person may operate, or perform maintenance on, an aircraft used in an operation subject to this part except in accordance with the provisions of this part and the requirements of applicable operating documents. Each failure to so comply constitutes a separate violation.

§ 120.13 General.

(a) *Leasing of Aircraft.* (1) A certificate holder who enters into a leasing arrangement whereby that certificate holder agrees to provide a large aircraft and at least one pilot flight crewmember to another person certificated under this part, Part 123, or Part 125 of this chapter or engaged in the operation of a foreign air carrier or other foreign airline shall provide the Administrator with a copy or a written memorandum of the terms of the leasing arrangement.

(2) No person may conduct any operation under such leasing arrangement until the Administrator determines which party to the agreement is conducting the operations and amends that certificate holder's operations specifications as appropriate.

Source: 121.6.

(b) *Carriage of certain prohibited substances.* If a certificate holder allows any aircraft owned or leased by the holder to be engaged in any operation that the certificate holder knows to be in violation of § 91.12(a) of this chapter, that operation is a basis for suspending or revoking the certificate.

Source: 121.15; 135.41.

(e) *Change of address.* Each certificate holder shall notify the FAA district office charged with the overall inspection authority of the certificate holder's operations, in writing, at least 30 days in advance of any change in the address of its principal business office, its principal operations base, or its principal maintenance base.

Source: 121.83; 135.27(b).

(d) *Authority for deviations.* The Administrator may, upon application by the certificate holder, authorize deviations from the applicable requirements of this part by an appropriate amendment to the certificate holder's operating document for U.S. Government contracts or for emergency operations. The Administrator may, at any time, terminate deviation authority issued under this section. Each certificate holder authorized to deviate under this section shall comply with the terms of the authorization when conducting such operations.

(1) If, in the case of U.S. Government contracts, the appropriate Department certifies to the Administrator that the operation is essential to national interests and requires the requested deviation and the Administrator finds that the deviation is not based on an economic advantage or convenience to the certificate holder or the United States, the Administrator may authorize deviations for operations conducted as a primary contractor, or a subcontractor with the primary contractor, under a contract with a Department.

(2) In emergency conditions, the Administrator may authorize deviations for operations if those conditions necessitate the transportation of persons or supplies for the protection of life or property and the Administrator finds that a deviation is necessary for the expeditious conduct of the operation.

Source: 121.57(a), (b), (c).

(e) *Route and area approval.* Each certificate holder seeking route or area approval shall show that it is equipped and able to conduct operations on that route, or in that area, and shall comply with the routes, areas, navigation methods, and limitations listed in the certificate holder's operating document.

Source: 121.93; 113(a); 555.

(f) *Instrument approach procedures.* No person may make an instrument approach at an airport except in compliance with IFR weather minimums and instrument approach procedures set forth in the certificate holder's operating document.

Source: 121.567.

§ 120.17 Management requirements.

Each certificate holder shall have a management system which ensures that all component parts of its operation are conducted with the highest degree of safety and in accordance with its operating document. The certificate holder shall also ensure that positive, operational control of the certificate holder's operations remains vested with persons designated to make operational decisions regardless of where its operations are conducted.

Source: 121.59; 61; 135.37; 39.

§ 120.21 Flight operations personnel certification and qualifications.

(a) No certificate holder may use the services of any person as a pilot, nor may any person serve as a pilot, in operations under this part, or an aircraft having a passenger seating configuration of more than 30 seats or a payload capacity of more than 7,500 pounds, if that person has reached the age of 60.

Source: 121.383(c).

(b) No certificate holder may use the services of any person, nor may any person serve, in operations under this part unless that person meets the applicable airman and medical certification requirements of this chapter, and meets the qualifications, training, and currency requirements of this part and its operating document.

Source: 121.383(a); 432(a); 435; 135.95.

(c) The following are the currency and qualification requirements for the positions indicated.

(1) Each person shall demonstrate to an appropriate supervisor familiarity with and competency in the duties of the position before serving without supervision.

Source: 121.383(a); 434; 463(a)(2); 463(c)(d); 135.244.

(2) Each pilot shall—

(i) Hold the appropriate airman certificates and ratings; and

(ii) Maintain a sufficient skill level to properly perform assigned duties through flight experience or training.

Source: 121.437; 439(a), (b), (c); 135.243; 245; 247.

(3) Each pilot in command shall—

(i) Be recurrently evaluated while performing operations under this part to assure competency in the assigned duties; and

(ii) Before conducting certain operations specified by the Administrator, meet special qualification requirements.

Source: 121.440; 445; 135.243; 244; 299.

(4) Each flight engineer shall—

(i) Be qualified to perform the assigned duties; and

(ii) Maintain a sufficient skill level to properly perform assigned duties through flight experience or as determined through evaluation.

Source: 121.387; 453.

(5) Each flight navigator shall be qualified to perform the assigned duties.

Source: 121.389

(6) Each aircraft dispatcher shall be qualified to perform the assigned dispatching duties.

Source: 121.383(a).

(7) Each flight and simulator instructor shall hold the appropriate certificates and meet the proficiency and currency requirements commensurate with the duties involved. Each pilot flight instructor shall hold a flight instructor certificate or be trained in teaching skills.

Source: 121.411; Appendix H; 135.337.

(8) Each check airman shall hold the appropriate certificates and ratings, meet proficiency and currency requirements commensurate with the duties involved, and obtain FAA approval before serving as a check airman.

Source: 121.411(a), (c); Appendix H; 135.303; 337; 353.

§ 120.25 Training program—flight operations personnel.

(a) Each certificate holder shall provide a training program, specifically approved by the Administrator, for its flight operations personnel. The training program must assure that those persons are familiar with and competent in the assigned duties of their positions before performing such duties. Revisions specified by the Administrator shall be made when necessary for the continued adequacy of the training program.

(b) Each training program shall consist of—

(1) Initial and recurrent courses of training in each person's duty position and in the operation of each type of aircraft operated by that person;

(2) Adequate training facilities, devices, aids, and materials, adequately maintained to provide a proper learning environment; and

(3) Qualified instructors and evaluators to conduct the training and evaluation required by this part.

(c) Each course of training shall include the following subject matter applicable to each person's duty position:

(1) Air transportation system.

(2) Equipment to be operated.

(3) Duties to be performed.

(4) Operational situations which may be encountered.

(5) In addition, for instructors and evaluators:

(i) Duties, functions, and responsibilities of the position.

(ii) Means of conducting training or evaluation.

(iii) Detection and resolution of inadequate training or performance.

(d) Each person shall be trained and evaluated initially and recurrently to ensure proficiency in that person's assigned duties for each type of equipment operated.

Source: 121.400; 401; 403; 405; 407; 409; 413; 417; 418; 419; 420; 421; 422; 424; 425; 426; 427; 432(b); 433; 433a; 435; 441; 463(a)(1); 463(b); Appendix E, F, G, H; 135.97; 293; 295; 297; 299; 301; 321; 323; 325; 327; 329; 331; 333; 335; 337; 339; 341; 343; 345; 347; 349; 351.

§ 120.29 Training program—maintenance personnel.

Each certificate holder shall have, for aircraft under a continuous airworthiness maintenance program, a training program to ensure that each person who determines the adequacy of work done is fully informed about procedures, techniques and equipment in use, and is competent to perform the assigned duties.

Source: 121.375; 135.433.

§ 120.33 Aircraft airworthiness, certification, and registration requirements.

(a) Except as provided in paragraph (c) of this section, no certificate holder may operate an aircraft under this part unless that aircraft is registered as a civil aircraft of the United States, carries an appropriate current airworthiness certificate, and was type certificated in the transport category under Part 25, Part 4b of the Civil Air Regulations, as in effect after October 31, 1946, Special Air Regulations 422, 422A, or 422B, or as specified in paragraphs (a)(1) through (a)(5) of this section.

(1) Large airplanes with engines rated at more than 600 horsepower each not certificated under Part 25, Part 4b of the Civil Air Regulations, as in effect after October 31, 1946, or Special Civil Air Regulations 422, 422A, or 422B shall comply with applicable airworthiness criteria in §§ 121.157 (c) and (d), 121.213 through 121.283, 121.307, 121.312, and 135.169(a) in effect on [the day before the effective date of the amendment.]

(2) Reciprocating engine or turbopropeller-powered small airplanes that have a passenger seating configuration, excluding any pilot seat, of 10 seats or more must have been type certificated—

(i) Before July 1, 1970, in the normal category under Part 23 or Part 3 of the Civil Air Regulations, and meet special conditions issued by the Administrator for airplanes intended for use under Part 135;

(ii) Before July 19, 1970, in the normal category under Part 23 or Part 3 of the Civil Air Regulations, and meet the additional airworthiness standards in Special Federal Aviation Regulation No. 23;

(iii) In the normal category or under Aeronautical Bulletin 7A, and meet the additional airworthiness standards in Part 135, Appendix A in effect [the day before the effective date of the amendment;]

(iv) For aircraft with a passenger seating configuration of 10 seats or more, excluding any pilot seat, type certificated under paragraphs (a)(2)(i) through (a)(2)(iii) of this section, the passenger seating configuration shall not exceed the maximum seating configuration used in that type airplane in operations under Part 135 before August 19, 1977, unless the airplane complies with Part 135, Appendix A in effect on (the day before the effective date of the amendment.)

(3) Reciprocating engine or turbopropeller-powered airplanes, with allowable takeoff gross weight in excess of 12,500 pounds, may have been type certificated in the normal category under Special Federal Aviation Regulation No. 41 instead of the requirements of paragraph (a)(2) of this section.

(4) Small airplanes that have a passenger seating configuration of nine seats or less shall have been type certificated in the normal category or under Aeronautical Bulletin 7A.

(5) Rotorcraft shall have been type certificated in the normal or transport category. In addition, rotorcraft with a passenger seating configuration of more than 30 seats or a payload capacity of more than 7,500 pounds shall comply with § 127.91 in effect on (the day before the effective date of the amendment.)

Source: 121.153(a); 157(c),(d), (e); 213 thru 283; Appendix C; 135.2(e); 25(a); 169.

(b) No certificate holder may operate an aircraft unless the aircraft is in an

airworthy condition and meets the applicable airworthiness requirements of this chapter.

Source: 121.153(a); 135.25(a).

(c) A certificate holder may operate an aircraft, in common carriage and for the carriage of mail under this part, that is leased or chartered to it without crew and is registered as a civil aircraft in a country which is a party to the Convention on International Civil Aviation and carries an appropriate airworthiness certificate issued by the country of registration and meets the requirements of § 121.153(c) or § 135.25(d) in effect on (the day before the effective date of the amendment.)

Source: 121.153(c); 135.25(d).

§ 120.37 Aircraft operational tests.

(a) No certificate holder may conduct operations under this part unless the type or make and model of aircraft to be used has been proven, through aircraft proving flights, to be capable of performing operations allowed under this part.

Source: 121.163(a).

(b) No certificate holder may operate a turbojet airplane, or an aircraft for which two pilots are required by this chapter for operations under VFR, unless it shows through operational proving flights, in a representative sampling of its operations under this part, that it can safely operate and adequately support that type or make and model aircraft. No certificate holder may carry passengers on proving flights except those needed to make the test and those designated by the Administrator.

Source: 121.163(b), (c), (d), (e); 135.145.

(c) Each certificate holder using an aircraft with a seating capacity of more than 44 passengers in passenger-carrying operations under this part shall—

(1) Demonstrate the ability to safely evacuate the aircraft under simulated emergency conditions; and

Source: 121.291(a), (b), (c); Appendix D.

(2) Demonstrate the ability to properly deploy and use ditching equipment where the carriage of such equipment is required.

Source: 121.291(d), (e); Appendix D.

§ 120.41 Aircraft limitations.

No person may take off an aircraft unless the airport and environmental conditions for takeoff, en route flight, and landing, permit operation within the corresponding performance data, including operating limitations, contained in the Airplane or Rotorcraft Flight Manual or as specified by the Administrator.

Source: 121.157(a), (b); 161; 171; 173; 175; 177; 179; 181; 183; 185; 187; 189; 191; 193; 195; 197; 198; 199; 201; 203; 205; 207; 135.183; 361; 363; 365; 367; 369; 371; 373; 375; 377; 379; 381; 383; 385; 387; 389; 391; 395; 397; 399.

§ 120.45 Maintenance.

(a) This section prescribes requirements, in addition to rules in other parts of this chapter, for the maintenance, preventive maintenance, and alteration of each certificate holder's aircraft.

Source: 121.157(e); 361(a); 135.411.

(b) Each certificate holder operating aircraft that are type certified with a passenger seating configuration, excluding any pilot seat, of nine or less and a maximum payload capacity of 7,500 pounds or less:

Source: 135.411(a)(1).

(1) Shall have aircraft inspections conducted in accordance with Part 91 or, at the certificate holder's option, an approved aircraft inspection program. However, the Administrator may require an approved aircraft inspection program on the determination that the Part 91 inspection requirements are inadequate.

Source: 135.411(a)(1); 413(a); 419.

(2) Shall comply with the manufacturer's recommended maintenance programs, or a maintenance program approved by the Administrator for each aircraft engine, propeller, rotor, and each item of emergency equipment required under this part.

Source: 135.413(a); 421.

(3) May maintain these aircraft under paragraph (c) of this section.

Source: 135.411(b).

(c) Aircraft that are type certified with a passenger seating configuration, excluding any pilot seat, of 10 seats or more or with a payload capacity in excess of 7,500 pounds shall be maintained under an approved continuous airworthiness maintenance program. Under that program a certificate holder:

Source: 135.411(a)(2).

(1) May perform and approve maintenance, preventive maintenance, and alterations as provided in its maintenance manual and may also perform these functions for another certificate holder in accordance with the other certificate holder's manual.

Source: 121.105; 123; 379; 135.437.

(2) Shall ensure the performance or maintenance, preventive maintenance, and alteration of its aircraft, including airframes, aircraft engines, propellers, appliances, parts, rotors, and emergency equipment by appropriately certificated persons in accordance with its manual and this chapter.

Source: 121.363; 373; 378; 135.413; 431; 435.

(3) Shall have a maintenance program for each aircraft type that adequately describes maintenance and inspection tasks, provides instructions and standards for their accomplishment, and designates required inspection items.

Source: 121.367; 135.425.

(4) Shall have an organization to perform maintenance, preventive maintenance, or alterations, including an independent inspection unit for required inspection items.

Source: 121.365; 371; 135.423; 429.

(5) Shall develop procedures to ensure that an airworthiness release is issued before flight when required inspections, maintenance, preventive maintenance, or alterations have been performed on the aircraft.

Source: 121.709; 135.443.

(6) Shall provide a means for the prevention and retrieval of aircraft records and the transfer of such records when aircraft are sold, and make the information available for inspection by the Administrator and the National Transportation Safety Board upon request.

Source: 121.380; 380a; 707; 135.439; 441.

(7) The Administrator may, in connection with an international parts pool, permit deviation from those provisions of this section that would prevent the return to service and use of airframe components, powerplants, appliances, and spare parts thereof because those items have been maintained, altered, or inspected by persons employed outside the United States who do not hold U.S. airman certificates.

Source: 121.361(b).

(d) Each certificate holder shall have and comply with—

(1) A maintenance manual approved for its use, defining the inspections and maintenance programs and methods, techniques, practices, standards and procedures for the accomplishment of those programs, and, if applicable, administrative and organization procedures and requirements.

Source: 121.369; 135.23; 427.

(2) Operations specifications required by § 120.9(c)(3) concerning inspection,

maintenance, and weight and balance programs.

(3) An approved weight and balance program or appropriate instructions in its manual which ensures that aircraft are operated within prescribed weight and center-of-gravity limits.

Source: 121.153(b); 135.185.

(4) A means of recording and certifying correction of mechanical irregularities recorded under § 120.57(a)(4).

Source: 121.701(a); 135.65(c).

(e) Each certificate holder shall submit to the Administrator—

(1) A report on the occurrence or detection of each failure, malfunction, or defect in an aircraft at any time the failure, malfunction, or defect has endangered or may endanger the safe operation of the aircraft; and

Source: 121.703; 135.415.

(2) A summary report of multiengine aircraft occurrences involving flight interruptions caused by known or suspected mechanical difficulties or malfunctions; and the number of engines removed prematurely because of malfunction, failure, or defect.

Source: 121.705; 135.417.

§ 120.49 Instrument and equipment requirements.

(a) The requirements of this section are in addition to the applicable instrument and equipment requirements of Part 91. However, this section does not require the duplication of any equipment required elsewhere in this chapter.

Source: 121.303(a); 135.141.

(b) Each certificate holder shall ensure, depending on the aircraft or operation involved, that the following instrumentation and equipment are installed on the aircraft prior to flight:

Source: 121.303(b), (c), (d); 135.143(a), (b).

(1) Flight instruments and lighting.

Source: 121.305; 313(a), (d), (e); 323(a), (b), (d), (e), (f); 325; 342(a); 135.149(a), (c), (d); 159(a), (b), (c), (e); 163(a), (b), (c), (d), (e), (h).

(2) Engine and systems monitoring equipment.

Source: 121.307.

(3) Communications and navigation equipment.

Source: 121.99; 345; 347; 349(a), (b), (c); 351; 355; 389; Appendix G; 135.143(c); 161; 165.

(4) Oxygen equipment.

Source: 121.327; 329; 331; 333; 335; 337; 135.89; 157.

(5) Flight data and cockpit voice recording equipment.

Source: 121.343(a) ,(b), (e), (f), (g); 359(a), (c), (d), Appendix B; 135.151(a).

(6) Hazardous weather detection equipment.

Source: 121.357(a), (c), (d), (e); 135.173; 175.

(7) Ground proximity warning system.

Source: 121.303(d)(3); 360(a), (c), (d), (e), (f), (i); 135.153.

(8) Public address system.

Source: 121.318.

(9) Aircraft flightcrew and groundcrew communications equipment.

Source: 121.319.

(10) Passenger information equipment.

Source: 121.317(a), (b); 135.117(c); 135.117(a)(3).

(11) Safety belts and shoulder harnesses.

Source: 121.311(e), (f); 135.171(a).

(12) Materials for compartment interiors.

Source: 121.312; 135.170.

(13) Aircraft operating checklists

Source: 121.315(a), (b); 135.83(a)(1), (2), (b), (c).

(14) Functioning dual controls.

Source: 135.147.

(15) A means for crewmembers to unlock any door on the aircraft that can be locked.

Source: 121.313(g), (i).

(16) A placard on each door or divider that provides access to a required passenger emergency exit which indicates that the door or divider shall be open during takeoff and landing.

Source: 121.313(h)

(17) An electrical power distribution system.

Source: 121.313(c); 135.159(d); 163(f), (g), (i).

(18) A means for the prevention or removal of any ice formation that could adversely affect the safe operation of the aircraft.

Source: 121.341; 135.149(b); 158.

(19) A locking door between the pilot and passenger compartments.

Source: 121.313(f).

(20) Landing light(s).

Source: 121.323(c).

(21) Windshield clearing provisions.

Source: 121.313(b).

(22) Landing gear aural warning device.

Source: 121.289.

(c) Each certificate holder shall ensure, depending on the aircraft or operation involved, that the following emergency equipment is installed on the aircraft prior to flight:

(1) Means to extinguish any type fire likely to occur in the aircraft.

Source: 121.287; 309(a), (b), (c); 135.87(e); 155.

(2) A crash axe.

Source: 121.309(e); 135.177(a)(2).

(3) A means, appropriate to the number of passengers and crew, to treat minor injuries that could occur during flight operations.

Source: 121.309(d), Appendix A; 135.177(a)(1).

(4) A method of transmitting voice instructions, independent of aircraft power systems, which can be heard by all passengers over a high level of background noise.

Source: 121.309(f).

(5) Personal, lighted, flotation devices readily accessible to each occupant.

Source: 121.339; 340; 135.167.

(6) Appropriate means to summon assistance and to prevent unnecessary exposure to the environment should an inadvertent landing occur in the water, or in uninhabited terrain.

Source: 121.339; 340; 353; 135.167.

(d) Each item of emergency equipment prescribed by this section shall be—

(1) Inspected regularly to ensure its condition for continued serviceability and immediate readiness to perform its intended purpose;

(2) Readily accessible; and

(3) Clearly identified and marked to indicate its method of operation and date of last inspection and, when carried in a compartment or container, the compartment or container must be clearly marked as to its contents.

Source: 121.309 (a), (b); 135.167; 177(b).

(e) Each certificate holder shall provide for safe emergency egress from the aircraft, depending on the aircraft or type of operation involved.

Source: 121.310; 135.177(a)(4).

§ 120.53 Flight authorization and control system.

(a) Each certificate holder is responsible for operational control and shall establish and maintain a flight authorization and control system which ensures safe operations and positive control.

Source: 121.107; 125; 127; 395; 533(a); 535(a); 537(a); 541; 593; 595; 597; 601; 603; 135.77.

(b) Each person responsible for operational control shall—

(1) Authorize each flight and provide the pilot in command with all the information necessary to safely initiate, continue, and complete the flight.

Source: 121.443; 533(b), (c); 535(b), (c); 537(b), (c); 557(b); 559(b); 631(a); 635; 637; 663.

(2) Cancel, divert, or reauthorize a flight if, in that person's opinion, or in the opinion of the pilot in command, the flight cannot operate or continue to operate safely as planned.

Source: 121.551; 553; 627 (a), (b); 629(a); 631(b); 135.69(a).

(3) Assess the airworthiness of the aircraft to ensure that—

(i) All required equipment is operable except as provided for in the approved minimum equipment list;

(ii) Weather detection equipment which, if required to be installed, is operable for IFR and night VFR operations, when detectable hazardous weather conditions are expected along the route to be flown; and

(iii) Wings, control surfaces, propellers, and helicopter rotors are free of frost, snow, and ice.

Source: 121.605; 627(c); 629(b); 135.71; 179; 227.

(4) Ensure the suitability of each airport and its facilities for the intended operation based on current conditions of the airport, and the aircraft performance operating limitations;

Source: 121.97; 117; 590; 135.229.

(5) Provide forecast weather and, if available, current reported weather from an approved source and determine the suitability of the weather for the operation to be conducted;

Source: 121.101 (a), (b), (c), (d); 119; 599; 637; 657(d); 135.213.

(6) Ensure an adequate fuel supply for each flight which considers weather, airport, and other conditions which may delay the landing of the aircraft;

Source: 121.639; 641; 643; 645; 647; 135.209; 223.

(7) Ensure and document that each aircraft is properly loaded and that the weight and center of gravity is accurately determined;

Source: 121.665; 693 (a), (b), (c), (d).

(8) Ensure that a flight plan is filed. For certain VFR operations, flight locating provisions may be established and met instead of the flight plan requirements;

Source: 121.667; 135.79.

(9) Ensure, before changing a destination or alternate airport while a flight is en route, that the flight meets the flight authorization requirements to the revised destination or alternate at that time;

Source: 121.631(c).

(10) Ensure that during the flight, the pilot in command is aware of any meterological changes and changes or irregularities of services or facilities that may affect the safety of the flight; and

Source: 121.601(c); 603(b).

(11) Ensure, for the entire route to be flown, including departures and approaches, that communication and navigation facilities are adequate and available based on the operation conducted.

Source: 121.103; 121; 607; 609.

§ 120.57 Pilot-in-command authority and responsibility.

(a) The pilot in command shall have the authority and responsibility for the safe operation of the aircraft, safety of the passengers, crew, and cargo, and shall—

Source: 121.533 (d), (e); 535 (d), (e), (f); 537 (d), (e), (f); 135.19 (a), (b).

(1) Take any action in an emergency situation that is considered necessary, and deviate from prescribed operations, procedures, weather minimums, and this chapter to the extent required in the interests of safety;

Source: 121.557(a); 559(a).

(2) Determine and follow the safest course of action in the event of an engine shutdown;

Source: 121.565(a), (b).

(3) Ensure that the appropriate manuals, aeronautical charts, navigational information, and approach procedures are aboard the aircraft for each flight;

Source: 121.549(a); 135.83(a) (3), (4), (5).

(4) Ascertain, before each flight segment, the status of each mechanical irregularity and, following each flight segment, ensure that each mechanical irregularity is documented; and

Source: 121.563; 701(b); 135.65(a), (b), (d).

(5) Notify the appropriate ground station as soon as practical whenever a hazardous condition or an irregularity in a ground or navigational facility is encountered in flight.

Source: 121.349(d); 351; 561; 565(c); 135.67.

(b) The pilot in command shall accept responsibility and exercise authority in compliance with this part and shall ascertain before flight that all conditions necessary for the safe conduct of the flight have been satisfied.

Source: 121.533(b); 535(b); 537(b); 135.69(b); 71.

§ 120.61 Manual requirements.

(a) Each certificate holder shall prepare and keep current a manual or its equivalent.

Source: 121.133; 135.21(a), (b); 81.

(b) The manual shall contain sufficient information and adequate procedures, in usable form, for the guidance of its flight operations, ground operations, and maintenance personnel.

Source: 121.75; 135; 135.23.

(c) Applicable portions of the manual, and changes thereto, shall be furnished, in usable form, to the Administrator and to appropriate persons who shall maintain its currency and have it accessible when performing assigned duties.

Source: 121.137; 139; 135.21(a), (b).

(d) Each certificate holder shall keep a current approved Airplane or Rotorcraft Flight Manual for each applicable aircraft type that it operates and carry it, or an approved equivalent, in each of those aircraft.

Source: 121.141.

§ 120.65 Flight rules.

Each person conducting operations under this part shall—

(a) Conduct flights under the flight rules appropriate to the operation. When conducting VFR operations, available weather reports and forecasts must indicate that the weather is and will remain above the applicable weather minimums;

Source: 121.611; 135.181(a); 205; 207.

(b) Ensure that sufficient ceiling and visibility exist for safe operation, and where marginal weather exists or is forecast, provide for alternatives consistent with operational capabilities;

Source: 121.611; 613, 615; 617; 619; 621; 623; 625; 649; 651; 652; 655; 659(b); 135.181(b); 211(a); 215; 217; 219; 221; 225.

(c) Maintain adequate clearance from terrain, obstacles, and congested areas for safe operation;

Source: 121.657(a), (b) (c); 135.203.

(d) Ensure that when operating under IFR, a descent below the minimum initial approach fix altitude is not started until the position of the aircraft has been definitely established;

Source: 121.659(a); 661.

(e) While operating an aircraft within a foreign country, comply with the air traffic rules of the country concerned and the local airport rules, except where the requirements of this part are more restrictive and may be followed without violating the rules of that country; and

Source: 121.11; 651(f).

(f) Ensure that VFR-over-the-top operations are conducted within the performance capability of the aircraft being operated in order to permit continued flight or a visual descent in the event of power failure.

Source: 135.181(c); 211(b).

§ 120.69 Operating requirements.

(a) Each certificate holder shall—

(1) Provide, for all flight crewmembers and dispatchers, adequate rest periods prior to duty and establish duty periods such as to prevent excessive fatigue while on duty;

Source: 121.465; 471; 481; 483, 485; 487; 489; 491; 493; 501; 503; 505; 507; 509; 511; 513; 515; 517; 519; 521; 523; 525; 135.261.

(2) Ensure that each category of required crewmember is assigned duties to be performed during emergencies and emergency evacuations;

Source: 121.397; 135.123.

(3) Have a system which ensures positive information dissemination to affected personnel concerning operational irregularities and hazards and changes in equipment, procedures, and regulations;

Source: 121.539; 135.81.

(4) Have specific procedures concerning the control, operation, and maintenance of aircraft involved in aircraft lease or interchange agreements;

Source: 121.569.

(5) When using an aircraft autopilot, have established procedures and minimum altitudes for its use;

Source: 121.579; 135.93.

(6) Have approved procedures for the operation of flight data and cockpit voice recording equipment;

Source: 121.343(b); 359(a)

(7) Provide sufficient flight attendants to perform all assigned functions during normal and emergency operations; and

Source: 121.391 (a), (b), (c); 135.107.

(8) Provide sufficient quantities of oxygen, and develop procedures for its use by crewmembers and passengers for circumstances requiring the use of such, including excessive cabin altitudes, presence of excessive smoke or harmful gases, and for use of medical oxygen by passengers.

Source: 121.327; 329; 331; 333; 574; 135.89; 91 (a), (c), (d), (e); 157.

(b) No person may operate an aircraft with less than the minimum flightcrew complement aboard the aircraft as appropriate to the equipment and operating conditions.

Source: 121.385 (a), (b), (c); 135.99; 101; 103; 105; 109; 111.

(c) Each crewmember shall properly use body restraint devices.

Source: 121.311 (g), (h); 135.171(b).

(d) Each crewmember shall have readily available, on each flight, a practical source of emergency illumination.

Source: 121.549(b); 135.159(e).

(e) Each flight crewmember shall use an approved checklist for operation of the aircraft.

Source: 121.315(c); 135.83(a) (1), (2).

(f) Each required flight crewmember shall be positioned to continuously monitor and immediately operate the aircraft at all times except for meeting physiological needs, for the performance of required safety duties in connection with the operation of the aircraft.

Source: 121.543.

(g) No person may engage in, nor may any pilot in command permit, any activity which could distract a flight crewmember from the performance of assigned duties during a critical phase of flight.

Source: 121.542; 135.100.

(h) If a required flight engineer becomes incapacitated in flight, another crewmember shall be capable of the emergency performance of the flight engineer duties.

Source: 121.385(d).

(i) Only those persons properly authorized shall be admitted to the flight deck and, if applicable, a seat shall be provided in the cabin.

Source: 121.547; 550; 135.113.

(j) Only authorized pilots may manipulate the controls during flight.

Source: 121.545; 135.115.

(k) Cargo carried in a passenger compartment shall be secured so as to present no hazard to passengers or the aircraft during normal or emergency operation.

Source: 121.285; 135.87 (a), (b), (c), (d).

§ 120.73 Passenger safety.

(a) Each certificate holder shall develop and each person shall comply with a system that ensures a safe cabin environment.

(b) The system shall include—

(1) Procedures to prevent the boarding of an apparently intoxicated person and the serving of alcoholic beverages to persons apparently intoxicated, prisoners, prisoner escorts, and persons with weapons;

Source: 121.575 (a), (b), (c); 135.121 (b), (c).

(2) Procedures to control the carriage and ensure the safety of nonrevenue passengers;

Source: 121.583; 135.85.

(3) Procedures concerning the boarding of persons requiring assistance and for assisting them during an emergency aboard the aircraft;

Source: 121.586; 135.117(b).

(4) Procedures to prevent passenger interference with the flighcrew;

Source: 121.587; 135.119.

(5) Procedures for appropriate passenger information presentations on equipment, procedures, and emergency actions;

Source: 121.317(c); 333(f); 571; 573; 135.117(a).

(6) Procedures to ensure that each passenger is seated and appropriately restrained during taxi, takeoff, landing, and, when appropriate, in flight;

Source: 121.311 (a), (b), (c), (d).

(7) Procedures to prevent the hazardous shifting or movement of articles in the cabin during flight and ground operations;

Source: 121.576; 589 (a), (b), (d), (e); 135, 87 (a), (b), (c), (d).

(8) Procedures to ensure that flight attendants are properly positioned and that the aircraft is appropriately prepared for emergencies that could occur during takeoff, landing, and ground operations; and

Source: 121.391(d); 577(a), (b); 135.123.

(9) Procedures for the control of the concentration of ozone.

Source: 121.578.

§ 120.77 Reporting, documentation, and recordkeeping requirements.

(a) Each person required by this part to submit a report or document shall do so in an acceptable form and timely manner. Each person required by this part to preserve documents or information shall do so in an appropriate manner and for a reasonable period of time.

(b) Each certificate holder shall maintain, at its principal business office or other place approved by the Administrator, documentation pertaining to its operational procedures, aircraft possessed, and service contracts.

Source: 121.685; 713; 135.63(a) (1), (2), (3), (b).

(c) Each certificate holder shall maintain current personnel records of appropriate flight operations personnel.

Source: 121.683; 135.63(a)(4), (b).

(d) Each certificate holder shall document, for each individual employed by the certificate holder, all training and evaluation required by this part. The person conducting the training or evaluation shall be identified in the record as having certified to the proficiency and knowledge of the individual.

Source: 121.439(d); 135.63(a)(4), (b).

(e) Each certificate holder shall properly prepare and appropriately preserve, for each flight, a list of the names of passengers, a load manifest, a flight authorization and, if required, a flight plan.

Source: 121.665; 687; 689; 693; 695; 697; 135.63(c), (d).

(f) Whenever a pilot in command of flight operations controller exercises emergency authority, that person shall prepare a written report of any deviations and the report shall be sent to the Administrator.

Source: 121.557(c); 559(c); 135.19(c).

(g) Each certificate holder shall remove the flight data and cockpit voice recorder information from the aircraft, and preserve it as appropriate, in the event of an accident or incident which must be reported to the National Transportation Safety Board.

Source: 121.343(d); 359(e); 135.151(b).

(h) Each pilot in command shall prepare an appropriate written report, and the report shall be sent to the Administrator, whenever an engine fails or is shutdown in flight and the pilot in command elects to land at other than the nearest suitable airport.

Source: 121.565(d).

(i) Each certificate holder shall report to the Administrator any violations of this part or disturbances caused by apparently intoxicated persons aboard the aircraft.

Source: 121.575(d).

(j) Each certificate holder shall record each en route radio contact between the air carrier and its pilot.

Source: 121.631(d); 711.

§ 120.81 Inspection and surveillance.

(a) Each certificate holder and each person employed by the certificate holder shall allow the Administrator, at any time or place, to conduct any inspections or tests to determine compliance with the Federal Aviation Act of 1958, as amended, and this part. Each certificate holder shall make available, upon request of the Administrator, any information developed in compliance with this part. Each person holding any certificate required for operations conducted under this part shall present such certificate for inspection upon the request of the Administrator.

Source: 121.73; 81(a); 383(b); 135.73.

(b) Each FAA inspector, when conducting an inspection, shall be given free and uninterrupted access to the pilot compartment of the aircraft upon presenting an Aviation Safety Inspector's Credential, Form 110A, to the pilot in command.

Source: 121.548; 135.75(a).

(c) Each certificate holder shall make available to the Administrator the forward observer's seat, or the observer's seat selected by the Administrator, for the purpose of conducting en route inspections. If the aircraft was certificated without an observer's seat, the certificate holder shall make available, suitable to the Administrator, a forward passenger seat or pilot seat, as appropriate, and either a functioning headset or speaker.

Source: 121.581; 135.75(b).

§ 120.85 Passenger responsibilities.

(a) Each passenger shall comply with instructions given by a crewmember concerning the safety of the flight, including safety belt and no smoking instructions and carry-on baggage provisions.

Source: 121.317(a); 577(c); 589(c).

(b) No person may board an aircraft while under the influence of intoxicating liquor or drugs (except medical patients under proper care) or drink any alcoholic beverage aboard an aircraft unless served by the certificate holder.

Source: 121.575(a); 135.121(a).

(c) No person may assault, threaten, intimidate, or interfere with a crewmember aboard an aircraft.

Source: 91.8; 902(j) of the FA Act.

(d) No person may carry aboard or operate oxygen equipment unless provided or approved by the certificate holder. No person may connect or disconnect such equipment to or from a gaseous oxygen cylinder while any passenger is aboard the aircraft. No person may smoke within 10 feet of such equipment.

Source: 121.574(b), (c); 135.91(b), (c).

DISTRIBUTION TABLE

Old section	New section
121.1(a)	120.1(a).
121.1(b)	120.1(d).
121.1(c)	120.1(b).
121.1(d)	Deleted [3].

DISTRIBUTION TABLE—Continued

Old section	New section
121.1(e)	Deleted [3].
121.1(f)	120.1(d).
121.3(a)	120..9(a).
121.3(b)	Deleted [3].
121.3(c)	120.9(a).
121.3(d)	Deleted [3].
121.3(e)	120.9(a).
121.3(f)	120.9(a).
121.3(g)	Deleted [3].
121.3(h)	Deleted [3].
121.4	120.1(c).
121.5	Deleted [3].
121.6	120.13(a).
121.7	Deleted [3].
121.9	Deleted [3].
121.11	120.65(e).
121.13	120.9(a).
121.15	120.13(b).
121.21	Deleted [1].
121.23	Deleted [3].
121.25(a)	120.9(b).
121.25(b)	120.9(c)(3).
121.26	120.9(d)(3).
121.27(a)	120.9(e).
121.27(b)	Deleted [3].
121.27(c)	Deleted [3].
121.29(a)	120.9(g).
121.29(b)	120.9(g).
121.41	Deleted [1].
121.43	Deleted [3].
121.45(a)	120.9(b).
121.45(b)	120.9(c)(3).
121.47	120.9(d).
121.48	Deleted [3].
121.49	Deleted [3].
121.51(a)	120.9 (d) and (e).
121.51(b)	Deleted [3].
121.53(a)	120.9(g).
121.53(b)	Deleted [3].
121.53(c)	Deleted [3].
121.53(d)	Deleted [3].
121.53(e)	120.9(g).
121.53(f)	Deleted [3].
121.55	Deleted [3].
121.57(a)	120.13(d).
121.57(b)	120.13(d)(1).
121.57(c)	120.13(d)(2).
121.57(d)	Deleted [3].
121.59	120.17.
121.61	120.17.
121.71	Deleted [1].
121.73	120.81(a).
121.75(a)	120.61(b).
121.75(b)	120.61(b).
121.77(a)	120.9(f).
121.77(b)	Deleted [3].
121.77(c)	Deleted [3].
121.79(a)	120.9(f).
121.79(b)	120.9(f).
121.79(c)	Deleted [3].
121.79(d)	120.9(f).
121.79(e)	Deleted [3].
121.81(a)	120.81(a).
121.81(b)	Deleted [3].
121.83	120.13(c).
121.91	Deleted [1].
121.93(a)	120.13(a).
121.93(b)	120.13(e).
121.95	Deleted [3].
121.97	120.53(b)(4).
121.99	120.49(b)(3).
121.101(a)	120.53(b)(5).
121.101(b)	120.53(b)(5).
121.101(c)	120.53(b)(5).
121.101(d)	120.53(b)(5).
121.101(e)	Deleted [3].
121.103	120.53(b)(11).
121.105	120.45(c).
121.107	120.53(a).
121.111	Deleted [1].
121.113(a)	120.13(e).
121.113(b)	Deleted [3].
121.115	Deleted [3].
121.117	120.53(b)(4).
121.119	120.53(b)(5).
121.121	120.53(b)(11).
121.123	120.45(c).
121.125	120.53(a).
121.127	120.53(a).
121.131	Deleted [1].
121.133	120.61(a).
121.135	120.61(b).

DISTRIBUTION TABLE—Continued

Old section	New section
121.137	120.61(c).
121.139	120.61(c).
121.141	120.61(d).
121.151	Deleted [1].
121.153(a)	120.33 (a) and (b).
121.153(b)	120.45(d)(3).
121.153(c)	120.33(c).
121.157(a)	120.41.
121.157(b)	120.41.
121.157(c)	120.33(a).
121.157(d)	120.33(a).
121.157(e)	120.33(a)/120.45(a).
121.159	Deleted [2].
121.161	120.41.
121.163(a)	120.37(a).
121.163(b)	120.37(b).
121.163(c)	120.37(b).
121.163(d)	120.37(b).
121.163(e)	120.37(b).
121.171	120.41.
121.173	120.41.
121.175	120.41.
121.177	120.41.
121.179	120.41.
121.181	120.41.
121.183	120.41.
121.185	120.41.
121.187	120.41.
121.189	120.41.
121.191	120.41.
121.193	120.41.
121.195	120.41.
121.197	120.41.
121.198	120.41.
121.199	120.41.
121.201	120.41.
121.203	120.41.
121.205	120.41.
121.207	120.41.
121.211	Deleted. [1]
121.213	120.33(a).
121.215	120.33(a).
121.217	120.33(a).
121.219	120.33(a).
121.221	120.33(a).
121.223	120.33(a).
121.225	120.33(a).
121.227	120.33(a).
121.229	120.33(a).
121.231	120.33(a).
121.233	120.33(a).
121.235	120.33(a).
121.237	120.33(a).
121.239	120.33(a).
121.241	120.33(a).
121.243	120.33(a).
121.245	120.33(a).
121.247	120.33(a).
121.249	120.33(a).
121.251	120.33(a).
121.253	120.33(a).
121.255	120.33(a).
121.257	120.33(a).
121.259	120.33(a).
121.261	120.33(a).
121.263	120.33(a).
121.265	120.33(a).
121.267	120.33(a).
121.269	120.33(a).
121.271	120.33(a).
121.273	120.33(a).
121.275	120.33(a).
121.277	120.33(a).
121.279	120.33(a).
121.281	120.33(a).
121.283	120.33(a).
121.285	120.69(k).
121.287	120.49(c)(1).
121.289	120.49(b)(22).
121.291(a)	120.37(c)(1).
121.291(b)	120.37(c)(1).
121.291(c)	120.37(c)(1).
121.291(d)	120.37(c)(2).
121.291(e)	120.37(c)(2).
121.301	Deleted. [1]
121.303(a)	120.49(a).
121.303(b)	120.49(b).
121.303(c)	120.49(b).
121.303(d)	120.49(b).
121.303(d)(3)	120.49(b)(7).
121.305	120.49(b)(1).
121.307	120.49(b)(2).

DISTRIBUTION TABLE—Continued

Old section	New section
121.309(a)	120.49 (c) and (d).
121.309(b)	120.49 (c) and (d).
121.309(c)	120.49(c)(1).
121.309(d)	120.49(c)(3).
121.309(e)	120.49(c)(2).
121.309(f)	120.49(c)(4).
121.310	120.49(e).
121.311(a)	120.73(b)(6).
121.311(b)	120.73(b)(6).
121.311(c)	120.73(b)(6).
121.311(d)	120.73(b)(6).
121.311(e)	120.49(b)(11).
121.311(f)	120.49(b)(11).
121.311(g)	120.69(c).
121.311(h)	120.69(c).
121.312	120.49(b)(12).
121.313(a)	120.49(b)(1).
121.313(b)	120.49(b)(21).
121.313(c)	120.49(b)(17).
121.313(d)	120.49(b)(1).
121.313(e)	120.49(b)(1).
121.313(f)	120.49(b)(19).
121.313(g)	120.49(b)(15).
121.313(h)	120.49(b)(16).
121.313(i)	120.49(b)(15).
121.315(a)	120.49(b)(13).
121.315(b)	120.49(b)(13).
121.315(c)	120.69(e).
121.317(a)	120.49(b)(10).
121.317(b)	120.49(b)(10).
121.317(c)	120.73(b)(5)/120.85(a).
121.318	120.49(b)(8).
121.319	120.49(b)(9).
121.323(a)	120.49(b)(1).
121.323(b)	120.49(b)(1).
121.323(c)	120.49(b)(20).
121.323(d)	120.49(b)(1).
121.323(e)	120.49(b)(1).
121.323(f)	120.49(b)(1).
121.325	120.49(b)(1).
121.327	120.49(b)(4)/120.69(a)(8).
121.329	120.49(b)(4)/120.69(a)(8).
121.331	120.49(b)(4)/120.69(a)(8).
121.333(a)	120.49(b)(4)/120.69(a)(8).
121.333(b)	120.49(b)(4)/120.69(a)(8).
121.333(c)	120.49(b)(4)/120.69(a)(8).
121.333(d)	120.49(b)(4)/120.69(a)(8).
121.333(e)	120.49(b)(4)/120.69(a)(8).
121.333(f)	120.73(b)(5).
121.335	120.49(b)(4).
121.337	120.49(b)(4).
121.339	120.49(c) (5) and (6).
121.340	120.49(c) (5) and (6).
121.341	120.49(b)(18).
121.342(a)	120.49(b)(1).
121.342(b)	Deleted [2].
121.343(a)	120.49(b)(5).
121.343(b)	120.69(a)(6).
121.343(c)	120.49(b)(5).
121.343(d)	120.77(g).
121.343(e)	120.49(b)(5).
121.343(f)	120.49(b)(5).
121.343(g)	120.49(b)(5).
121.345	120.49(b)(3).
121.347	120.49(b)(3).
121.349(a)	120.49(b)(3).
121.349(b)	120.49(b)(3).
121.349(c)	120.49(b)(3).
121.349(d)	120.57(a)(5).
121.351	120.49(b)(3).
121.353	120.49(c)(6).
121.355	120.49(b)(3).
121.357(a)	120.49(b)(6).
121.357(b)	Reserved.
121.357(c)	120.49(b)(6).
121.357(d)	120.49(b)(6).
121.357(e)	120.49.(b)(6).
121.359(a)	120.49(b)(5)/120.69(a)(6).
121.359(b)	Deleted [2].
121.359(c)	120.49(b)(5).
121.359(d)	120.49(b)(5).
121.359(e)	120.77(g).
121.360(a)	120.49(b)(7).
121.360(b)	Deleted [2].
121.360(c)	120.49(b)(7).
121.360(d)	120.49(b)(7).
121.360(e)	120.49(b)(7).
121.360(f)	120.49(b)(7).
121.360(g)	Deleted [2].
121.360(h)	Deleted [2].
121.360(i)	120.49(b)(7).
121.361(a)	120.45(a).

DISTRIBUTION TABLE—Continued

Old section	New section
121.361(b)	120.45(c)(7).
121.363	120.45(c)(2).
121.365	120.45(c)(4).
121.367	120.45(c)(3).
121.369	120.45(d)(1).
121.371	120.45(c)(4).
121.373	120.45(c)(2).
121.375	120.29.
121.377	Deleted.
121.378	120.45(c)(2).
121.379	120.45(c)(1).
121.380	120.45(c)(6).
121.380a	120.45(c)(6).
121.381	Deleted [1].
121.383(a)	120.21 (b) and (c).
121.383(b)	120.81(a).
121.383(c)	120.21(a).
121.385(a)	120.69(b).
121.385(b)	120.69(b).
121.385(c)	120.69(b).
121.385(d)	120.69(h).
121.387	120.21(c)(4).
121.389	120.21(c)(5)/120.(b)(3).
121.391(a)	120.69(a)(7).
121.391(b)	120.69(a)(7).
121.391(c)	120.69(a)(7).
121.391(d)	120.73(b)(8).
121.395	120.53(a).
121.397	120.69(a)(2).
121.400	120.25.
121.401	120.25.
121.403	120.25.
121.405	120.25.
121.407	120.25.
121.409	120.25.
121.411(a)	120.21(c) (7) and (8).
121.411(b)	120.21(c)(7).
121.411(c)	120.21(c) (7) and (8).
121.413	120.25.
121.415	120.25.
121.417	120.25.
121.418(a)	120.25.
121.419	120.25.
121.420	120.25.
121.421	120.25.
121.422	120.25.
121.424	120.25.
121.425	120.25.
121.426	120.25.
121.427	120.25.
121.431	Deleted [1].
121.432(a)	120.21(b).
121.432(b)	120.25.
121.432(c)	Deleted [3].
121.432(d)	Deleted [3].
121.433	120.25.
121.433a	120.25.
121.434	120.21(c)(1).
121.435	120.21(b)/120.25.
121.437	120.21(c)(2).
121.439(a)	120.21(c)(2).
121.439(b)	120.21(c)(2).
121.439(c)	120.21(c)(2).
121.439(d)	120.77(d).
121.440	120.21(c)(3).
121.441	120.25.
121.443	120.53(b)(1).
121.445	120.120.21(c)(3).
121.453	120.21(c)(4).
121.461	Deleted [1].
121.463(a)(1)	120.25.
121.463(a)(2)	120.21(c)(1).
121.463(b)	120.25.
121.463(c)	120.21(c)(1).
121.463(d)	120.21(c)(1).
121.463(e)	Deleted [3].
121.465	120.69(a)(1).
121.470	Deleted [1].
121.471	120.69(a)(1).
121.480	Deleted [1].
121.481	120.69(a)(1).
121.483	120.69(a)(1).
121.485	120.69(a)(1).
121.487	120.69(a)(1).
121.489	120.69(a)(1).
121.491	120.69(a)(1).
121.493	120.69(a)(1).
121.500	Deleted [1].
121.501	120.69(a)(1).
121.503	120.69(a)(1).
121.505	120.69(a)(1).
121.507	120.69(a)(1).

DISTRIBUTION TABLE—Continued

Old section	New section
121.509	120.69(a)(1).
121.511	120.69(a)(1).
121.513	120.69(a)(1).
121.515	120.69(a)(1).
121.517	120.69(a)(1).
121.519	120.69(a)(1).
121.521	120.69(a)(1).
121.523	120.69(a)(1).
121.525	120.69(a)(1).
121.531	Deleted [1].
121.533(a)	120.53(a).
121.533(b)	120.53(b)(1)/120.57(b).
121.533(c)	120.53(b)(1).
121.533(d)	120.57(a).
121.533(e)	120.57(a).
121.535(a)	120.53(a).
121.535(b)	120.53(b)(1)/120.57(b).
121.535(c)	120.53(b)(1).
121.535(d)	120.57(a).
121.535(e)	120.57(a).
121.535(f)	120.57(a).
121.537(a)	120.53(a).
121.537(b)	120.53(b)(1)/120.57(b).
121.537(c)	120.53(b)(1)
121.537(d)	120.57(a).
121.537(e)	120.57(a).
121.537(f)	120.57(a).
121.538	Deleted [3].
121.539	120.69(a)(3).
121.541	120.53(a).
121.542	120.69(g).
121.543	120.69(f).
121.545	120.69(j).
121.547	120.69(i).
121.548	120.81(b).
121.549(a)	120.57(a)(3).
121.549(b)	120.69(d).
121.550	120.69(i).
121.551	120.53(b)(2).
121.553	120.53(b)(2).
121.555	120.13(e).
121.557(a)	120.57(a)(1).
121.557(b)	120.53(b)(1).
121.557(c)	120.77.(f).
121.559(a)	120.57(a)(1).
121.559(b)	120.53(b)(1).
121.559(c)	120.77(f).
121.561	120.57(a)(5).
121.563	120.57(a)(4).
121.565(a)	120.57(a)(2).
121.565(b)	120.57(a)(2).
121.565(c)	120.57(a)(5).
121.565(d)	120.77(h).
121.567	120.13(f).
121.569	120.69(a)(4).
121.571	120.73(b)(5).
121.573	120.73(b)(5).
121.574(a)	120.69(a)(8).
121.574(b)	120.69(a)(8)/120.85(d).
121.574(c)	120.69(a)(8)/120.85(d).
121.574(d)	120.69(a)(8).
121.575(a)	120.73(b)(1)/120.85(b).
121.575(b)	120.73(b)(1).
121.575(c)	120.73(b)(1).
121.575(d)	120.77(i).
121.576	120.73(b)(7).
121.577(a)	120.73(b)(8).
121.577(b)	120.73(b)(8).
121.577(c)	120.85(a).
121.578	120.73(b)(9).
121.579	120.69(a)(5).
121.581	120.81(c).
121.583	120.73(b)(2).
121.586	120.73(b)(3).
121.587	120.73(b)(4).
121.589(a)	120.73(b)(7).
121.589(b)	120.73(b)(7).
121.589(c)	120.85(a).
121.589(d)	120.73(b)(7).
121.589(e)	120.73(b)(7).
121.590	120.53(b)(4).
121.591	Deleted [1].
121.593	120.53(a).
121.595	120.53(a).
121.597	120.53(a).
121.599	120.53(b)(5).
121.601(a)	120.53(a).
121.601(b)	120.53(a).
121.601(c)	120.53(b)(10).
121.603(a)	120.53(a).
121.603(b)	120.53(b)(10).
121.605	120.53(b)(3).

DISTRIBUTION TABLE—Continued

Old section	New section
121.607	120.53(b)(11).
121.609	120.53(b)(11).
121.611	120.65 (a) and (b).
121.613	120.65(b).
121.615	120.65(b).
121.617	120.65(b).
121.619	120.65(b).
121.621	120.65(b).
121.623	120.65(b)
121.625	120.65(b).
121.627(a)	120.53(b)(2).
121.627(b)	120.53(b)(2).
121.627(c)	120.53(b)(3).
121.629(a)	120.53(b)(2)
121.629(b)	120.53(b)(3)(iii).
121.631(a)	120.53(b)(1).
121.631(b)	120.53(b)(2).
121.631(c)	120.53(b)(9).
121.631(d)	120.77(j).
121.635	120.53(b)(1).
121.637	120.53(b) (1) and (5).
121.639	120.53(b)(6).
121.641	120.53(b)(6).
121.643	120.53(b)(6).
121.645	120.53(b)(6).
121.647	120.53(b)(6).
121.649	120.65(b).
121.651(a)	120.65(b).
121.651(b)	120.65(b).
121.651(c)	120.65(b).
121.651(d)	120.65(b).
121.651(e)	120.65(b).
121.651(f)	120.65(e).
121.652	120.65(b).
121.655	120.65(b).
121.657(a)	120.65(c).
121.657(b)	120.65(c).
121.657(c)	120.65(c).
121.657(d)	120.53(b)(5).
121.659(a)	120.65(d).
121.659(b)	120.65(b).
121.661	120.65(d).
121.663	120.53(b)(1).
121.665	120.53(b)(7)/120.77(e).
121.667	120.53(b)(8).
121.681	Deleted. [1]
121.683	120.77(c).
121.685	120.77(b).
121.687	120.77(e).
121.689	120.77(e).
121.693(a)	120.53(b)(7)/120.77(e).
121.693(b)	120.53(b)(7)/120.77(e).
121.693(c)	120.53(b)(7)/120.77(e).
121.693(d)	120.53(b)(7)/120.77(e).
121.693(e)	120.77(e).
121.695	120.77(e).
121.697	120.77(e).
121.701(a)	120.45(d)(4).
121.701(b)	120.57(a)(4).
121.703	120.45(e)(1).
121.705	120.45(e)(2).
121.707	120.45(c)(6).
121.709	120.45(c)(5).
121.711	120.77(j).
121.713	120.77(b).
121.721	Deleted. [3]
121.723	Deleted. [3]
Part 121 Appendix A	120.49(c)(3).
Part 121 Appendix B	120.49(b)(5).
Part 121 Appendix C	120.33(a)(1).
Part 121 Appendix D	120.37(c).
Part 121 Appendix E	120.25.
Part 121 Appendix F	120.25.
Part 121 Appendix G	120.25/120.49(b)(3).
Part 121 Appendix H	120.21(c) (7) and (8)/120.25.
135.1(a)	120.1(b).
135.1(b)	120.1(d).
135.2(a), (b), (c), (d)	Deleted. [1]
135.2(e)	120.33.
135.3	120.1(b).
135.5	120.9(a).
135.7	120.1(c).
135.9	120.1(g).
135.10	Deleted. [2]
135.11	120.9 (d) and (e).
135.13	120.9(a).
135.13(b)	Deleted. [3]
135.15	120.9(f).
135.17(a)	120.9(f).
135.17(b)	Deleted. [3]
135.17(c)	Deleted. [3]
135.19(a)	120.57(a).

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Old section	New section
135.19(b)	120.57(a).
135.19(c)	120.77(f).
135.21(a)	120.61 (a) and (c).
135.21(b)	120.61 (a) and (c).
135.23	120.61(b)/120.45(d)(1).
135.25(a)	120.33(a), (b).
135.25(b), (c)	Deleted. [3]
135.25(d)	120.33(c).
135.27(a)	120.9(b).
135.27(b)	120.13(c).
135.29	120.9(b).
135.31	Deleted. [1]
135.33	120.9(c).
135.35	120.9(g).
135.37	120.17.
135.39	120.17.
135.41	120.13(b).
135.43	Deleted. [3]
135.61	Deleted. [1]
135.63(a) (1), (2), (3)	120.77(b).
135.63(a)(4)	120.77 (c) and (d).
135.63(b)	120.77 (b), (c), and (d).
135.63(c)	120.77(e).
135.63(d)	120.77(e).
135.65(a)	120.57(a)(4).
135.65(b)	120.57(a)(4).
135.65(c)	120.45(d)(4).
135.65(d)	120.57(a)(4).
135.67	120.57(a)(5).
135.69(a)	120.53(b)(2).
135.69(b)	120.57(b).
135.71	120.53(b)(3)/120.57(b).
135.73	120.81(a).
135.75(a)	120.81(b).
135.75(b)	120.81(c).
135.77	120.53(a).
135.79	120.53(b)(8).
135.81	120.61(a)/120.69(a)(3).
135.83(a) (1), (2)	120.49(b)(13)/120.69(e).
135.83(a)(3)	120.57(a)(3).
135.83(a)(4)	120.57(a)(3).
135.83(a)(5)	120.57(a)(3).
135.83(b)	120.49(b)(13).
135.83(c)	120.49(b)(13).
135.85	120.73(b)(2).
135.87(a) through (d)	120.69(k)/120.73(b)(7).
135.87(e)	120.49(c)(1).
135.89	120.49(b)(4)/120.69(a)(8).
135.91(a)	120.69(a)(8).
135.91(b)	120.85(d).
135.91(c)	120.69(a)(8)/120.85(d).
135.91 (d) and (e)	120.69(a)(8).
135.93	120.69(a)(5).
135.95	120.21(b).
135.97	120.25.
135.99	120.69(b).
135.100	120.69(g).
135.101	120.69(b).
135.103	120.69(b).
135.105	120.69(b)
135.107	120.69(a)(7).
135.109	120.69(b).
135.111	120.69(b).
135.113	120.69(i).
135.115	120.69(j).
135.117(a)	120.73(b)(5).
135.117(b)	120.73(b)(3).
135.117(c)	120.49(b)(10).
135.119	120.73(b)(4).
135.121(a)	120.85(b).
135.121 (b) and (c)	120.73(b)(1).
135.123(a)	120.69(a)(2)/120.73(b)(8).
135.125	120.Deleted [1]
135.141	120.49(a).
135.143 (a) and (b)	120.49(b).
135.143(c)	120.49(b)(3).
135.145	120.37(b).
135.147	120.49(b)(14).
135.149 (a), (c) and (d)	120.49(b)(1).
135.149(b)	120.49(b)(18).
135.149(e)	Deleted [1]
135.151(a)	120.49(b)(5).
135.151(b)	120.77(g).
135.153	120.49(b)(7).
135.155	120.49(c)(1).
135.157	120.49(b)(4)/120.69(a)(8).
135.158	120.49(b)(18).
135.159 (a), (b) and (c)	120.49(b)(1).
135.159(d)	120.49(b)(17).
135.159(e)	120.49(b)(1)/120.69(d).
135.159(f)	Deleted [1]
135.161	120.49(b)(3).

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Old section	New section
135.163(a) through (e) and (h)	120.49(b)(1).
135.163 (f), (g) and (i)	120.49(b)(17).
135.165	120.49(b)(3).
135.167	120.49(c)(5)/(c)(6)/(d).
135.169	120.33(a).
135.170	120.49(b)(12).
135.171(a)	120.49(b)(11).
135.171(b)	120.69(c).
135.173	120.49(b)(6).
135.175	120.49(b)(6).
135.177(a)(1)	120.49(c)(3).
135.177(a)(2)	120.49(c)(2).
135.177(a)(3)	120.49(b)(10).
135.177(a)(4)	120.49(e).
135.177(b)	120.49(d)(1).
135.179	120.53(b)(3).
135.181(a)	120.65(a).
135.181(b)	120.65(b).
135.181(c)	120.65(f).
135.183	120.41.
135.185	120.45(d)(3).
135.201	Deleted [1]
135.203	120.65(c).
135.205	120.65(a).
135.207	120.65(a).
135.209	120.53(b)(6).
135.211(a)	120.65(b).
135.211(b)	120.65(f).
135.213	120.53(b)(5).
135.215	120.65(b).
135.217	120.65(b).
135.219	120.65(b).
135.221	120.65(b).
135.223	120.53(b)(6).
135.225	120.65(b).
135.227	120.53(b)(3).
135.229	120.53(b)(4).
135.241	Deleted [1]
135.243	120.21 (c)(2) and (c)(3).
135.244	120.21 (c)(1)/120.21(c)(3).
135.245	120.21(c)(2).
135.247	120.21(c)(2).
135.261	120.69(a)(1).
135.291	Deleted [1]
135.293	120.25.
135.295	120.25.
135.297	120.25.
135.299	120.25/120.21(c)(3).
135.301	120.25.

DISTRIBUTION TABLE—Continued

Old section	New section
135.303	120.21(c)(8).
135.321	120.25.
135.323	120.25.
135.325	120.25.
135.327	120.25.
135.329	120.25.
135.331	120.25.
135.333	120.25.
135.335	120.25.
135.337	120.25/120.21(c) (7) and (8).
135.339	120.25.
135.341	120.25.
135.343	120.25.
135.345	120.25.
135.347	120.25.
135.349	120.25.
135.351	120.25.
135.361 through 135.399	120.41.
135.411(a)	120.45(a).
135.411(a)(1)	120.45(b).
135.411(a)(2)	120.45(c).
135.411(b)	120.45(b).
135.413(a)	120.45(b)(1), (2), (c)(2).
135.413(b)	120.45(c)(2).
135.415	120.45(e)(1).
135.417	120.45(e)(2).
135.419	120.45(b)(1).
135.421	120.45(b)(2).
135.423	120.45(c)(4).
135.425	120.45(c)(3).
135.427	120.45(d)(1).
135.429	120.45(c)(4).
135.431	120.45(c)(2).
135.433	120.29.
135.435	120.45(c)(2).
135.437	120.45(c)(1).
135.439	120.45(c)(6).
135.441	120.45(c)(6).
135.443	120.45(c)(5).
Appendix A	120.33(a)(2).

[1] The rule is an obsolete applicability provision.

[2] The rule contains outdated requirements such as compliance dates which have expired.

[3] The rule describes a service or provides information that is more appropriately published in a nonregulatory document.

(Secs. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1355(a), 1421 through 1430, and 1502); Section 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR § 11.45)

Note.—This notice proposes to remove Parts 121 and 135 from the Federal Aviation Regulations and incorporate their safety objectives into a new Part 120. This action is necessary to allow certificate holders to assess their operations and provide for more effective and efficient methods of compliance with the stated safety objectives while maintaining the highest level of safety through an FAA-approved procedure which would require an operator to prove that any compliance concept proposed by it would provide a level of safety equivalent to the Part 121 or Part 135 level of safety appropriate to the particular operator. This process, while encouraging innovation, will not mandate change from existing rules for any existing certificate holder. Therefore, the FAA has determined that this notice involves a rulemaking action which is not a "major rule" under Executive Order 12291. However, because of the new regulatory concept proposed, this action is a "significant rule" under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In addition, for the reasons stated above, it is certified that the proposals, if promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

Issued in Washington, D.C., on July 19, 1982.

Kenneth S. Hunt,

Director of Flight Operations.

[FR Doc. 82-25732 Filed 9-15-82; 4:27 pm]

BILLING CODE 4910-13-M

federal register

Monday
September 20, 1982

Part IV

Department of Energy

Energy Information Administration

Alternative Fuel Price Ceilings and Incremental Price Threshold for High Cost Natural Gas

DEPARTMENT OF ENERGY

Energy Information Administration

Alternative Fuel Price Ceilings and Incremental Price Threshold for High Cost Natural Gas

The Natural Gas Policy Act of 1978 (NGPA) (Pub. L. 95–621) signed into law on November 9, 1978, mandated a new framework for the regulation of most facets of the natural gas industry. In general, under Title II of the NGPA, interstate natural gas pipeline companies are required to pass through certain portions of their acquisition costs for natural gas to industrial users in the form of a surcharge. The statute requires that the ultimate cost of gas to the industrial facility should not exceed the cost of the fuel oil which the facility could use as an alternative.

Pursuant to Title II of the NGPA, Section 204(e), the Energy Information Administration (EIA) herewith publishes for the Federal Energy Regulatory Commission (FERC) computed natural gas ceiling prices and the high cost gas incremental pricing threshold which are to be effective October 1, 1982. These prices are based on the prices of alternative fuels.

FOR FURTHER INFORMATION CONTACT: Leroy Brown, Jr., Energy Information Administration, Federal Building, Room 4121, Washington, D.C. 20461, Telephone: (202) 633–9710.

Section I

As required by FERC Order No. 50, computed prices are shown for the 48 contiguous States. The District of Columbia's ceiling is included with the ceiling for the State of Maryland. FERC, by Interim Rule issued on March 2, 1981, in Docket No. RM79–21, revised the methodology for calculating the monthly alternative fuel price ceilings for State regions. Under the revised methodology, the applicable alternative fuel price ceiling published for each of the contiguous States shall be the lower of the alternataive fuel price ceiling for the State or the alternative fuel price ceiling for the multistate region in which the State is located.

The price ceiling is expressed in dollars per million British Thermal Units (BTU's). The method used to determine the price ceilings is described in Section III.

BILLING CODE 6450-01-M

State		$ Per Million BTU's
Alabama	1	4.00
Arizona	1	3.74
Arkansas	1	3.70
California		3.70
Colorado	2	3.73
Connecticut	1	3.80
Delaware	1	3.84
Florida		3.87
Georgia		3.96
Idaho	2	3.73
Illinois	1	3.42
Indiana	1	3.42
Iowa	1	3.32
Kansas	1	3.32
Kentucky	1	3.42
Louisiana	1	3.70
Maine		3.75
Maryland	1	3.84
Massachusetts		3.79
Michigan		3.27
Minnesota		3.27
Mississippi	1	4.00
Missouri	1	3.32
Montana	2	3.73
Nebraska	1	3.32
Nevada	1	3.74
New Hampshire	1	3.80

State		$ Per Million BTU's
New Jersey		3.78
New Mexico		3.07
New York		3.79
North Carolina	1	4.00
North Dakota	1	3.32
Ohio		3.19
Oklahoma	1	3.70
Oregon	1	3.74
Pennsylvania	1	3.84
Rhode Island	1	3.80
South Carolina	1	4.00
South Dakota	1	3.32
Tennessee		3.88
Texas		3.60
Utah	2	3.73
Vermont	1	3.80
Virginia	1	4.00
Washington	1	3.74
West Virginia	1	3.42
Wisconsin		3.38
Wyoming	2	3.73

[1]Region based price as required by FERC Interim Rule, issued on March 2, 1981, in Docket No. RM79-21.

[2]Region based price computed as the weighted average price of Regions E, F, and H.

BILLING CODE 6450-01-C

Section II. Incremental Pricing Threshold for High Cost Natural Gas

The EIA has determined that the volume-weighted average price for No. 2 distillate fuel oil landed in the greater New York City Metropolitan area during July 1982 was $39.94 per barrel. In order to establish the incremental pricing threshold for high cost natural gas, as identified in the NGPA, Title II, Section 203(a)(7), this price was multiplied by 1.3 and converted to its equivalent in millions of BTU's by dividing by 5.8. Therefore, the incremental pricing threshold for high cost natural gas, effective October 1, 1982, is $8.95 per million BTU's.

Section III. Method Used To Compute Price Ceilings

The FERC, by Order No. 50, issued on September 29, 1979, in Docket No. RM79-21, established the basis for determining the price ceilings required by the NGPA. FERC also, by Order No. 167, issued in Docket No. RM81-27 on July 24, 1981, made permanent the rule that established that only the price paid for No. 6 high sulfur content residual fuel oil would be used to determine the price ceilings. In addition, the FERC, by Order No. 181, issued on October 6, 1981, in Docket No. RM81-28, established that price ceilings should be published for only the 48 contiguous States on a permanent basis.

A. Data Collected

The following data were required from all companies identified by the EIA as sellers of No. 6 high sulfur content (greater than 1 percent sulfur content by weight) residual fuel oil: for each selling price, the number of gallons sold to large industrial users in the months of May 1982, June 1982, and July 1982. [1] All reports of volume sold and price were identified by the State into which the oil was sold.

B. Method Used To Determine Alternative Price Ceilings

(1) *Calculation of Volume-Weighted Average Price.* The prices which will become effective October 1, 1982, (shown in Section I) are based on the reported price of No. 6 high sulfur content residual fuel oil, for each of the 48 contiguous States, for each of the 3 months, May 1982, June 1982, July 1982. Reported prices for sales in May 1982 were adjusted by the percent change in the nationwide volume-weighted average price from May 1982 to July 1982. Prices for June 1982 were similarly adjusted by the percent change in the nationwide volume-weighted average price from June 1982 to July 1982. The volume-weighted 3-month average of the adjusted May 1982 and June 1982, and the reported July 1982 prices were then computed for each State.

(2) *Adjustment for Price Variation.* States were grouped into the regions identified by the FERC (see Section III.C.). Using the adjusted prices and associated volumes reported in a region during the 3-month period, the volume-weighted standard deviation of prices was calculated for each region. The volume-weighted 3-month average price (as calculated in Section III.B.(1) above) for each State was adjusted downward by two times this standard deviation for the region to form the adjusted weighted average price for the State.

(3) *Calculation of Ceiling Price.* The lowest selling price within the State was determined for each month of the 3-month period (after adjusting up or down by the percent change in oil prices at the national level as discussed in Section III.B(1) above). The products of the adjusted low price for each month times the State's total reported sales volume for each month were summed over the 3-month period for each State and divided by the State's total sales volume during the 3 months to determine the State's average low price. The adjusted weighted average price (as calculated in Section III.B.(2)) was compared to this average low price, and the higher of the values was selected as the base for determining the alternative fuel price ceiling for each State. For those States which had no reported sales during one or more months of the 3-month period, the appropriate regional volume-weighted alternative fuel price was computed and used in combination with the available State data to calculate the State's alternative fuel price ceiling base. The State's alternative fuel price ceiling base was compared to the alternative fuel price ceiling base for the multistate region in which the State is located and the lower of these two prices was selected as the final alternative fuel price ceiling base for the State. The appropriate lag adjustment factor (as discussed in Section III.B.4) was then applied to the alternative fuel price ceiling base. The alternative fuel price (expressed in dollars per gallon) was multiplied by 42 and divided by 6.3 to estimate the alternative fuel price ceiling for the State (expressed in dollars per million BTU's).

There were no reported sales in Region G for the months of May, June, and July 1982. The alternative fuel price ceilings for the States in Region G were determined by calculating the volume weighted average price ceilings for Region E, Region F, and Region H.

(4) *Lag Adjustment.* The EIA has implemented a procedure to partially compensate for the two-month lag between the end of the month for which data are collected and the beginning of the month for which ceiling prices become effective. It was determined that *Platt's Oilgram Price Report* publication provides timely information relative to the subject. The prices found in *Platt's Oilgram Price Report* Publication are given for each trading day in the form of high and low prices for No. 6 residual oil in 21 cities throughout the United States. The low posted prices for No. 6 residual oil in these cities were used to caluculate a national and a regional lag adjustment factor. The national lag adjustment factor was obtained by calculating a weighted average price for No. 6 sulfur residual fuel oil for the ten trading days ending September 14, 1982, and dividing that price by the corresponding weighted average price computed from prices published Platt's for the month of July 1982. A regional lag adjustment factor was similarly calculated for four regions. These are: one for FERC Regions A and B combined; and one FERC Region C; one for FERC Regions D, E, and G combined; and one for FERC Regions F and H combined. The lower of the national or regional lag factor was then applied to the alternative fuel price ceiling for each State in a given region as calculated in Section III.B.(3).

Listing of States by Region

States were grouped by the FERC to form eight distinct regions as follows:

Region A

Connecticut	New Hampshire
Maine	Rhode Island
Massachusetts	Vermont

Region B

Delaware	New York
Maryland	Pennsylvania
New Jersey	

Region C

Alabama	North Carolina
Florida	South Carolina
Georgia	Tennessee
Mississippi	Virginia

Region D

Illinois	Ohio
Indiana	West Virginia
Kentucky	Wisconsin
Michigan	

[1] Large Industrial User—A person/firm which purchases No. 6 fuel oil in quantities of 4,000 gallons or greater for consumption in a business, including the space heating of the business premises. Electric utilities, governmental bodies (Federal, State, or Local), and the military are excluded.

Region E

Iowa	Nebraska
Kansas	North Dakota
Missouri	South Dakota
Minnesota	

Region F

Arkansas	Oklahoma
Louisiana	Texas
New Mexico	

Region G

Colorado	Utah
Idaho	Wyoming
Montana	

Region H

Arizona	Oregon
California	Washington
Nevada	

Issued in Washington, D.C., September 17, 1982.

Albert H. Linden, Jr.,

Deputy Administrator, Energy Information Administration.

[FR Doc. 82-26057 Filed 9-17-82; 11:45 am]

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Vol. 47, No. 182

Monday, September 20, 1982

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FEDERAL REGISTER PAGES AND DATES, SEPTEMBER

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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.)

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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.**

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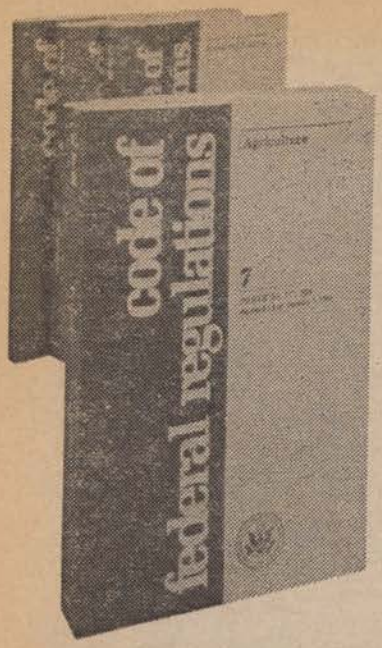

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