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# federal register

Friday
November 12, 1982

## Selected Subjects



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# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

### 7 CFR Part 331

[Docket No. 82-339]

### Sugarcane Smut; Removal of Emergency Regulations

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

**ACTION:** Interim rule.

**SUMMARY:** This document on an emergency basis removes emergency regulations which were promulgated for the purpose of restricting the interstate movement of certain articles from areas in Florida because of sugarcane smut. The emergency regulations were designed for the purpose of preventing the artificial spread of sugarcane smut into noninfected sugarcane growing areas of the United States. It has now been determined that sugarcane smut is widespread throughout sugarcane growing areas in the United States and that restrictions would not be effective for the purpose of preventing the spread of sugarcane smut. Accordingly, there is no longer any basis for imposing restrictions because of sugarcane smut.

A companion document withdraws a proposal to establish a nonemergency quarantine and regulations to restrict the interstate movement of certain articles from certain areas in Florida and from any area in Hawaii because of sugarcane smut. The companion document captioned "Sugarcane Smut" is published in the proposed rule section of this issue of the **Federal Register.**

**DATES:** The effective date of the interim rule is November 12, 1982. Written comments must be received on or before January 11, 1983.

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

**FOR FURTHER INFORMATION CONTACT:** N. Santacroce, Staff Officer, Biological Assessment Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 632 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8367.

**SUPPLEMENTARY INFORMATION:**

#### Executive Order 12291

This action is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this action will not have a significant effect on the economy; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this rulemaking action, the Office of Management and Budget has waived the review process required by Executive Order 12291. Also, the Assistant Secretary for Marketing and Inspection Services has waived the requirements of Secretary's Memorandum 1512-1.

#### Regulatory Flexibility Act

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities.

This document removes the emergency regulations in 7 CFR 331.6 which restricted the interstate movement of certain articles from areas in Florida because of sugarcane smut. A companion document published in the proposed rule section of this issue of the **Federal Register** withdraws a proposal to establish a nonemergency quarantine and regulations to restrict the interstate movement of certain articles from certain areas in Florida and from any area in Hawaii because of such disease.

The effect of this action is to remove restrictions on the interstate movement from Glades, Hendry, Martin and Palm Beach Counties in Florida of (1) sugarcane plants, whole or in part, including true seed, and (2) used sugarcane processing and harvesting equipment. The economic impact of removing these restrictions appears to be insignificant. Most of the sugarcane grown in these four counties in Florida has been processed into different products in these counties and therefore has not been subject to the restrictions. It is not anticipated that the removal of the restrictions would cause any significant change with respect to this practice. Also, most of the sugarcane seeds produced in these four counties are used by the U.S. Department of Agriculture for experimental purposes. In addition, there is little movement from these counties of used sugarcane processing and harvesting equipment.

#### Emergency Action

Harvey L. Ford, Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists which warrants publication of this document without prior opportunity for a public comment period because otherwise there would be unnecessary restrictions imposed on the interstate movement of certain articles. This situation requires immediate action to delete such unnecessary restrictions.

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

published in the **Federal Register** as soon as possible.

**Background**

In a document published in the **Federal Register** on February 8, 1980 (45 FR 8630–8637), the Animal and Plant Health Inspection Service proposed, among other things, to remove emergency regulations in 7 CFR 331.6 which imposed restrictions on the interstate movement of certain articles from areas in Florida because of sugarcane smut. The document of February 8, 1980, also proposed action relating to leaf scald disease, gummosis, disease, and West Indian sugarcane root borer. This interim rule only concerns issues relating to sugarcane smut. Separate documents will be published in the **Federal Register** to address these other issues which were contained in the proposal.

The emergency regulations concerning sugarcane smut restricted the interstate movement of the following articles from Glades, Hendry, Martin, and Palm Beach Counties in Florida:

(1) Sugarcane plants, whole or in part, including true seed;

(2) Used sugarcane processing and harvesting equipment; and

(3) Any other products, articles, or means of conveyance, of any character whatsoever, not covered by (1) and (2), when it is determined by an inspector that they present a risk of spread of sugarcane smut and the person in possession thereof has actual notice that the products, articles or means of conveyance is subject to the restrictions of the emergency regulations.

In lieu of the emergency regulations, the document of February 8, 1980, proposed to establish a quarantine and regulations to restrict the interstate movement of articles designated as regulated articles from Glades, Hendry, Martin, and Palm Beach Counties in Florida and from any area in Hawaii because of sugarcane smut. The proposed list of regulated articles consisted of the following:

(1) Sugarcane plants, whole or in part, including true seed and bagasse moving from Florida and not including pieces of cane boiled for a minimum of 30 minutes during processing into sugarcane chews;

(2) Used sugarcane processing equipment, (sugarcane mill equipment, such as equipment used for extracting and refining sugarcane juice; and experimental devices, such as devices used for extracting sugarcane juice);

(3) Used sugarcane harvesting equipment (equipment used for sugarcane field production purposes, e.g., planters, tractors, discs, cultivators, and vehicles); and

(4) Any other product, article, or means of conveyance, of any character whatsoever, not covered by items (1), (2), or (3), when it is determined by an inspector that it presents a risk of spread of a sugarcane disease and the person in possession thereof has actual notice that the product, article, or means of conveyance is subject to the restrictions of this section.

The document of February 8, 1980, provided that written comments were to be received on or before April 8, 1980. Also, in accordance with the notice given in the document of February 8, 1980, a public hearing was held on March 11, 1980, in Orlando, Florida.

Three written comments relating to sugarcane smut were received in response to the proposal. No comments relating to sugarcane smut were made at the public hearing.

Two of the comments appeared to be in favor of quarantining Florida and Hawaii and establishing regulations because of sugarcane smut. The other comment concerned heat treatments for certain articles that were proposed to be designated as regulated articles.

The emergency regulations, and the proposed quarantine and regulations were designed for the purpose of preventing the artificial spread of sugarcane smut to noninfected sugarcane growing areas in the United States. However, it has now been determined that there is no longer any basis for imposing restrictions on the movement of articles because of surgarcane smut. Almost all of the sugarcane grown in the United States is grown in Florida, Hawaii, Louisiana, Puerto Rico, and Texas. Based on departmental expertise and a survey of sugarcane growing areas, it has been determined that sugarcane smut now occurs in all of these jurisdictions and is widely spread throughout the sugarcane growing areas. Accordingly, it has further been determined that restrictions would not be effective for the purpose of preventing the spread of sugarcane smut.

Under the circumstances referred to above, this document removes the sugarcane smut emergency regulations, and a companion document withdraws the proposal to establish a nonemergency quarantine and regulations to restrict the interstate movement of certain articles from certain areas in Florida and from any area in Hawaii because of sugarcane smut. The companion document captioned "Sugarcane Smut" is published in the proposed rule section of this issue of the **Federal Register.**

**List of Subjects in 7 CFR Part 331**

Agricultural commodities, Plant diseases, Plants (agriculture), Quarantine, Transportation.

## PART 331—PLANT PEST REGULATIONS GOVERNING INTERSTATE MOVEMENT OF CERTAIN PRODUCTS AND ARTICLES

**§ 331.6 [Removed]**

Accordingly, 7 CFR Part 331 is amended by removing "Subpart—Sugarcane Smut" (7 CFR 331.6).

(Secs. 105 and 106, 71 Stat. 32, 71 Stat. 33 (7 U.S.C. 150dd, 150ee), 7 CFR 2.17, 2.51, and 371.2(c))

Done at Washington, D.C. this 8th day of November 1982.

**William F. Helms,**

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

[FR Doc. 82-31101 Filed 11-10-82; 8:45 am]

BILLING CODE 3410-34-M

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**Agricultural Marketing Service**

**7 CFR Part 932**

**[Docket No. AO-352-A4]**

## Olives Grown in California; Order Amending Order

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends the olive marketing agreement and order program to improve its operation and effectiveness. The amendment was favored by the required two-thirds majority of growers voting in a referendum. The amendment would permit handlers to credit expenses for brand advertising of olives against a portion of their annual assessment obligation. The amendment is based on proposals submitted by the committee which works with USDA in administering the program. These proposals were considered at a public hearing in December 1981. The referendum was conducted by the Department by mail ballot September 21–October 1, 1982.

**EFFECTIVE DATE:** November 12, 1982.

**FOR FURTHER INFORMATION CONTACT:** William J. Doyle, Acting Chief, Fruit Branch, Fruit and Vegetable Division, AMS, USDA, Room 2532–S, Washington, D.C. 20250, telephone (202) 447–5975.

**SUPPLEMENTARY INFORMATION:** Prior documents in this proceeding: Notice of Hearing, issued November 13, 1981, published November 18, 1981 (46 FR

56620). On the basis of the hearing record, the issues were divided into two parts. With respect to material issues other than assessment crediting for handler paid advertising, the following documents were issued: Notice of Recommended Decision, issued May 7, 1982, published May 13, 1982 (47 FR 20593); Final Decision, issued June 14, 1982, published June 18, 1982 (47 FR 26394); and the Order Further Amending the Order, issued July 27, 1982, published July 30, 1982 (47 FR 32905). The Recommended Decision with respect to assessment crediting was issued July 19, 1982, published July 22, 1982 (47 FR 31696); and the Final Decision was issued September 1, 1982, and published September 8, 1982 (47 FR 39530).

This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code, and therefore is excluded from the requirements of Executive Order 12291 and Secretary's Memorandum 1512–1.

The Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of California olives for the benefit of producers and will not substantially affect costs for the directly regulated handlers.

**List of Subjects in 7 CFR Part 932**

Marketing agreements and orders, Olives, California.

*Findings and Determinations.* The findings and determinations hereinafter set forth are supplementary, and in addition to, the findings and determinations previously made in connection with the issuance of the aforesaid order and each previously issued amendment thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings Upon the Basis of the Hearing Record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendment of the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), regulating the handling of olives grown in California.

Upon the basis of the record it is found that:

(1) The order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The order, as amended, and as hereby further amended, regulates the handling of olives grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in the marketing agreement and order upon which hearings have been held;

(3) The order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the Act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the Act;

(4) There are no differences in the production and marketing of olives grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of olives grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is necessary and in the public interest to make all of the amendatory provisions effective upon publication in the **Federal Register**. Any delay beyond that date would interfere with effective order administration. The order provides for a marketing year which began August 1, 1982, and it is the intent that the improvements in program operations and procedures provided by the order, as amended, should be utilized from the start of the 1982–83 season. A prompt effective date would be consistent with fulfilling that requirement.

In view of the foregoing, it is hereby found and determined that good cause exists for making this amendatory order effective August 1, 1982 in the **Federal Register**, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the **Federal Register** (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559).

(c) *Determination.* It is hereby determined that:

(1) The "Marketing Agreement, as Amended, Regulating the Handling of Olives Grown in California" upon which the aforesaid public hearing was held has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the commodity covered by the said order, as amended, and as hereby further amended) who, during the period September 1, 1981 through February 28, 1982, handled not less than 50 percent of the volume of such olives covered by the said order, as amended and as hereby further amended; and

(2) The issuance of this amendatory order, amending the aforesaid order, as amended, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who during the period September 1, 1981 through February 28, 1982 (which has been deemed to be a representative period), have been engaged within California, in the production of olives for market, such producers also having produced for market at least two-thirds of the volume of such commodity represented in the referendum.

**Order Relative to Handling**

*It is therefore ordered,* That on and after the effective date hereof, the handling of olives shall be in conformity to and in compliance with the terms and conditions of the said order, as amended, and as hereby further amended, as follows:

## PART 932—OLIVES GROWN IN CALIFORNIA

1. Section 932.39(a) is amended by revising the first sentence to read:

**§ 932.39 Assessments.**

(a) As each handler's pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by the committee during a fiscal year, each handler who first handles olives during the current crop year shall pay to the committee, upon demand, assessments less any amounts which may be credited pursuant to § 932.45, on all olives to be used in the production of packaged olives, including olives to be used in canned ripe olives of the "tree-ripened" type or green olives when such are regulated as packaged olives pursuant to § 932.52. * * *

* * * * *

2. Section 932.45(a) is revised to read:

**§ 932.45 Production research and marketing research and development projects.**

(a) The following activities of the committee are authorized under this section.

(1) The committee may, with the approval of the Secretary, establish or

provide for the establishment of production research, and marketing research and development projects designed to assist, improve or promote the marketing, distribution, and consumption or efficient production of California olives. Such projects may provide for any marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of California olives. Such projects may provide for any form of marketing promotion including paid advertising. The expenses of such research and projects shall be paid from funds collected pursuant to § 932.39 or from voluntary contributions. Voluntary contributions may be accepted by the committee only to pay the expenses of such projects. *Provided,* That the committee shall retain complete control over the use of such contributions which shall be free from any encumbrances.

(2) The committee, with the approval of the Secretary, may provide for crediting a portion of a handler's direct expenditures for paid brand advertising for olives. Such expenditures may include, but are not limited to, money spent for advertising space in magazines, newspapers, outdoor media and transit or time charges for radio and television. No handler shall receive credit in excess of such handler's pro rata share of the total monies allotted by the committee for brand advertising credit. Each advertisement must be published, broadcast or displayed during the fiscal year for which credit is requested. Before any creditable brand advertising may be undertaken pursuant to this paragraph (a)(2) of this section, the Secretary, upon recommendation by the committee, shall prescribe appropriate rules and regulations as are necessary to effectively regulate such activity.

3. Section 932.60 is amended by revising the section heading and by adding paragraph (c) to read:

**§ 932.60 Reports of acquisitions, sales, uses, shipments and creditable brand advertising.**

* * * * *

(c) Each handler shall file such reports of creditable brand advertising as recommended by the committee and approved by the Secretary.

4. Section 932.61 is revised to read:

**§ 932.61 Records.**

Each handler shall maintain such records of olives acquired, held, and disposed of by such handler as may be prescribed by the committee and needed by it to perform its functions under this subpart. Such records shall be retained for at least two years beyond the crop year in which the transaction occurred. The committee, with the approval of the Secretary, may prescribe rules and regulations to include under this section handler records that detail advertising and promotion activities which the committee may need to perform its functions under § 932.45(a).

5. Section 932.62 is revised to read:

**§ 932.62 Verification of reports.**

For the purpose of checking and verifying reports filed by handlers, the committee, through its duly authorized representatives, shall have access to any handler's premises during regular business hours, and shall be permitted at any such time to: (a) Inspect such premises and any olives held by such handler, and any and all records of the handler with respect to such handler's acquisition, sales, uses and shipments of olives; and (b) inspect any and all records of such handler with respect to advertising and promotion activities subject to § 932.45(a) and maintained by the handler pursuant to § 932.61. Each handler shall furnish all labor and equipment necessary to make such inspections.

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

Signed at Washington, D.C., on November 8, 1982 to become effective November 12, 1982.

**C. W. McMillan,**

*Assistant Secretary, Marketing and Inspection Services.*

[FR Doc. 82-31102 Filed 11-10-82; 8:45 am]

**BILLING CODE 3410-02-M**

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## FEDERAL RESERVE SYSTEM

## 12 CFR Part 211

**[Docket No. R-0436]**

## Reg. K; International Banking Operations

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

**ACTION:** Final rule.

**SUMMARY:** The Board of Governors of the Federal Reserve System has amended its Regulation K to change the procedures for establishing a U.S. branch of an Edge corporation and to shorten the notification period in § 211.5(c)(2) of its Regulation K from 60 to 45 days.

In addition, the Board has amended Regulation K governing the U.S. operations of foreign banking organization to delete an exception from a reporting requirement concerning information on U.S. investments not readily available to the reporting organization. The Board also approved a technical change in the language of the regulation to conform it to the corresponding statutory provision in the Bank Holding Company Act.

**EFFECTIVE DATE:** November 8, 1982.

**FOR FURTHER INFORMATION CONTACT:** James S. Keller (202/452–2523), Division of Banking Supervision and Regulation, or Nancy P. Jacklin (202/452–3428) or Kathleen O'Day (202/452–3786), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

**SUPPLEMENTARY INFORMATION:** *Edge Corporation Branches.* Under § 211.4(c)(1) of Regulation K (12 CFR 211.4(c)(1)), Edge corporations are authorized to establish domestic branches. Although the Board had previously delegated to the Reserve Banks the authority to approve the establishment of an Edge corporation branch where the branch represented the conversion of an existing Edge corporation, all other Edge branch applications required prior approval by the Board. The Board has now determined that Edge corporation proposals to establish U.S. branches should be processed under a 45-day prior notification procedure.

When the Board amended Regulation K to permit Edge corporations to branch domestically, the Board provided for the publication in the **Federal Register** of notices of applications for domestic branches and allowed a period for public comment on the proposals. In acting on an application to establish a branch, the Board considers the financial condition and history of the Edge corporation, the general character of its management, the convenience and needs of the community to be served with respect to international banking and financing services, and the effects of the establishment of the branch on competition. To date, the Board has approved applications involving about 75 branches; no application for a domestic branch of an Edge corporation has been denied. In addition, no public comment has been received with respect to a branch application.

Under the new procedure, before submitting the proposal to the Reserve Bank and Edge corporation must publish notice of the proposal in a newspaper of general circulation in the geographic area of its proposed U.S. branch and in such areas that the branch proposes to serve. The notice must allow a 30–day comment period and provide that any comments on the proposal be sent to the appropriate Federal Reserve Bank, the

address of which should be included. If the Reserve Bank receives no adverse comments in response to that notice and finds the proposal is consistent with the financial, managerial, convenience and needs, and competitive factors to be considered, and the proposal raises no significant policy issues on which the Board has not previously expressed its view, the Edge corporation may establish the branch 45 days after the Reserve Bank has received the notification.

*Prior Notification for Investments.* Under the investment procedures of Regulation K, a U.S. investor (member bank, bank holding company, Edge or Agreement corporation) may make certain investments pursuant to the prior notification procedures set forth in that section. Generally, such investments are of the type that could be made pursuant to general consent except that the absolute dollar amount of the investment or its size relative to the capital and surplus of the investor disqualifies it for those procedures; such investments may not, however, exceed 10 percent of the investor's capital and surplus.

Currently, the notification period in § 211.5(c)(2) is 60 days. Based on its experience in processing these notifications the Board has shortened the notification period to 45 days.

*Reporting Requirement.* Subpart B of the Board's Regulation K (12 CFR 211.21 *et seq.)* governs the activities and investments in the United States of foreign banking organizations. Section 211.23(h)(1) of Regulation K requires that any foreign banking organization must inform the Board quarterly of any new investments made or activities commenced in the United States under the authority of Regulation K. Sections 211.23(h) (2) and (3) of Regulation K allow a foreign banking organization, in certain situations, to omit from the reports information in the possession of other investors regarding a foreign nonbank company in which the foreign banking organization has an interest. These provisions essentially cover those situations where a foreign banking organization has a passive investment in a foreign nonbank company and may not have reasonably available to it information on the activities of the company.

In such a case, the organization must report to the Board such information as it can reasonably acquire, together with the sources thereof, and state either that unreasonable effort or expense would be involved in obtaining further information or that the company whose shares were acquired is not controlled by the organization. The organization also must state the result of a request for the information. However § 211.23(h)(3) provides that such a request need not be made of any foreign government if, in the opinion of the organization, such request would be harmful to existing relationships.

It does not appear that the exception to the reporting requirement found in § 211.23(h)(3) has been utilized by any foreign banking organization since its adoption by the Board in 1971. In light of the fact that the provision appears unnecessary and in order to prevent uncertainty as to the reporting obligations of foreign banking organizations, the Board has determined to delete this provision from the regulation. Foreign banking organizations will still be required under § 211.23(h)(2) to report to the Board their efforts to obtain required information not in their possession.

*Definition of "Subsidiary."* The Board has also amended § 211.23(a)(3) of Regulation K (12 CFR 211.23(a)(3)) to conform the definition of "subsidiary" to the statutory language in the Bank Holding Company Act. Section 211.23 governs the U.S. nonbanking activities permitted to a foreign banking organization under the Bank Holding Company Act. The regulation currently defines "subsidiary" as an organization "more than 25 percent of the voting stock of which is held * * * by a foreign banking organization." The amendment to the regulation makes clear that a "subsidiary" is any organization *25 percent or more* of the voting shares of which is held by the foreign banking organization.

Pursuant to section 605(b) of the Regulatory Flexibility Act (Pub. L. 96–354; 5 U.S.C. 601 *et seq.*), the Board of Governors of the Federal Reserve System certifies that the amendments adopted will not have significant economic impact on a substantial number of small entities that will be subject to the regulation.

The provisions of 5 U.S.C. 553 relating to notice, public participation, and deferred effective date are not followed in connection with the adoption of these amendments because the changes involved are procedural in nature and do not constitute substantive rules subject to the requirement of that section.

**List of Subjects in 12 CFR Part 211**

Banks, banking, Federal Reserve System, Foreign banking, Investments, Reporting and recordkeeping requirements.

For the reasons set out in the preamble and pursuant to its authority under section 25(a) of the Federal Reserve Act (12 U.S.C. 611 *et seq.*) and under the Bank Holding Company Act (12 U.S.C. 1841 *et seq.*), the Board amends 12 CFR Part 211 as follows:

**PART 211—[AMENDED]**

1. By revising § 211.4(c)(1) to read as follows:

**§ 211.4 Edge and Agreement Corporations.**

* * * * *

(c) *Branches.* (1) An Edge Corporation may establish branches in the United States 45 days after the Edge Corporation has given notice to its Reserve Bank, which is to include a copy of the notice of the proposal published in a newspaper of general circulation in the communities to be served by the branch, unless the Edge Corporation is notified to the contrary within that time. The newspaper notice shall be placed in the classified advertising legal notices section of the newspaper and may appear no more than 90 calendar days prior to submission of notice of the proposal to the Reserve Bank. The newspaper notice must provide an opportunity for the public to give written comment on the proposal to the appropriate Federal Reserve Bank for at least 30 days after the date of publication. The factors considered in acting upon a proposal to establish a branch are those enumerated in § 211.4(a)(1).

* * * * *

2. By revising the first sentence of § 211.5(c)(2) to read as follows:

**§ 211.5 Investments in other organizations.**

* * * * *

(c) * * *

(2) *Prior Notification.* An investment in a subsidiary or joint venture that does not qualify under the general consent procedure may be made after the investor has given 45 days' prior written notice to the Board if the total amount to be invested does not exceed 10 percent of the investor's capital and surplus.

* * *

* * * * *

**§ 211.23 [Amended]**

3. Section 211.23 is amended by removing paragraph (h)(3).

4. Section 211.23(a)(3) is revised to read as follows:

(a) * * *

(3) "Subsidiary" means any organization 25 percent or more of whose voting shares is directly or indirectly owned, controlled or held with power to vote by a foreign banking organization, or which is otherwise

controlled or capable of being controlled by a foreign banking organization.

* * * * *

Board of Governors of the Federal Reserve System, November 8, 1982.

William W. Wiles,

*Secretary of the Board.*

[FR Doc. 82-30999 Filed 11-10-82; 8:45 am]

BILLING CODE 6210-01-M

## 12 CFR Part 261

**[Docket No. R-0435]**

## Rules Regarding Availability of Information

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

**ACTION:** Final rule.

**SUMMARY:** The Board of Governors of the Federal Reserve System has amended its Rules Regarding Availability of Information to establish procedures regarding access by bank regulatory authorities to certain confidential reports submitted by foreign banking organizations. The Board also amended these rules to provide that such reports will not be released to the public.

The Board recognizes that other bank supervisory authorities may have a legitimate need for access to this information in order to carry out their supervisory responsibilities concerning a foreign banking organization and has determined to amend its Rules to insure that such legitimate supervisory needs are accommodated while maintaining the confidentiality of the information requested by Form F.R. 2068 (Confidential Report of Operations of Foreign Banking Organizations) to the fullest extent possible.

**EFFECTIVE DATE:** November 8, 1982.

**FOR FURTHER INFORMATION CONTACT:** Nancy Jacklin, Assistant General Counsel (202/452-3428), or Kathleen O'Day, Senior Attorney (202/452-3786), Legal Division, Board of Governors of the Federal Reserve System.

**SUPPLEMENTARY INFORMATION:** In 1980, the Board imposed reporting requirements on foreign banking organizations which were implemented in 1981. These reports are the Annual Report of Foreign Banking Organizations, Form F.R. Y-7, and the Confidential Report of Operations of Foreign Banking Organizations, Form F.R. 2068. These reports are required to enable the Board to carry out its responsibilities under the Bank Holding Company Act of 1956, as amended, and the International Banking Act of 1978.

Information contained in these reports will be made available only in accordance with the Board's Rules Regarding Availability of Information. The financial information required by Form F.R. 2068 is of a particularly sensitive character, and is not customarily made available to the public by the reporting companies or by any other source. The Board regards the Form F.R. 2068 as an examination, operating or condition report within the meaning of 5 U.S.C. 552 (b)(8), which exempts such reports from the disclosure requirements of the Freedom of Information Act. In light of the confidential nature of the information, it has been the Board's policy to deny requests by the public for information from the reports. In addition, internal security procedures have been established governing access to the reports. These policies have worked well in maintaining the confidentiality of the reports and the Board believes that it is appropriate to incorporate them into the Board's Rules Regarding Availability of Information.

The amendment approved by the Board authorizes the Director of the Board's Division of Banking Supervision and Regulation, with the concurrence of the General Counsel, to permit appropriate personnel of a bank supervisory authority to inspect the Confidential Report of Operations, Form F.R. 2068, on Federal Reserve premises under the same security procedures as apply to System personnel. Copies of these procedures are available from the Board's Freedom of Information Office (202/452-3684).

The Board's Rules are also amended to reflect the Board's decision that the information required by Form F.R. 2068 should not be made available to the public in any circumstances. As is the case with other confidential information in the Board's possession, release of this information by a Board employee may constitute a basis for dismissal of the employee or other disciplinary action.

The provisions of section 553 of Title 5, United States Code, relating to notice, public participation and deferred effective date are not followed in connection with the adoption of these amendments because the changes involved are procedural in nature and do not constitute a substantive rule subject to the requirements of such section.

### List of Subjects in 12 CFR Part 261

Federal Reserve System, Freedom of Information.

For the reasons set out in the preamble, Part 261 of Title 12 of the Code of Federal Regulations is amended as follows:

### PART 261—[AMENDED]

1. 12 CFR 261.6 is amended by redesignating paragraph (b) as (b)(1), and by adding new paragraphs (b) (2) and (d) as follows:

**§ 261.6 Exemptions from disclosure.**

* * * * *

(b)(2) Notwithstanding any other provision of this Regulation, any Confidential Report of Operations (Form F.R. 2068) of a foreign banking organization may, upon written request to and approval by the Director of the Division of Banking Supervision and Regulation (or his delegee), and with the concurrence of the General Counsel (or his delegee), be made available for inspection to another bank supervisory authority having general supervision of any United States branch, agency, subsidiary bank or commercial lending company of the foreign banking organization, only for use where necessary in the performance of the official duties of such authority. These reports shall be made available for inspection by authorized persons only on Federal Reserve premises under the same procedures as apply to personnel of the Federal Reserve System. All reports made available under this paragraph shall remain the property of the Board; and no person, agency, or authority who obtains access to any such report, or any officer, director, or employee thereof, shall publish, publicize, or otherwise disclose any information contained in the report to any person.

* * * * *

(d) *Foreign Banking Organization Confidential Report of Operations.* It is the Board's policy that the confidentiality of a foreign banking organization's Confidential Report of Operations (Form F.R. 2068) should be maintained at all times. Except as provided in paragraph (b)(2) of this section, information submitted to the Board as part of any Confidential Report of Operations is not available for public inspection by any person other than an officer, employee, or agent of the Board or of a Federal Reserve Bank properly entitled to such information in the performance of such person's official duties. Any employee that violates this section by releasing such a Report to any unauthorized person may be subject to disciplinary action under 12 CFR 264.735-5 (Rules of Employee Responsibilities and Conduct).

By order of the Board of Governors, effective November 5, 1982.

**William W. Wiles,**

*Secretary of the Board.*

[FR Doc. 82-31076 Filed 11-10-82; 8:45 am]

BILLING CODE 6210-01-M

## 12 CFR Part 265

**[Docket No. R-0437]**

## Rules Regarding Delegation of Authority; International Banking Applications; Change in Bank Control

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

**ACTION:** Final rule.

**SUMMARY:** The Board of Governors of the Federal Reserve System is amending its Rules Regarding Delegation of Authority to delegate (1) to the Federal Reserve Banks authority to approve formation of a foreign "shell" branch by a member bank, and authority to waive the 30 days' notice requirement to the Board before a foreign banking organization exercises its one time change of home State; (2) to the Director of the Division of Banking Supervision and Regulation authority to suspend the notification period in § 211.5(c)(2) of Regulation K; and (3) to the Secretary of the Board authority to act on certain applications where authority is delegated to the Reserve Bank but a senior officer or director of an involved party is also a director of the Reserve Bank or branch. It is anticipated that these new delegations would aid the Board in processing applications and notices in an expeditious fashion.

**EFFECTIVE DATE:** November 8, 1982.

**FOR FURTHER INFORMATION CONTACT:** James S. Keller, Division of Banking Supervision and Regulation (202/452-2523), Nancy P. Jacklin, Legal Division (202/452-3428), or Kathleen M. O'Day, Legal Division (202/452-3786), Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

**SUPPLEMENTARY INFORMATION:** 1. *Shell branches.* The Board has in the past delegated to the Secretary of the Board authority to approve an application by a member bank to establish a foreign branch pursuant to section 25 of the Federal Reserve Act when the application was not one for the applicant's first full service branch in a foreign country, including a "shell" branch. The Board has now delegated to the Reserve Banks the authority to approve shell branch applications.

2. *Waiver of 30 days' notification for change in home State.* Under § 211.22(c)(1) of Regulation K (12 CFR 211.22(c)(1)) a foreign banking organization is required to give the Board 30 days' prior notification of its proposed change of home State before it may exercise that change. Because the Reserve Banks generally have the information necessary to determine whether the deposit-taking activities in the original home State conform to what is permissible in the event of a foreign banking organization's change of home State, the Board has delegated to the Reserve Banks the authority to waive the 30 days' notification period in § 211.22(c)(1) of Regulation K.

3. *Suspension of prior notification period in Regulation K.* Section 211.5(c)(2) of Regulation K (12 CFR 211.5(c)(2)) sets forth the criteria for when a U.S. investor (member bank, bank holding company, Edge or Agreement Corporation) may make an investment pursuant to the prior notification procedures set forth in that section. That section also states that the Board may, during the notification procedure, disapprove the investment, suspend the notification period, or require that an application be filed by the investor for the Board's specific consent. The Board has previously delegated to the Director of the Division of Banking Supervision and Regulation both authority to waive the prior notice period and authority to require that an investor file an application for specific consent (12 CFR 265.2(c)(27) and (28), respectively). The Board has, by action of this date, reduced the notification period from 60 to 45 days.[1] There are occasions, however, when more than 45 days is required to process a notification but the notification does not require Board action. The Board has, therefore, delegated authority to the Director of the Division of Banking Supervision and Regulation to suspend the 45 days' notification period.

4. *Applications and notices where directors or senior officers of the involved party are also directors of a Reserve Bank or its branch.* The Board, in recent years, has increased the scope of those applications that may be acted upon by the Reserve Banks under delegated authority. However, it has not stated that those applications involving a senior officer or director of an involved party who is also a director of a Reserve Bank should not be acted upon by the Reserve Banks nor has it made any adjustment to the Secretary of the Board's authority to act on these delegated applications where a director or senior officer of a party involved is also a director of a Federal Reserve Bank or branch. Accordingly, the Board has delegated to the Secretary of the Board authority to act upon those applications that would be delegated to the Reserve Banks except for the fact that a senior officer or director of an involved party is also a director of a Reserve Bank. This procedure will now conform to that followed under the Bank Holding Company Act (12 U.S.C. 1841 *et seq.*) and the Bank Merger Act (12 U.S.C. 1828), where the Secretary of the Board has delegated authority to act on applications delegated to the Reserve Bank except for the fact that "a director or senior officer of any holding company, bank, or company to be acquired or retained, involved in the transaction, is a director of a Federal Reserve Bank or branch." (12 CFR 265.2(a)(2)).

Pursuant to Section 605(b) of the Regulatory Flexibility Act (Pub. L. 96-354; 5 U.S.C. 601 *et seq.*), the Board of Governors of the Federal Reserve System certifies that the amendments adopted will not have a significant economic impact on a substantial number of small entities that would be subject to the regulation.

The provisions of 5 U.S.C. 553 relating to notice, public participation and deferred effective date are not followed in connection with the adoption of these amendments because the changes involved are procedural in nature and do not constitute substantive rules subject to the requirement of that section.

### List of Subjects in 12 CFR Part 265

Authority, delegations (Government agencies), Banks, banking, Federal Reserve System.

## PART 265—[AMENDED]

Pursuant to its authority under the International Banking Act of 1978 (12 U.S.C. 3101 *et seq.*), the Federal Reserve Act (12 U.S.C. 226 *et seq.*), the Bank Holding Company Act (12 U.S.C. 1842 *et seq.*) and the Change in Bank Control Act (12 U.S.C. 1817(j)), the Board amends its Rules Regarding Delegation of Authority (12 CFR Part 265) by revising § 265.2(a)(2), (c)(27), (c)(28), (f)(30), and (f)(50) as follows and adding new paragraphs (f)(55) and (f)(56):

### § 265.2 Specific functions delegated to Board employees and to Federal Reserve banks.

(a) * * *

(2) Under the provisions of sections 18(c) and 18(c)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c) and 1828(c)(4)), sections 3(a) and 4(c)(8) of

[1] This change in the notification period has necessitated a technical amendment to 12 CFR 265.2(c)(27).

the Bank Holding Company Act (12 U.S.C. 1842(a) and 1843(c)(8)), the Change in Bank Control Act (12 U.S.C. 1817(j)) and section 25(a) of the Federal Reserve Act (12 U.S.C. 611 *et seq.*), and §§ 225.3(b) and (c), and 225.4(a) and (b) and 225.7 of Regulation Y (12 CFR 225.3(b) and (c), 225.4(a) and (b), and 225.7), §§ 211.3(a), 211.4(c) and 211.5(c) of Regulation K (12 CFR 211.3(a), 211.4(c) and 211.5(c)), to furnish reports on competitive factors involved in a bank merger to the Comptroller of the Currency and the Federal Deposit Insurance Corporation and to take actions the Reserve Bank could take except for the fact that the Reserve Bank may not act because a director or senior officer of any holding company, bank, or company involved in the transaction is a director of a Federal Reserve Bank or branch.

* * * * *

(c) * * *

(27) Under section 25 and 25(a) of the Federal Reserve Act and Part 211 of this chapter (Regulation K), to waive the 45 days' prior notice period for an investment that qualifies for the prior notification procedures set forth in § 211.5(c)(2) of Regulation K (12 CFR 211.5(c)(2)).

(28) Pursuant to § 211.5(c)(2) of this chapter (Regulation K), to suspend the notification period or to require that an investor file an application for the Board's specific consent.

* * * * *

(f) * * *

(30) Under the provisions of the Change in Bank Control Act of 1978 (12 U.S.C. 1817(j)) and § 225.7 of this chapter (Regulation Y), with respect to a bank holding company or State member bank, to determine the informational sufficiency of notices and reports filed under the Act, to extend periods for consideration of notices, to determine whether a person who is or will be subject to a presumption described in § 225.7(a) of this chapter should file a notice regarding a proposed transaction, and, if all the following conditions are met, to issue a notice of intention not to disapprove a proposed change in control:

(i) No member of the Board has indicated an objection prior to the Reserve Bank's action.

(ii) No senior officer or director of an involved party is also a director of a Federal Reserve Bank or branch.

(iii) All relevant departments of the Reserve Bank concur.

(iv) If the proposal involves shares of a State member bank or bank holding company controlling a State member bank, the appropriate bank supervisory authorities have indicated that they have no objection to the proposal, or no objection has been received from the appropriate bank supervisory authorities within the time allowed by the Act.

(v) No significant policy issue is raised by the proposal as to which the Board has not expressed its view.

* * * * *

(50) Pursuant to § 211.4(c)(2) of this chapter (Regulation K), to approve an Edge Corporation application to establish a branch abroad, provided that no senior officer or director of the involved Parties is also a director of a Reserve Bank or branch and that no significant policy issue is raised by the proposal as to which the Board has not expressed its view.

* * * * *

(55) Pursuant to § 211.3(a) of this chapter (Regulation K), to approve the establishment, directly or indirectly, of a foreign branch by a member bank where the application is not one for a full-service branch in a foreign country, provided that no senior officer or director of the involved parties is also a director of a Reserve Bank or branch and that no significant policy issue is raised by the proposal as to which the Board has not expressed its view.

(56) Pursuant to § 211.22(c)(1) of this chapter (Regulation K), to waive the 30 days' prior notification period with respect to a foreign bank's change of home State.

* * * * *

By order of the Board of Governors of the Federal Reserve System, November 8, 1982.

**William W. Wiles,**

*Secretary of the Board.*

[FR Doc. 82-30987 Filed 11-10-82; 8:45 am]

BILLING CODE 6210-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 39

[Docket No. 82-NM-93-AD; Amdt. 39-4494]

## Airworthiness Directives; Canadair Model CL-600-1A11 Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adds a new airworthiness directive (AD) which requires inspection and replacement, as necessary, of engine throttle control quadrants on certain Canadair Model CL-600 series airplanes. This action is necessary to detect and/or prevent failure of engine throttle control quadrants. Failure of these quadrants has resulted in control cable jamming with a resultant loss of engine control capability. The specified inspections will also prevent a possible inadvertent engine cutoff by verifying the structural integrity of the idle to cutoff stop pawl.

**DATE:** Effective November 22, 1982.

**ADDRESSES:** The service bulletin specified in this AD may be obtained upon request to Canadair, Ltd., Commercial Aircraft Technical Services, Box 6087, Station A, Montreal, Canada PQH3C3G9 or may be examined at the address shown below.

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

**SUPPLEMENTARY INFORMATION:** The Canadian Department of Transport (DOT) has classified as mandatory a Canadair CL-600 Alert Wire TA600-0294/022 dated August 31, 1982, requiring removal and inspection of engine control throttle quadrants, part number 90601-65, to detect a failure of the quadrant which may result in jamming of the engine throttle control cable with resultant loss of engine control capability. One occurrence has been reported of a throttle cable being jammed preventing throttle movement from low idle to high idle. An additional incident occurred whereby the power lever on one of the throttles could be moved from low idle to cutoff as a result of a broken idle to cutoff stop pawl. The inspections specified in this AD are intended to preclude recurrence of these incidents. Since this AD calls for replacing a damaged quadrant with a servicable quadrant of the same part number, inspections must be continued until an FAA approved improved quadrant becomes available.

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

Since this condition is likely to exist or develop on airplanes of this model registered in the United States, an AD is being issued which requires the inspections and replacement of parts, if necessary, in accordance with Canadair Alert Wire TA600-0294/022.

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

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

Aviation safety, Aircraft.

**Adoption of the Amendment**

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

**Canadair:** Applies to Canadair Model CL-600-1A11 airplanes certificated in all categories. Compliance is required as indicated to avoid possible failure of the throttle quadrant tungsten carbide wear strips and to preclude throttle movement directly from idle to cutoff. Within 50 hours time in service, or within 30 days after the effective date of this Airworthiness Directive, whichever occurs first, unless already accomplished, perform the following in accordance with Canadair Alert Wire TA600-0294/022 dated August 31, 1982:

A. Remove the throttle quadrant in accordance with Canadair approved procedures and inspect to positively identify part and serial numbers.

B. If the throttle quadrant is not identified by P/N 90601-65, reinstall in accordance with Canadair approved procedures and return to service.

C. If the inspection of paragraph A reveals that the aircraft is fitted with throttle quadrant, Canadair part number 90601-65, the following inspection must be conducted prior to each flight:

1. Unlatch and lift each thrust reverser lever in turn until it contacts its solenoid stop and, with friction off, apply a forward load of approximately 5 pounds to each main lever. Check to determine that the knob moves the normal amount (0.20 inch or less).

2. Unlatch and lift each thrust reverser lever until it contacts its solenoid stop. With the red shutoff latch held in the up position and with friction off, apply an aft load of approximately 5 pounds to the main lever. Check that this knob moves the normal amount (0.45 inches or less).

3. If movement is in excess of the values specified in paragraph (1) or (2) above, replace the quadrant with a serviceable model 90601-65 throttle quadrant in accordance with Canadair approved procedures and continue to inspect per Paragraph C., above.

4. With the thrust reverser levers down, check that the main levers cannot be moved aft into cutoff without lifting the red shutoff latch. If the lever can be moved aft, replace the quadrant with a serviceable model 90601-65 throttle quadrant in accordance with Canadair approved procedures and continue to inspect per Paragraph C., above.

D. For aircraft fitted with throttle quadrant, part number 90601-65, install the following placard on the instrument panel in full view of the pilot, using letters of ¾ inch minimum height: "Do not conduct planned go-around and missed approach operations."

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

F. 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.

It is anticipated that this AD will be amended to provide terminating action when the manufacturer has developed an acceptable modification.

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 November 22, 1982.

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

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

Issued in Seattle, Washington, on November 1, 1982.

**Charles R. Foster,**

*Director, Northwest Mountain Region.*

[FR Doc. 82-30925 Filed 11-10-82; 8:45 am]

BILLING CODE 4910-13-M

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**14 CFR Part 39**

**[Docket No. 82-NM-85-AD, Amdt. 39-4496]**

## Airworthiness Directives; Boeing Model 707/720 Series Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adds a new airworthiness directive (AD) which supersedes AD 80-14-14. The previous AD required inspections and repair, if necessary, of the nacelle strut diagonal brace end fittings and associated attach fittings of certain Boeing Model 707/720 series airplanes. Additional cracking in other parts of these fittings and the inadequacy of some visual and low frequency eddy current inspections necessitates this amendment, which requires high frequency eddy current inspections. Failure to detect cracking could lead to separation of the engine from the airplane.

**DATES:** Effective November 23, 1982.

Compliance as prescribed in the body of the AD, unless already accomplished.

**ADDRESSES:** The Boeing Service bulletin specified in this AD may be obtained upon request from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124, or may be examined at the address shown below.

**FOR FURTHER INFORMATION CONTACT:** Mr. J. W. Hart, Jr., Airframe Branch, ANM-120S; telephone (206) 767-2516. Mailing Address: Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

**SUPPLEMENTARY INFORMATION:** A one time visual inspection of the nacelle strut diagonal brace and fittings was required by AD 79-14-04 (44 FR 41176, July 16, 1979). Due to the additional cracking found, AD 80-14-14 (45 FR 43695, June 30, 1980) was issued which required visual, low frequency eddy current or high frequency eddy current inspections of certain areas of the drag brace end fittings and the fittings on the strut and wing to which the brace is attached. Further service experience has shown the visual and low frequency eddy current inspections of the brace end fittings are inadequate, and additional areas of cracking have been found. Failure to find the cracks could lead to separation of the engine from the airplane.

Due to the complexity of amending AD 80-14-14, it has been decided to supersede that AD and issue a new one.

Since this condition is likely to exist or develop on other airplanes of the same type design, and AD is being issued which requires inspection and repair of the nacelle strut diagonal brace end fittings on certain B-707 series airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this

amendment effective in less than 30 days.

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

Aviation safety, Aircraft.

**Adoption of the Amendment**

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

**Boeing:** Applies to all Model 707/720 series airplanes listed in Boeing Service Bulletin A3364, Revision 3, NSC–2 and later FAA approved revisions with nacelle strut diagonal braces and associated fittings which have accumulated 7500 or more landings.

To detect cracks in the nacelle strut diagonal brace and associated fittings accomplish the following:

A. Within 500 landings after the effective date of this AD unless already accomplished, inspect the nacelle strut diagonal braces and associated fittings in accordance with Boeing Service Bulletin A3364, Rev. 3, NSC2 or later FAA-approved revisions, and repeat thereafter at the intervals specified in Tables 1, 2, and 3 below.

B. If cracks are found, replace the cracked part prior to further flight or repair in a manner approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region. Parts oversized beyond the limits specified in Boeing Service Bulletin A3364 must be replaced prior to further flight.

C. For Group III, IV, and VI airplanes, as specified in the service bulletin, replace the diagonal brace assembly if the outboard diagonal brace end fitting (forward or aft) attach holes have been oversized beyond the limits specified in Boeing Service Bulletin A3364, Rev. 3 or later FAA-approved revisions within 1000 landings since oversizing.

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

This supersedes AD 80–14–14.

TABLE I

| Type inspection | Repeat intervals not to exceed landings |
|---|---|
| Forward mating fitting: | |
| Visual | 250 |
| Hi Frequency | 7,500 |
| Hi Frequency followed by shot peening | 12,000 |

TABLE II

| Type inspection | Repeat intervals not to exceed landings |
|---|---|
| Aft mating fitting: | |
| Visual | 250 |
| 1. Hi frequency or dye penetrant of web | 7,500 |
| 2. Hi frequency of lug hole with bushing removed and hole oversized | |
| 1. Hi frequency of lug hole with bushing removed, oversizing and peening of lug hole surface | 12,000 |
| 2. Hi frequency or dye penetrant of web and peening of web | |

TABLE II—Continued

| Type inspection | Repeat intervals not to exceed landings |
|---|---|
| 2. Hi frequency of lug hole with bushing removed and hole oversized | |
| 1. Hi frequency of lug hole with bushing removed, oversizing and peening of lug hole surface | 12,000 |
| 2. Hi frequency or dye penetrant of web and peening of web | |

TABLE III

| Type inspection | Repeat intervals not to exceed landings |
|---|---|
| Diagonal brace assembly: | |
| Hi Frequency Interior only | 2,500 |
| Hi Frequency Exterior (fitting removal) with hole oversizing | 7,500 |
| Hi Frequency Exterior with hole oversizing and peening | 12,000 |
| Hi Frequency exterior with holes previously oversized to limit and peening | 7,500 |

Note.—Hole oversizing cannot exceed limits specified in Service Bulletin.

The manufacturer's specification and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at the FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective November 23, 1982.

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

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

Issued in Seattle, Washington, on November 3, 1982.

**Wayne J. Barlow,**

*Acting Director, Northwest Mountain Region.*

[FR Doc. 82-30926 Filed 11-10-82; 8:45 am]

BILLING CODE 4910-13-M

**14 CFR Part 39**

**[Docket No. 82-NM-90-AD; Amdt. 39-4495]**

## Airworthiness Directives; Boeing Model 747 Series Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This Amendment adds a new Airworthiness Directive (AD) which requires that all oxygen hose/wire bundle installations at each main deck lavatory and at upper deck lavatories U–1, U–2, U–3, U–4, and U–6, in Boeing 747 series airplanes be inspected to assure that adequate separation exists. One airplane was found to have a low pressure oxygen hose chafed and leaking oxygen. The adjacent wire bundle was chafed with signs of arcing. If arcing should occur while oxygen is flowing in the hose, it would provide an ignition source for a fire and/or an explosion in an oxygen-enriched environment. This action is necessary to locate any additional instances of chafing between low pressure oxygen hoses and adjacent wire bundles and to modify the airplanes, if necessary, to prevent chafing.

**DATE:** *Effective:* November 23, 1982.

**ADDRESSES:** The service bulletin specified in this Airworthiness Directive may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information may also be examined at the FAA, Northwest Monuntain Region, 9010 East Marginal Way South, Seattle, Washington.

**FOR FURTHER INFORMATION CONTACT:** Mr. Joseph Crecca, Systems & Equipment Branch, ANM–130S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767–2500. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

**SUPPLEMENTARY INFORMATION:** One operator noted a hissing noise emanating from the "J" lavatory while performing a functional test on the passenger oxygen system. Investigation revealed a hole in an oxygen hose. An

adjacent wire bundle had chafed against the low pressure oxygen hose at the aluminum ferrule on the hose connection to the low pressure oxygen system manifold. Three wires were chafed through, and the oxygen hose was burned and melted through adjacent to the ferrule. The oxygen test was conducted with the affected wiring not powered during the test. The airplane had accrued 5,174 flight hours and 1,272 landings. The inspection of the remaining airplanes in the operator's fleet revealed no other similar anomalies.

Inspection of several other airplanes revealed that wire bundles did contact oxygen hoses at various main deck lavatory installations. One other operator has reported similar contact at another main deck lavatory. In none of these subsequent inspections was wire bundle chafing or potential chafing against a metal ferrule reported.

Boeing drawings require a minimum of two-inch separation between electrical wiring and oxygen lines, or positive separation by use of wire bundles and hose supports in areas where a two-inch separation is not possible.

A chafed wire bundle can result in arcing and burn-through of the oxygen hose. If this should occur when the oxygen system is pressurized for any reason, the arcing would provide an ignition source for fire in an oxygen-enriched environment. No reports of such a fire have been received to date.

However, since this condition is likely to exist or may develop on other airplanes of the same type design, an Airworthiness Directive is being issued which requires a one-time inspection of all main deck and specific upper deck lavatory oxygen hose/wire bundle installations. This inspection should ensure a minimum clearance of two inches between oxygen hoses and wire bundles. In areas of limited space where the desired minimum of two inches cannot be maintained, a positive retention of oxygen hoses and wire bundles should be provided by clamping or other approved support method to ensure that physical contact between wiring and oxygen hoses cannot occur.

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

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

Aviation safety, Aircraft.

**Adoption of the Amendment**

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

Boeing: Applies to all Boeing Model 747 series airplanes certificated in all categories. To prevent oxygen fires, accomplish the following within 45 days after the effective date of this AD, unless already accomplished:

A. Inspect all main deck lavatory and upper deck lavatories U–1, U–2, U–3, U–4, and U–6, oxygen hose/wire bundle installations and modify, if necessary, in accordance with Boeing Service Bulletin 747–35A2032 dated August 20, 1982, or later FAA approved revision.

B. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office.

C. 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).

All persons affected by this directive who have not already received the above specified Alert Service Bulletin from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124, or it may also be examined at the FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This Amendment becomes effective November 23, 1982.

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

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

Issued in Seattle, Washington on November 3, 1982.

**Wayne J. Barlow,**

*Acting Director, Northwest Mountain Region.*

[FR Doc. 82–30928 Filed 11–10–82; 8:45 am]

**BILLING CODE 4910–13–M**

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**14 CFR Part 39**

**[Docket No. 82–CE–2–AD; Amdt. 39–4491]**

## Airworthiness Directives; Cessna Model P210N Airplanes

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

**ACTION:** Final rule, revision of existing AD.

**SUMMARY:** This amendment revises existing Airworthiness Directive (AD) 81–23–03 R1, applicable to Cessna Model P210N airplanes by reducing the number of airplanes to which the AD is applicable. It also exempts any airplanes on which certain part number exhaust systems manufactured of Inconel material are installed from the inspection requirements of (AD) 81–23–03 R1. The manufacturer has developed these improved durability systems and is installing them on new production airplanes. It is also making them available for installation on in-service airplanes. Since, when installed, safety is further improved, this revision removes the requirement for the unnecessary inspections of airplanes incorporating these systems.

**EFFECTIVE DATE:** November 15, 1982.

*Compliance:* As prescribed in the body of the AD.

**ADDRESSES:** Cessna Single Engine Customer Care Service Information Letters SE 79–52, Revision 1, dated November 5, 1979, SE 81–21 dated May 18, 1981, and SE 82–3 dated January 25, 1982, applicable to this AD may be obtained from Cessna Aircaraft Company, Marketing Division, Attention: Customer Service Department, Wichita, Kansas 67201; Telephone (316) 685–9111. A copy of this information is also contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

**FOR FURTHER INFORMATION CONTACT:** Paul O. Pendleton, ACE–140W, Wichita Aircraft Certification Office, FAA, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 269–2010.

**SUPPLEMENTARY INFORMATION:** Amendment 39–4318 (47 FR 6611, February 16, 1982), AD 81–23–03 R1, applicable to certain Cessna Model

P210N airplanes, requires an initial and repetitive inspection of the exhaust systems on these airplanes for cracks or bulges and replacement of any components found with these conditions. Subsequent to the issuance of this AD, the manufacturer has developed for these airplanes an improved, more durable, exhaust system fabricated of Inconel material. The manufacturer has requested, on the basis of the improved durability and reliability of Inconel material in the application, that airplanes with these systems be exempted from the AD requirements. The FAA concurs with the manufacturer's request and, accordingly, is revising AD 82-23-03 R1 to delete airplanes manufactured with Inconel exhaust systems from the AD applicability statement and exempt in-service airplanes which incorporate these systems from the inspection requirement.

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

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

Aviation safety, Aircraft.

**Adoption of the Amendment**

Accordingly, pursuant to the authority delegated to me by the Administrator, AD 82-23-03 R1, Amendment 39-4318 (47 FR 6611, February 16, 1982), § 39.13 of the Federal Aviation Regulations (14 CFR Section 39.13) is amended as follows:

Restate the Applicability Statement to read as follows:

(1) "CESSNA: Applies to Model P210N (Serial Numbers P21000001 through P21000811) airplanes certificated in any category with 25 or more total hours time-in-service."

(2) Redesignate existing paragraph (C) as (D).

(3) Add the following new paragraph (C):

"(C) Compliance with this AD is not required when complete Inconel Exhaust Systems consisting of Cessna Part Numbers 2154000-53 Left Hand Assembly, 2154000-54 Right Hand Assembly, and 2154000-68 Forward Crossover Assembly are installed.

(4) Redesignate existing paragraph (D) as paragraph (E).

This amendment becomes effective on November 15, 1982.

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

**Note.**—The FAA has determined that this amendment involves revision of a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and certifies that the rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it involves inspection and maintenance procedures applicable to only a few aircraft owned by small entities.

Issued in Kansas City, Missouri, on October 29, 1982.

**John E. Shaw,**

*Acting Director, Central Region.*

[FR Doc. 82-30650 Filed 11-10-82; 8:45 am]

**BILLING CODE 4910-13-M**

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**14 CFR Part 39**

**[Docket No. 82-CE-33-AD; Amdt. 39-4493]**

## Airworthiness Directives; Fairchild Swearingen Models SA 226-T(B), SA 226-T, SA 226-AT, SA 226-TC Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new Airworthiness Directive (AD), applicable to certain Fairchild Swearingen Model SA 226-T(B), SA 226-T, SA 226-AT, SA 226-TC airplanes which requires inspections and checks of the main landing gear (MLG) doors and modification of the safety on the MLG door hinge bolts. Incidents of difficulty in extending the landing gear and a gear-up landing have occurred because of "jammed" MLG doors resulting from backing out and loss of the MLG door hinge bolts. The required action will assure proper functioning of the doors and preclude backing out of the MLG door hinge bolts.

**EFFECTIVE DATE:** November 15, 1982.

**COMPLIANCE:** As prescribed in the body of the AD.

**ADDRESSES:** Fairchild Swearingen Service Bulletin SB 32-026 dated October 16, 1980, applicable to this AD may be obtained from Fairchild Swearingen Corporation, P.O. Box 32486, San Antonio, Texas 78284. A copy of this information is also contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

**FOR FURTHER INFORMATION CONTACT:** Michele Owsley, Airframe Engineer, Airplane Certification Branch, ASW-150, Southwest Regional Office, P.O. Box 1689, Fort Worth, Texas 76101; Telephone (817) 624-4911, extension 516 or FTS 736-9516.

**SUPPLEMENTARY INFORMATION:** Reports of difficulties in extending the landing gear and a gear-up landing on certain Fairchild Swearingen model airplanes have been received. Investigations of these incidents established that backing out of the MLG door hinge bolts allowed the door to shift and jam in the up position. The "jammed" doors prevented initiation of the landing gear extension cycle and effectively locked the affected landing gear in the up position. The manufacturer has issued Service Bulletin SB 32-026 dated October 16, 1980, which recommends MLG door inspections and modifications of the MLG door hinge bolt installation to incorporate an additional safety wire locking feature. If accomplished, these actions will improve the reliability of the MLG extension and retraction system and preclude the MLG door hinge bolt from backing out. Since the FAA has determined that the unsafe condition described herein is likely to exist or develop in other airplanes of the same type design, an AD is being issued requiring inspection, checks and modification of the MLG door installation in accordance with Fairchild Swearingen Service Bulletin SB 32-026 dated October 16, 1980, on certain Fairchild Swearingen Models SA 226-T(B), SA 226-T, SA 226-AT and SA 226-TC airplanes. Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

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

Aviation safety, Aircraft.

**Adoption of the Amendment**

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

**Fairchild Swearingen:** Applies to Models SA 226-T(B) (S/N T(B) 276, T(B) 292 through T(B) 397); SA 226-T (S/N T201 through T275 and T277 through T291); SA 226-AT (S/N AT001 through AT074); SA 226-TC (S/N TC201 through TC396) airplanes certificated in any category.

Compliance: Required within the next 50 hours time-in-service unless already accomplished.

To prevent the main landing gear doors from shifting and locking the gear in the up position, accomplish the following:

(a) Inspect, check, and modify the main landing gear door installation in accordance

with Accomplishment Instructions IIA through IIL of Fairchild Swearingen Service Bulletin SB 32–026 dated October 16, 1980, as supplemented by the instructions below.

(1) When replacing the bushings and refitting the doors for final assembly, assure that the bushings are properly lubricated (do not use thin-film, spray-on liquids which will wash out the grease from the Oilite bushings; use a thick, permanent lubricant such as Lubriplate).

(2) Observe standard torque for AN3 bolts.

(3) Assure that the door hinge bolts clamp completely and the doors move freely.

(4) Remove stripped nutplates and replace them with a castellated nut and cotter pin. Instructions for accomplishing this may be obtained from Fairchild Swearingen Corporation. Use of the drilled bolt and safety wire procedures specified in paragraphs IIG and IIJ of Fairchild Swearingen Service Bulletin SB 32–026 is not required if a castellated nut and cotter pin are used.

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

(c) An equivalent method of compliance with this AD may be used when approved by the Manager, Aircraft Certification Division, ASW–100, Southwest Regional Office, FAA, Fort Worth, Texas 76101; Telephone (817) 624–4911, extension 511.

This amendment becomes effective on November 15, 1982.

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

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

Issued in Kansas City, Missouri, on October 29, 1982.

John E. Shaw,

*Acting Director, Central Region.*

[FR Doc. 82-30648 Filed 11-10-82; 8:45 am]

BILLING CODE 4910-13-M

**14 CFR Part 39**

**[Docket No. 82-CE-32-AD; Amdt. 39-4492]**

## Airworthiness Directives; Gulfstream American Corporation Model 685

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new Airworthiness Directive (AD), applicable to Gulfstream American Model 685 airplanes which requires inspection of the exhaust system and installation of improved P/N 610597–501 Induction Air Elbow Ducts. An accident has been attributed to pilot incapacitation caused by contamination of the cabin pressurization air by exhaust gases which entered through a loose flex duct connection at the induction air elbow duct. The required inspection and part replacement will reduce the probability of the presence of exhaust products in the engine compartment and provide for a better attachment of the flex duct to the induction air elbow duct.

**EFFECTIVE DATE:** November 15, 1982.

*Compliance:* Required within the next 25 hours time-in-service after the effective date of the AD unless already accomplished.

**ADDRESSES:** Gulfstream American Service Bulletin No. 192 dated August 20, 1982, applicable to this AD may be obtained from Gulfstream American Corporation, 5001 North Rockwell Avenue, Bethany, Oklahoma 73008. A copy of this information is also contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

**FOR FURTHER INFORMATION CONTACT:** Mark R. Schilling, Airplane Certification Branch, ASW–150, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624–4911, extension 516 or FTS 736–9515.

**SUPPLEMENTARY INFORMATION:** Findings during an accident investigation involving a Gulfstream American Model 685 airplane indicated that exhaust products had entered the turbocharger inlet air through a loose or dislocated connection between the induction air inlet elbow and a flexible duct connected to this component. These products were conveyed to the cabin pressurization system by the turbocharger and contaminated the cabin environment. Incapacitation of the pilot and passengers resulted in the accident. The manufacturer has developed and made available for retrofit an improved induction air elbow which has an effective bead on the ends to improve the security of the attachment of the flexible duct to this elbow. He has also provided recommendations and instructions for installation of this improved elbow and inspection of the airplane engine exhaust system in Gulfstream American Service Bulletin No. 192 dated August 20, 1982.

Since the FAA has determined that the unsafe condition described herein is likely to exist or develop in other airplanes of the same type design, an AD is being issued requiring installation of the improved Gulfstream American P/N 615097–501 Induction Air Elbow and inspection of the exhaust system on certain serial numbered Gulfstream American Model 685 airplanes. Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

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

Aviation safety, aircraft.

**Adoption of the Amendment**

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

**Gulfstream American:** Applies to Model 685 (S/Ns 12000 through 12043, and 12045 through 12066) airplanes certificated in any category.

Compliance: Required within 25 hours after the effective date of the AD, unless already accomplished.

To prevent possible contamination of cabin air by engine exhaust, accomplish the following:

(a) Replace the existing induction air elbow with an improved P/N 610597–501 elbow and inspect the exhaust system in accordance with Gulfstream American Corporation Service Bulletin No. 192 dated August 20, 1982.

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

(c) An equivalent method of compliance with this AD may be used if approved by the Manager, Aircraft Certification Division, ASW–100, Southwest Regional Office, FAA, Fort Worth, Texas 76101, Telephone (817) 624–4911, extension 511.

This amendment becomes effective on November 15, 1982.

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

11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

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

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

Issued in Kansas City, Missouri, on October 29, 1982.

John E. Shaw,

*Acting Director, Central Region.*

[FR Doc. 82-30648 Filed 11-10-82; 8:45 am]

BILLING CODE 4910-13-M

## CIVIL AERONAUTICS BOARD

### 14 CFR Part 385

**[Regulation OR-201; Organization Reg. Amendment No. 128 to Part 385]**

### Delegations and Review of Action Under Delegation; Nonhearing Matters

**AGENCY:** Civil Aeronautics Board.

**ACTION:** Final rule.

**SUMMARY:** The CAB is amending its delegations of authority to the Director, Bureau of Domestic Aviation, to remove obsolete provisions, to place existing provisions in continuous order, and to make editorial changes. These changes are to update and clarify the CAB's delegation to the Director, Bureau of Domestic Aviation.

**DATES:**

Adopted: November 4, 1982.

Effective: November 10, 1982.

**FOR FURTHER INFORMATION CONTACT:** Joseph A. Brooks, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5442.

**SUPPLEMENTARY INFORMATION:** Under the Board's delegation of authority to its staff in 14 CFR Part 385, § 385.13 grants continuing delegations of authority to the Director, Bureau of Domestic Aviation. A number of those delegations to the Director are obsolete, including some that have become so with the end of certain of the Board's authority with respect to designating points on domestic certificates on December 31, 1981.

This rule updates the delegations to the Director to take into account recent changes in the law and the Board's regulations. It puts the delegations in more logical order and removes those no longer needed. No new delegations have been added.

Former § 385.13(p), concerning section 412 agreements, is revised to include "requests for discussion authority" as provided by the Airline Deregulation Act. This paragraph is expanded to include "foreign air carriers" as provided by the International Air Transportation Competition Act.

Former § 385.13(q), concerning interlocking relationships, is changed to allow the Director to grant exemptions to "any person," not just air carriers, as authorized by the Airline Deregulation Act.

In former § 385.13(r), relating to consolidations, mergers, and acquisitions, the reference to the merger standard in section 408 of the Act is changed to show the revision made by the Airline Deregulation Act.

The Director, BDA, has had delegated authority to act on filings under section 412, such as inter-carrier agreements and requests for discussion authority. The Board is modifying this delegation by requiring coordination with the Director, BIA, for those matters affecting operations predominantly in foreign air transportation.

Because this is a rule of agency organization and procedure, the Board finds notice and public procedure unnecessary and finds good cause to make the rule effective upon publication in the **Federal Register.**

### PART 385—[AMENDED]

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 385, *Delegations and Review of Action under Delegation; Nonhearing Matters,* as follows:

1. The authority for 14 CFR Part 385 is:

**Authority:** Sec. 102, 204, 401, 402, 403, 407, 416, Pub. L. 85-726, as amended, 72 Stat. 740, 743, 754, 757, 758, 766, 771; 49 U.S.C. 1302, 1324, 1371, 1372, 1373, 1377, 1386; Reorganization Plan No. 3 of 1961, 26 FR 5989.

2. Section 385.13 is revised to read:

**§ 385.13 Delegation to the Director, Bureau of Domestic Aviation.**

The Board delegates to the Director, Bureau of Domestic Aviation, the authority to:

(a)(1) Approve or deny applications of certificated route air carriers for exemptions to perform single flights, other than those in foreign air transportation, outside the authority contained in their certificates. This authority may not be redelegated.

(2) Approve, when no person disclosing a substantial interest protests, or deny applications of certificated route air carriers for exemptions to perform any other operation prohibited by a term, condition, or limitation in a certificate, except operations predominantly in foreign air transportation. This authority may not be redelegated.

(b)(1) Approve or deny applications of direct air carriers for exemptions from section 401 of the Act and from applicable regulations under this chapter, except exemptions relating to operations that are predominantly in foreign air transportation, where the course of action is clear under current Board policies.

(2) Grant or deny requests for exemption from section 403 of the Act, where grant or denial of the request is in conjunction with and incident to requests for authority under paragraph (b)(1) of this section.

(c) Issue orders designating points as eligible or ineligible in accordance with section 419(b) of the Act and § 325.5 of this chapter.

(d) Issue determinations of the essential air service levels of eligible points under § 325.5 of this chapter and section 419 of the Act.

(e) Approve or disapprove applications of air carriers for permission to do business in names other than those authorized pursuant to regulation or order of the Board.

(f) With respect to provisions for terminations, suspensions, or reductions of service under Part 323 of this chapter:

(1) Require any person who files a notice, objection, or answer to supply additional information;

(2) Require service of a notice, objection, or answer upon any person;

(3) Accept late-filed objections or answers, upon motion, for good cause shown; and

(4) Extend the time for filing objections or answers, when the initial notice has been filed earlier than required under § 323.5.

(g) With respect to section 412 contracts, agreements, or requests for discussion authority, and after coordination with the Director, Bureau of International Aviation, for those filings under section 412 relating to operations predominantly in foreign air transportation:

(1) Approve contracts, agreements, or requests for discussion authority, or modifications, terminations, or cancellations of them, filed under section 412 of the Act, except:

(i) Those that are concerned with the establishment of rates, fares, or charges; or

(ii) Those that are protested by a person disclosing a substantial interest and that are concerned with (A) standardization of equipment; (B) schedules; (C) substantial limitations on competition; or (D) interchange or equipment and "Trackage rights"; or

(iii) Those that are protested by a person disclosing a substantial interest and that are industry-wide or substantially industry-wide in effect, other than those for which there are clear Board precedents, or that do not involve substantial questions of policy.

(2) Disapprove contracts, agreements, or requests for discussion authority, or modifications, terminations, or cancellations of them, filed by air carriers under section 412 of the Act, except those involving the establishment of rates, fares, or charges.

(3) Terminate matters relating to contracts, agreements (except those concerning rates, fares, or charges), or requests for discussion authority that, prior to review of them, have expired, been terminated, or been superseded.

(h) With respect to interlocking relationships: (1) grant or deny applications for approval of interlocking relationships filed under section 409 of the Act; (2) grant or deny applications for exemption from section 409 of the Act; (3) dismiss applications for approval or exemptions of interlocking relationships where the termination of the interlocking relationship in question has been effected.

(i) Extend the term of a carrier's subsidy rate established under section 419 of the Act, with the amount paid during the extension subject to adjustment by the Board.

(j) With respect to consolidations, mergers, purchases, leases, operating contracts, and acquisitions of control:

(1) Grant or deny applications for exemption from section 408 of the Act;

(2) Grant or deny pursuant to section 408(b)(2) of the Act applications for approval of transactions that are found not to affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, not to result in anticompetitive effects, and that are not outweighed by contervailing considerations in the public interest; and

(3) Approve or deny wet leases where approval or denial of the request under section 408 of the Act is in accordance with Board precedent.

(k) Waive the provisions of § 377.10(c) of this chapter with respect to the time for filing applications for the renewal of temporary authorizations, except temporary authorizations to perform operations that are predominantly in foreign air transportation, so as to permit their filing within shorter periods than required by that section when, in the Director's judgment, the public interest would be served, except that the interim extension provisions of § 377.10(d) of this chapter shall, if otherwise pertinent, apply to authorizations involved in applications filed pursuant to such waivers.

(l) With respect to applications filed under section 401 of the Act for authority to engage in interstate or overseas air transportation that are either accompained by a petition for an order to show cause, or requests show-cause treatment or the use of expedited procedures under Subpart Q of Part 302 of this chapter, and can be handled by show-cause orders:

(1) Issue an order to show cause proposing to grant such application in those cases where no objections to the application have been filed, and the applicant has already been found fit, willing and able by the Board to provide service of the same basic scope and character;

(2) Issue an order stating the Board's intention to process the application through show-cause procedures; and

(3) Issue an order to make final an order to show cause issued under paragraph (e)(1) of this section, where no objections to the order to show cause have been filed.

(m) Grant or deny requests for waiver of Parts 207, 208, 212, 372, and 380 of this chapter, where grant or denial of the request is in accordance with established Board precedent.

(n) Approve or disapprove escrow agreements filed pursuant to §§ 207.17, 208.40, and 212.15, respectively, as security for customers' deposits made with such carriers and advance payment for charter flights.

(o) Reject or accept Public Charter prospectuses in accordance with § 380.25.

(p) Approve or deny applications of air carriers for exemptions from the provisions of section 405(b) of the Act and § 231.5(b) of Part 231 of this chapter, to the extent necessary to permit the filing of schedules pursuant to section 405(b) on less than ten (10) days' notice to the Postmaster General and to the Board, except when the operations are predominantly in foreign air transportation.

(q) Approve or deny applications for exemption from section 403 of the Act to the extent necessary to permit performance of air carrier operations otherwise authorized by exemption, granted under subparagraphs (a)(1) and (a)(2) and paragraph (b) of this section. This authority may not be redelegated.

(r) Dismiss applications filed under §§ 302.1301–1315 and §§ 302.1401–1415, without prejudice to refiling in amended form under the normal certificate procedure, if the application is not in compliance with the provisions of these sections.

(s) Grant or deny, in accordance with established Board precedent, applications for relief, under section 101(3) of the Act, to hold out, arrange, and coordinate the operation of air ambulance flights as indirect air carriers.

(t) Under section 410 of the Act, approve or disapprove in whole or in part, or make recommendations requested by any Federal agency with respect to, applications by air carriers for loans and other financial aid.

(u) When a work stoppage appears imminent, and during an actual work stoppage, approve or deny applications to provide substitute service in domestic and overseas markets during the work stoppage, made under section 416(b) of the Act for temporary exemptions from sections 401 and 403, and under section 417 for temporary operating authorizations. The exemption or authorization shall impose conditions as necessary to comply with Board precedent on emergency air transportation requirements. Such applications may be approved if it is shown that the proposed service will not interfere with scheduled passengers holding reservations, and that the proposed service is consistent with the policies set forth in Order 78–4–63, dated April 14, 1978. Exemptions and authorizations granted under this delegation shall be contingent upon the actual occurrence of a work stoppage and shall expire not later than 5 days after the affected carrier resumes normal service.

(v) With respect to an application under section 401 of the Act for a certificate to engage in interstate, overseas, and foreign scheduled air transportation or to engage in interstate, overseas, or foreign charter air transportation, issue an order instituting an investigation of the applicant's fitness and other issues related to the application, where no person has already filed an objection to the application and the investigation will be conducted by oral hearing procedures.

By the Civil Aeronautics Board:

**Phyllis T. Kaylor,**

*Secretary.*

[FR Doc. 82-30902 Filed 11-10-82; 8:45 am]

BILLING CODE 6320-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

### 21 CFR Parts 74, 81, and 82

**[Docket No. 82N-0307]**

### D&C Red No. 27 and D&C Red No. 28

*Correction*

In FR Doc. 82-26679 beginning on page 42566 in the issue of Tuesday, September 28, 1982, make the following changes:

1. On page 42567, third column, twentieth line from the top, "(Sec. 706(d)," should read "(Sec. 706(b),".

2. On page 42568, first column, § 74.1327(c), first line, "R&C" should read "D&C".

BILLING CODE 1505-01-M

### 21 CFR Part 176

**[Docket No. 82F-0132]**

### Indirect Food Additives; Paper and Paperboard Components; Oxidized Soy Isolate

**AGENCY:** Food and Drug Administration.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of oxidized soy isolate as a binder-adhesive component of coatings for paper and paperboard intended for use in contact with dry food. This action is based on a petition filed by Ralston Purina Co.

**DATES:** Effective November 12, 1982; objections by December 13, 1982.

**ADDRESS:** Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Julia L. Ho, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-472-5690.

**SUPPLEMENTARY INFORMATION:** In a notice published in the **Federal Register** of June 11, 1982 (47 FR 25411), FDA announced that a food additive petition (FAP 2B3594) had been filed by Ralston Purina Co., Checkerboard Square, St. Louis, MO 63188, proposing that Part 176 (21 CFR Part 176) of the food additive regulations be amended to provide for the safe use of oxidized soy isolate as a binder-adhesive component of coatings for paper and paperboard intended to contact dry food.

FDA has evaluated the data in the petition and other relevant material and concludes that the proposed food additive use is safe and that the regulations should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Bureau of Foods (address above) by appointment with the information contact person listed above. As provided in § 171.1(h)(2), the agency will remove from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has previously considered the potential environmental effects of this rule as announced in the notice of filing published in the **Federal Register.** No new information or comments have been received that would alter the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

**List of Subjects in 21 CFR Part 176**

Food additives, Food packaging, Paper and paperboard.

Therfore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 176 is amended in § 176.180(b)(2) by inserting alphabetically a new item in the list of substances, to read as follows:

## PART 176—INDIRECT FOOD ADDITIVES: PAPER AND PAPERBOARD COMPONENTS

**§ 176.180 Components of paper and paperboard in contact with dry food.**

* * * * *

(b) * * *

(2) * * *

| List of substances | Limitations |
|---|---|
| * * * * * | |
| Oxidized soy isolate having 50 to 70 percent of its cystine residues oxidized to cysteic acid. | For use as a binder adhesive component of coatings. |
| * * * * * | |

Any person who will be adversely affected by the foregoing regulation may at any time on or before December 13, 1982, submit to the Dockets Management Branch (address above), written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

*Effective date.* This regulation becomes effective November 12, 1982.

(Secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348))

Dated: November 3, 1982.

**William F. Randolph,**

*Acting Associate Commissioner for Regulatory Affairs.*

[FR Doc. 82-30897 Filed 11-10-82; 8:45 am]

BILLING CODE 4160-01-M

### 21 CFR Part 178

**[Docket No. 81F-0160]**

### Indirect Food Additives; Adjuvants, Production Aids, and Sanitizers; Antioxidants and/or Stabilizers for Polymers; Amendment

**AGENCY:** Food and Drug Administration.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the food additive regulation that provides for the safe use of phosphorous acid, cyclic neopentanetetrayl bis(2, 4-di-*tert*-butylphenyl) ester, which may contain triisopropanolamine, as an antioxidant and/or stabilizer for high density polyethylene in contact with food. In response to a request from the manufacturer, FDA is changing the polyethylene density limitation from 0.940 to 0.94.

**DATES:** Effective November 12, 1982; objections by December 13, 1982.

**FOR FURTHER INFORMATION CONTACT:** Andrew D. Laumbach, Bureau of Foods (HFF-334) Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202—472-5690.

**SUPPLEMENTARY INFORMATION:** A final regulation was published in **Federal Register** of August 3, 1982 (47 FR 33492) that approved the use of phosphorous acid, cyclic neopentanetetrayl bis(2, 4-di-*tert*-butylphenyl) ester placed a density limitation of 0.940 gm/cm $^3$ on the polyethylene with which the antioxidant would be used. Subsequently the Borg-Warner Company requested that FDA change that limitation to 0.94 gm/cm $^3$ to conform to a regulation on tris(2, 4-di-*tert*-butylphenyl) phosphite in § 178.2010(b). FDA has no objection to so changing the density limitation and is making that change.

The agency has previously considered the potential environmental effects of this rule as announced in a notice of filing published in the **Federal Register.** No new information or comments were received that would have altered the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

**List of Subjects in 21 CFR Part 178**

Food additives, Food packaging, Sanitizing solutions.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 178 is amended in § 178.2010 *Antioxidants and/or stabilizers for polymers*, in paragraph (b), for the item "Phosphorous acid, cyclic neopentanetetrayl bis(2, 4-di-*tert*-butylphenyl ester," in the last sentence in the list of limitations by changing "0.940" to "0.94."

Any person who will be adversely affected by the foregoing regulation may at any time on or before December 13, 1982 submit to the Docket Management Branch (HFA-305), Food and Drug Administration, Rm. 4–62, Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

*Effective date.* This regulation shall become effective November 12, 1982.

(Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348).)

Dated: November 4, 1982.

**William F. Randolph,**

*Acting Associate Commissioner for Regulatory Affairs.*

[FR Doc. 82-30996 Filed 11-10-82; 8:45 am]

**BILLING CODE 4160-01-M**

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**21 CFR Part 178**

**[Docket No. 82F-0048]**

## Indirect Food Additives; Adjuvants, Production Aids, and Sanitizers; Lubricants With Incidental Food Contact; Triphenyl Phosphorothionate

**AGENCY:** Food and Drug Administration.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of triphenyl phosphorothionate as an antiwear/extreme pressure additive in lubricants with incidental food contact. This action responds to a food additive petition filed by Ciba-Geigy Corp.

**DATES:** Effective November 12, 1982; objections by December 13, 1982.

**ADDRESS:** Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Andrew D. Laumbach, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

**SUPPLEMENTARY INFORMATION:** In a notice published in the **Federal Register** of March 19, 1982 (47 FR 11972), FDA announced that a food additive petition (FAP 2B3621) had been filed by Ciba-Geigy Corp., Plastics and Additives Division, Hawthorne, NY 10532, proposing that § 178.3570 (21 CFR 178.3570) be amended to provide for the safe use of triphenyl phosphorothionate as an antiwear/extreme pressure additive in lubricants with incidental food contact.

FDA has evaluated data in the petition and other relevant material and concludes that the proposed food additive use is safe and that the regulations should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Bureau of Foods (address above) by appointment with the information contact person listed above. As provided in § 171.1(h)(2), the agency will remove from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting this finding may be seen in the Dockets Management Branch (address above), between 9 a.m. and 4 p.m., Monday through Friday.

**List of Subjects in 21 CFR Part 178**

Food additives, Food packaging, Sanitizing solutions.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 178 is amended in § 178.3570(a)(3) by alphabetically adding a new item in the list of substances, to read as follows:

## PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

**§ 178.3570 Lubricants with incidental food contact.**

* * * * *

(a) * * *

(3) * * *

| Substances | Limitations |
|---|---|
| * * * | * * * |
| Triphenyl phosphorothionate (CAS Reg. No. 597-82-0). | For use as an adjuvant in lubricants herein listed at a level not to exceed 0.5 percent by weight of the lubricant. |

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before December 13, 1982 submit to the Dockets Management Branch written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection.

Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

*Effective date.* This regulation shall become effective November 12, 1982.

(Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: November 4, 1982.

**William F. Randolph,**

*Acting Associate Commissioner for Regulatory Affairs.*

[FR Doc. 82-30864 Filed 11-10-82; 8:45 am]

BILLING CODE 4160-01-M

## 21 CFR Parts 510 and 522

## Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Progesterone and Estradiol Benzoate

**AGENCY:** Food and Drug Administration.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Ivy-Gene Co., Inc., providing for use of progesterone and estradiol benzoate in combination in subcutaneous ear implants for cattle weighing 400 pounds or more for increased rate of weight gain and improved feed efficiency. Also, the sponsor is added to the list of sponsors of approved NADA's.

**EFFECTIVE DATE:** November 12, 1982.

**FOR FURTHER INFORMATION CONTACT:** Jack C. Taylor, Bureau of Veterinary Medicine (HFV–126), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5247.

**SUPPLEMENTARY INFORMATION:** Ivy-Gene Co., Inc., P.O. Box 784, Rye, NY 10580, filed NADA 110–315 providing for use of a subcutaneous ear implant containing 200 milligrams (mg) of progesterone and 20 mg of estradiol benzoate for increased rate of weight gain and improved feed efficiency in steers weighing 400 pounds or more.

### Effectiveness

The product is similar to Syntex's Synovex-S, one of two products that were the subject of a National Academy of Sciences/National Research Council (NAS/NRC) review published in the **Federal Register** of February 21, 1969. The NAS/NRC review concluded and FDA concurred that such products (progesterone and estradiol benzoate implants) are effective for use in lambs and steers for growth promotion and improved feed efficiency, the approval for steers being reflected in 21 CFR 522.1940. The sponsor submitted two studies that demonstrated equivalence to Synovex-S. In addition, the sponsor submitted data based on a well-controlled study that demonstrates effectiveness of the drug for the prescribed conditions of use.

### Safety

The safety of drug residues in edible tissue has been demonstrated by available information evaluated by criteria which the agency has developed for endogenous substances like estradiol, progesterone, and testosterone. A further discussion of this finding and the applicable criteria will appear in forthcoming **Federal Register** announcements regarding the safety of products containing endogenous hormones and the revocation of the notices of opportunitiy for hearing published regarding this product. See 44 FR 1462 and 1463 (January 5, 1979) and 46 FR 24694 (May 1, 1981).

The Bureau of Veterinary Medicine has concluded that a withholding period, tolerance, and regulatory method are not needed for human food safety. The agency is preparing a document that will revoke the pertinent provisions in the current regulations.

The NADA is approved and the regulations are amended to reflect the approval. In addition, the sponsor had not previously been added to the list of sponsors of approved NADA's. The regulations are amended to included this sponsor.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The Bureau's finding of no significant impact and the evidence supporting this finding, contained in a statement of exemption (pursuant to 21 CFR 25.1(f)(1)(iv)) may be seen in the Dockets Management Branch (address above).

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

### List of Subjects

*21 CFR Part 510*

Administrative practice and procedure, Animal drugs, Labeling, Reporting requirements.

*21 CFR Part 522*

Animal drugs, Injectable.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 510 and 522 are amended as follows:

## PART 510—NEW ANIMAL DRUGS

1. In Part 510, § 510.600 is amended by adding a new sponsor alphabetically to paragraph (c)(1) and numerically to paragraph (c)(2) to read as follows:

**§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.**

* * * * *

(c) * * *

(1) * * *

| Firm name and address | Drug labeler code |
|---|---|
| * * * * * | |
| Ivy-Gene Co., Inc., P.O. Box 784, Rye, N.Y. 10580 | 021641 |
| * * * * * | |

(2) * * *

| Drug labeler code | Firm name and address |
|---|---|
| * * * * * | |
| 021641 | Ivy-Gene Co., Inc., P.O. Box 784, Rye, N.Y. 10580. |
| * * * * * | |

## PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

**§ 522.1940 [Amended]**

2. In Part 522, § 522.1940 *Progesterone and estradiol benzoate in combination* is amended in paragraph (b) *Sponsor* by adding after the number "000033" the phrase "and 021641."

*Effective date.* November 12, 1982.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: November 9, 1982.

**Lester M. Crawford,**

*Director, Bureau of Veterinary Medicine.*

[FR Doc. 82-31140 Filed 11-10-82; 8:45 am]

BILLING CODE 4160-01-M

## 21 CFR Parts 510, 548, and 558

## New Animal Drugs; Bacitracin Methylene Disalicylate and Bacitracin Zinc With and Without Pencillin

*Correction*

In FR Doc. 82-26085 beginning on page 42100 in the issue of Friday, September 24, 1982, make the following changes:

1. On page 42101, in the table, under entry number 4, the "Sections affected" for "(100 to 200 grams per ton)" and "(100 to 500 grams per ton)" should read "558.76(e)(1)(vi)1" and "558.78(e)(1)(vi)1" respectively; under entry number 5, the "Sections affected" for "(50 to 100 grams per ton)" should read "558.76(e)(1)(vi)3" and "558.78(e)(1)(vi)2".

BILLING CODE 1505-01-M

## 21 CFR Part 809

## Labeling for In Vitro Diagnostic Products for Human Use; Correction

**AGENCY:** Food and Drug Administration.

**ACTION:** Final rule; correction.

**SUMMARY:** This document corrects a cross reference in 21 CFR 809.10(b)(5)(iv) and (d) (1)(v) on labeling for in vitro diagnostic products for human use.

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

**SUPPLEMENTARY INFORMATION:** In the Federal Register of September 29,1978 (43 FR 45077), FDA revised Part 211—Current Good Manufacturing Practice for Finished Pharmaceuticals (21 CFR Part 211). Section 211.60 *Stability* was redesignated as § 211.166 *Stability testing.* The cross-reference in § 809.10(b)(5)(iv) and (d)(1)(v) to § 211.60 was not revised to reflect this change. Therefore, § 809.10 *Labeling for in vitro diagnostic products* is corrected in paragraphs (b)(5)(iv) and (d)(1)(v) by changing the reference "§ 211.60" to read "§ 211.166."

Dated: November 5, 1982.

**William F. Randolph,**

*Acting Associate Commissioner for Regulatory Affairs.*

[FR Doc. 82-31131 Filed 11-10-82; 8:45 am]

BILLING CODE 4160-01-M

## DEPARTMENT OF THE TREASURY

## Internal Revenue Service

## 26 CFR Part 1

**[T.D. 7848]**

## Income Tax; Taxable Years Beginning After December 31, 1953; Definition of an Airport

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Final regulations.

**SUMMARY:** This document provides final regulations relating to the treatment of industrial development bonds used to finance hotels located at or near airports. Issuers and purchasers of these bonds are affected. This regulation is necessary to clarify what hotels at or near airports qualify for financing with tax-exempt obligations.

**DATE:** The regulations are effective general with respect to governmental obligations issued after February 24, 1982. However, the revocation of § 1.103-8(e)(4) Example (3) as published in Treasury decision 7737 is effective with respect to obligations issued after 5:00 p.m. EST December 29, 1978.

**FOR FURTHER INFORMATION CONTACT:** Susan K. Thompson of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3294).

**SUPPLEMENTARY INFORMATION:** .

### Background

On February 24, 1982, the Federal Register published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 103(b)(4) of the Internal Revenue Code of 1954 (47 FR 8029). No comments were received. No public hearing was requested or held. This Treasury decision adopts the amendments as proposed.

Final regulations under section 103(b)(4) were published in the Federal Register as Treasury decision 7737 on November 17, 1980 (45 FR 75644). These regulations provided rules defining the term "airport". Interest on industrial development bonds generally is not includable in gross income if substantially all of the proceeds are used to provide an airport or a facility functionally related and subordinate to an airport. The final regulations published at T.D. 7737 contained an example specifically applying to hotels the criteria for determining whether a facility is functionally related and subordinate to an airport. The antecedent notice of proposed rulemaking had not contained this example. Commentary critical of the example prompted a policy reconsideration, and the proposed amendments published February 24, 1982 (47 FR 8029), would implement the results of this reconsideration.

### Explanation of New Provisions

Section 1.103-8(e)(4) is amended by deleting Example (3) effective with respect to obligations issued after 5:00 p.m. e.s.t. December 29, 1978. Section 1.103-8(e)(2)(ii) is amended by adding a new paragraph (e)(2)(ii)(*d*)) illustrating the rules of paragraph (e)(2)(ii) as they apply to airport hotels. Two examples illustrating the application of these rules are provided in § 1.103-8(e)(4).

The final regulations adopted by this Treasury decision impose no new reporting or recordkeeping requirements. Evaluation of the

effectiveness of these regulations after issuance will be based upon comments received from offices within Treasury and the Internal Revenue Service, other governmental agencies, and the public.

**Non-Application of Executive Order 12291**

The Treasury Department has determined that this regulation is not subject to review under Executive Order 12291 or the Treasury and OMB implementation of the Order dated April 28, 1982.

**Regulatory Flexibility Act**

No general notice of proposed rulemaking is required by 5 U.S.C. 553(b) for interpretative regulations. Accordingly, the Regulatory Flexibility Act does not apply and no Regulatory Flexibility Analysis is required for this rule.

**Drafting Information**

The principal author of this regulation is Susan K. Thompson of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both substantively and stylistically.

**List of Subjects in 26 CFR Parts 1.61–1–1.281–4**

Income taxes, Taxable income, Exemptions, Deductions, Industrial development bonds.

**Adoption of Amendments to the Regulations**

Accordingly, the proposed amendments to 26 CFR Part 1, as set forth in the notice of proposed rulemaking published in the **Federal Register** on February 24, 1982 (45 FR 8029), are hereby adopted without change.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

**Roscoe L. Egger, Jr.,**

*Commissioner of Internal Revenue.*

**David G. Glickman,**

*Deputy Assistant Secretary of the Treasury.*

## PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Paragraph (e)(2)(ii) of § 1.103–8 is amended by adding a new subparagraph (*d*) immediately following subparagraph (*c*), and paragraph (e)(4) is amended by removing Example (3) and adding new Examples (3) and (4) in its place. These added provisions read as follows:

**§ 1.103–8 Interest on bonds to finance certain exempt facilities.**

* * * * *

(e) *Certain transportation facilities.* * * *

(2) *Definitions.* * * *

(ii) * * *

(*d*) A hotel located at or adjacent to an airport satisfies the requirements of paragraph (e)(2)(ii)(*b*), that is, it is of a character and size commensurate with the character and size of the airport at or adjacent to which it is located, if the number of guest rooms in the hotel is reasonable for the size of the airport, taking into account the current and projected passenger usage of the terminal facility. If the hotel contains meeting rooms, the number and size of these rooms must be in reasonable proportion to the number of guest rooms in the hotel. Limited recreational facilities will not prevent the hotel from being of a character and size commensurate with the character and size of the airport.

* * * * *

(4) *Examples.* * * *

*Example 3.* On June 1, 1982, M Airport Authority, a political subdivision of State O, issues obligations, the proceeds of which are loaned to X Corporation, a nonexempt person. X uses the proceeds to construct a hotel adjacent to the main terminal building at M Airport. X will be unconditionally liable for repayment of the proposed obligations. The hotel will be used to provide temporary and overnight accommodations for airline passengers using M Airport. The number of rooms in the hotel is reasonable for an airport of M's size, taking into account the current and projected passenger usage of the terminal facility. In addition to guest rooms, the hotel will contain a restaurant, small retail stores (such as a gift shop and newstand), and limited recreation facilities (such as a swimming pool). The hotel will also contain several multipurpose rooms suitable for use as meeting rooms. The number and size of these rooms will be in reasonable proportion to the number and size of the guest rooms in the hotel. Use of the guest rooms, restaurant and stores, recreational facilities, and meeting rooms by air passengers arriving at or departing from M Airport will be incidental to the use of the hotel by air passengers for temporary and overnight accommodations. The hotel is of a character and size commensurate with the character and size of M Airport. Consequently, applying the provisions of § 1.103–8(e)(2), the hotel is functionally related and subordinate to M Airport. The obligations are industrial development bonds. Section 103(b)(1) does not apply to the obligations, however, unless the provisions of section 103(b)(10) and § 1.103–11 apply.

*Example 4.* On June 1, 1982, N Airport Authority, a political subdivision of State P, issues obligations the proceeds of which are loaned to Y Corporation, a nonexempt person. Y uses the proceeds to construct a hotel adjacent to the main terminal building at N Airport. Y Corporation will be unconditionally liable for repayment of the proposed obligations. The hotel will contain extensive recreational facilities, including a large roof-top swimming pool, tennis courts, and a health club. In addition, facilities for conferences consisting of a ballroom-sized meeting room capable of being partitioned by movable panels and several smaller meeting rooms will be constructed. The number of rooms in the hotel will substantially exceed the number which is reasonable based on the current and projected passenger usage of the terminal facility. Because of the presence of extensive recreational and conference facilities, as well as the presence of on excessive number of rooms at the hotel, the hotel fails to be of a character and size commensurate with the character and size of N Airport. The result would be the same if the hotel did not have extensive recreational facilities. Consequently, the hotel is not functionally related and subordinate to N Airport under § 1.103–8(e)(2). The obligations are industrial development bonds and interest thereon is not excluded from gross income by reason of subsection (a)(1) or (b)(4) of section 103.

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## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

### 29 CFR Part 1910

**[Docket No. H–049A]**

### Occupational Exposure to Lead: Respirator Fit Testing

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Final rule.

**SUMMARY:** OSHA is amending 29 CFR 1910.1025(f)(3) pertaining to the fit testing of respirators for lead-exposed employees. This amendment allows employers to choose between quantitative fit testing or one of three qualitative fit test protocols—isoamyl acetate, saccharin solution aerosol, or irritant fume—to select appropriate and effective negative pressure half-mask respirators for lead-exposed employees. The amendment will permit greater flexibility for employers and employees without sacrificing employee health.

**DATE:** This amendment is effective on November 12, 1982.

**FOR FURTHER INFORMATION CONTACT:** Mr. James Foster, Occupational Safety and Health Administration, Rm. N–3637,

200 Constitution Avenue, NW., Washington, D.C. 20210; telephone 202–523–8151.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

On November 14, 1978, the Occupational Safety and Health Administration (OSHA) promulgated a standard regulating occupational exposure to lead (43 FR 52052) pursuant to section 6(b) of the Occupational Safety and Health Act. The standard, 29 CFR 1910.1025, requires employers to provide employees with respirators where engineering and work practice controls do not reduce employee exposures below the permissible exposure limit of 50 $\mu g/m^3$ (micrograms of lead per cubic meter of air). Respirators are a primary means of protecting employees under the rule because the engineering controls and work practice requirement is phased in over periods extending up to ten years.

In order to help assure that respirators will provide employees with the necessary protection, the standard requires employers periodically to perform quantitative fit tests (QNFT) on all users of negative pressure respirators. Briefly, a quantitative fit test is a method for numerically measuring any leakage of the seal between the respirator facepiece and the wearer's face. The fit test is used to determine if the respirator assigned to the employee provides the protection factor specified in the respirator selection table of 29 CFR 1910.1025(f)(2)(i). A qualitative fit test (QLFT) assesses the adequacy of respirator fit by determining whether or not an individual wearing the respirator can detect the odor, taste, or irritation of a contaminant introduced into the vicinity of the wearer's head. If the contaminant is subjectively detected, the respirator fit is considered to be inadequate. The Agency decided to require QNFT rather than QLFT based on its conclusion that the former is more accurate than the latter.

In February, 1980, the Minnesota Mining and Manufacturing Company (3M) petitioned OSHA to reconsider or modify this provision, and to stay its enforcement pending reconsideration. The Agency denied both requests on May 16, 1980. In June, 1980, 3M filed suit in the U.S. Court of Appeals for the District of Columbia Circuit (No. 80–1608) asking the court to review and set aside the OSHA decision of May 16. Subsequently, this court proceeding was held in abeyance pending the resolution of this rulemaking.

Because of new information contained in petitions received by the Agency that improved forms of QLFT may be an effective and less burdensome alternative to QNFT, OSHA decided to propose an interim rule permitting the use of specified forms of qualitative fit testing under the lead standard (46 FR 27358, May 19, 1981). The proposal characterized the rule as "interim" because the Agency is undertaking a complete review of its respirator standard (29 CFR 1910.134).

Interested members of the public were encouraged to submit written comments on this proposal by July 6, 1981. On July 10, 1981 (46 FR 35683), OSHA extended the comment period to August 4, 1981. On August 11, 1981 (46 FR 40704), OSHA announced the scheduling of informal public hearings to receive additional testimony. The hearings were held in Washington, D.C. on September 22–23, 1981, and the hearing participants were allowed until November 9, 1981 to submit additional evidence and December 18, 1981, to submit summary briefs.

On August 20, 1982, OSHA reopened the record to admit additional new data from validation measurements of the saccharin protocol performed by Los Alamos National Laboratory (LANL) and to allow comments on the LANL data as well as other appropriate comments to be made (47 FR 36448). The comment period closed on September 20, 1982. Nine submissions were received.

In this proceeding, OSHA has considered only the narrow issue of whether or not to accept the proposed QLFT methods, or other methods, and the specific protocols associated with them in the context of the lead standard.

**B. Effectiveness of QLFT Versus QNFT for Lead-Exposed Employees**

The central issue in the proceeding was whether, and under what conditions, specific forms of QLFT can provide the same assurance of employee health protection as QNFT in the fit testing of negative pressure respirators for lead exposed employees. OSHA's evaluation of the evidence submitted in this rulemaking indicates that QLFT can provide the same assurance of employee health protection as QNFT in instances where protection factors up to 10 are required, and when specific protocols are followed for half-mask respirators.

Generally, the use of QLFT received widespread support when used for employees exposed to atmospheric lead concentrations not more than ten times (10x) the PEL (Tr. 17–18, 89, 147, 275, 340). The American National Standards Institute (ANSI), a private, nonprofit federation of standards developing organizations and standards users, has approved a standard entitled "Practices for Respiratory Protection" (ANSI Z88.2–1980) which permits qualitative fit-testing of respirators. This ANSI standard was adopted in 1980, and thus was not available to OSHA in 1978 when the Agency decided to require QNFT for lead-exposed employees. Measurement of fit is a relatively recent development, and was not substantively addressed in the previous ANSI respirator standard which was available when the lead standard was promulgated. ANSI approval of standards is intended to verify that the principles of openness and due process have been followed in the approval procedure, and that a consensus of those directly and materially affected by the standards has been achieved.

Section 6.11 of the ANSI standard states that "the results of qualitative or quantitative respirator-fitting tests shall be used to select specific types, makes, and models of negative-pressure respirators for use by individual respirator wearers." Appendix A5 of the Z88.2 standard contains suggested protocols for QLFT. Included in Appendix A5 are protocols for QLFT using irritant smoke (A5.1) and odorous vapor (A5.2).

Dr. Richard Boggs of Organization Resources Counselors (ORC) noted that "Qualitative fit testing done according to the (proposed) protocol * * * should assure that each employee will receive a respirator that is as comfortable as possible, and gives a high degree of protection" (Tr. 340).

Mr. William Revoir stated that, "OSHA should permit employers to use either qualitative fit testing or quantitative fit testing in selecting specific makes and models of negative pressure type respirators for assignment ot particular employees". "Both methods", he said, "are safe to use provided that they are carefully carried out under proper conditions using procedures that have been validated by comprehensive testing" (Tr. 275).

Dupont also expressed support for allowing qualitative fit testing to be used when protocols are followed to assure adequate fit. As it stated in a written submission, "Since the qualitative protocols achieve the minimum requirements on fit testing specified by the lead standard, OSHA should permit their use, allowing the employer to determine the most cost effective means of compliance" (Ex. 53).

LANL evaluated the saccharin fit testing procedure and also endorsed the use of QLFT with established protocols as an effective substitute for QNFT. Marsh (LANL Ex. 58) stated that, "The

saccharin qualitative fitting test was found to effectively reject half-mask respirators with measured fit factors of less than ten."

In addition, Alan Hack (Ex. 22) testified that he believed that a properly conducted QLFT would assure a protection factor of 10 for half-masks.

Opposing this view, however, were several participants, including the United Steelworkers of America (USW) and the International Brotherhood of Painters and Allied Trades (IBPAT). Mr. Patt of IBPAT testified that, "We maintain that the current proposal represents human experiments with the lead standard, that it's utterly inappropriate to apply improperly tested qualitative fit test methods in a demonstrated high risk situation first" (Tr. 386), and that, "The qualitative fit test validation data presented today is inadequate for an acceptable probability of respirator tests" (Tr. 377). Dr. Hitcho of USW stated that, "Because of the limitation in testing procedures, where the employer does not know the actual concentrations being generated and because a subjective determination by the wearer still must be made as to whether there is any leakage, there is no way to know the actual protection factor with certainty. Therefore, unlike quantitative fit tests, you run a much greater risk of fitting an employee with a respirator that will not provide the proper protection"(Tr. 255–56).

In a later USW submission, although still expressing opposition to QLFT, Mary-Win O'Brien stated (Ex. 61–6), "On the false negative question, as long as any standard sets an upper limit of 5 to 10 on the PF allowed with the QLFT and if a recheck is required if blood lead levels or air leads go up, employees could be protected." The additional rechecking suggested by Ms. O'Brien goes beyond the scope of this rulemaking. However, it has as much relevance to QNFT as to QLFT. Therefore, OSHA understands the latest USW submissions to acknowledge the validity of QLFT as an alternative to QNFT.

IBPAT's principal concerns were that: (1) The qualitative fit test protocols were inadequate as proposed (Tr. 387); (2) the subjective nature of QLFT puts the employee under pressure to select a respirator without sufficient opportunity to test for fit or comfort (Tr. 392); and (3) QNFT is a preferable means of fit testing and does not entail expenses in excess of QLFT sufficient to justify the use of QLFT for lead-exposed employees (Tr. 384).

OSHA partially agrees with IBPAT's first point that the QLFT protocols as proposed are inadequate and has required appropriate improvements in them for this rule. However, OSHA concludes that the evidence in the record does support the safety of QLFT provided that the assigned protection factors are not exceeded and provided the protocols are adhered to. These issues are discussed further in the sections of the preamble specific for each protocol.

Addressing IBPAT's second concern, based on evidence in the record (Tr. 91–92, 107–08, 136, 281–82) OSHA concludes that the problems associated with perceived employer pressure, peer pressure, or false reporting by test subjects should be alleviated by certain changes in the proposed protocols, such as providing a broad selection of respirators and allowing a two-week trial period. Mr. Revoir (Norton Company, ANSI Z88.2 committee) stated that "OSHA should be congratulated for proposing this (employee selection of respirators) provision as part of a respirator fitting protocol. A respirator which is comfortable to wear not only may be likely to provide a good fit on a person, but also * * * will undoubtedly encourage the person to wear the respirator whenever exposed to a harmful atmosphere in the workplace" (Tr. 280–81). Mr. Manley (DuPont) further cited proper training as being an effective means of ensuring employee cooperation for fit testing (Tr. 136).

IBPAT's third concern, the comparative costs of QLFT versus QNFT, is discussed in the Regulatory Impact Assessment section of this preamble. OSHA found that allowing QLFT could result in meaningful cost savings.

The USW was also concerned that respirators in actual use—whether fitted quantitatively or qualitatively—do not provide adequate protection for workers, and asked that OSHA review the respirator provisions of all standards. OSHA recognizes that some problems in the use of respiratory protection against toxic atmospheres do exist, but found in promulgating the 1978 lead standard that full compliance with the PEL through engineering controls alone would not be technologically feasible for a number of industries for periods ranging up to ten years (43 FR 52977–52985, 53008). Recognizing that respirators are currently necessary for compliance, OSHA believes that the problems with in-use leakage are best handled through careful assignment of appropriate fit factors.

After considering all the evidence submitted, OSHA has concluded that QLFT can provide health protection equivalent to QNFT for lead-exposed employees where protection factors of ten or less are required, and where the specific protocols that have been verified through testing are followed. OSHA has based its conclusion primarily upon the specific test data which has been submitted to the record by the Los Alamos National Laboratory, 3M, Dupont, and others. The weight of the evidence supplied by these parties supports the Agency's conclusion. Furthermore, none of the parties objecting to the use of QLFT where protection factors of ten or less are required have submitted specific test data to justify their objections.

### C. Qualitative Fit Test Protocols

As stated in the proposal, OSHA believes that QLFT must meet certain requirements in order to provide adequate respiratory protection for employees (46 FR 27359). In the final standard, these requirements have been detailed in specific qualitative fit test protocols for each type of QLFT under consideration. The standardization of these protocols is essential to a successful QLFT. Following specific procedures each time QLFT is done will help control the variables of these sensitive tests, ensure their reproducibility, and thus provide workers with the respiratory protection they need.

Only those protocols specified in the final rule have been adequately tested and therefore verified as being appropriate procedures. At this time, OSHA cannot ensure protection of employees by allowing employers to use other procedures which have not been so validated. All of the participants in the rulemaking have been given the opportunity to comment on the specific protocols or to suggest new ones. The consensus appears to endorse the use of specific protocols as necessary, and that those proposed, with minor modifications, are appropriate. The final standard's provisions reflect this consensus.

OSHA has reviewed the record and, in particular, the data submitted by organizations which had conducted tests on the three protocols under consideration (i.e., saccharin, isoamyl acetate, and irritant smoke). Much of this data was recently collected, and was not available to OSHA during the lead rulemaking. All tests described in the submissions, when conducted according to the protocols required by this rule, produced data showing that respirators with fit factors of less than 10 were invariably detected by all three types of QLFT and that, in most cases, fit factors of less than 100 were detected.

In a statistical analysis of data submitted for all three protocols, NIOSH (Ex. 52) argues that, based on confidence intervals associated with the estimate of the probability that the protocol would pass a respirator with a fit factor of less than 10, the percentage of wearers with unacceptable leakages would be excessive. This argument however, is based on data which show no false passes at fit factors of 10 or below for any of the three protocols. The basic point made by NIOSH is that, even with a most probable value of zero for false passes, the associated 95 percent confidence interval makes possible on unacceptable number of false passes, albeit at lower probability. OSHA recognizes this possibility. However, this situation is due mainly to the large size of the 95 percent confidence interval which, in turn, results from the small size of the data sets. The same situation will exist with QNFT. OSHA believes that there is insufficient information in the record upon which to establish a clear distinction between QNFT and QLFT on the basis of statistical analysis of data. However, it is important to note that such a distinction is irrelevant since the superiority of QNFT over QLFT is not at issue in this rulemaking. What is at issue is whether QLFT can itself provide an adequate level of protection for exposures up to ten times the PEL. In view of the data now in the record, and the arguments accompanying those data, OSHA has determined that QLFT can, in fact, provide the required protection.

Although all of the studies in the record generally support OSHA's conclusion that QLFT can be used to detect fit factors of less than 10 under the lead standard, the Agency only relied upon those which were found to be appropriately designed, with results that can be logically compared to those of other studies. Throughout the following discussion, those studies which the Agency decided not to use as substantiation for OSHA's position are indicated, and the perceived inadequacies in the conduct of the study are described.

The following is a summary of the evidence OSHA reviewed for each QLFT protocol:

*Saccharin*

The saccharin QLFT protocol relies on a respirator wearer's ability to taste an aerosal of saccharin solution droplets produced by a hand-operated nebulizer. The aerosal is contained in a small enclosure around the head and neck of the respirator wearer. Test subjects are screened by their ability to taste a low level of saccharin aerosal when breathing through the mouth.

Numerous studies and test data were submitted to the record on the saccharin protocol. In each case, the study authors concluded that the saccharin protocol was invariably capable of detecting respirators with a fit factor of less than 10, as determined by QNFT. OSHA finds the evidence submitted to the record to be convincing, and therefore concludes that the saccharin protocol is appropriate for assigning respirators for use in atmospheres up to 10 times the PEL for lead. In other words, the saccharin protocol may be used to assign a protection factor of 10 or less for half-mask respirators.

The following studies were conducted in such a manner that their results and conclusions could be compared with each other. The Los Alamos National Laboratories (LANL) performed validation tests on the saccharin protocol. Although the LANL data were generated using a model 45 nebulizer, the data are usable because LANL submitted detailed particle sizing information which shows the aerosal to be comparable to that produced by a model 40. Whether this is always true has not been demonstrated in the record. LANL ran two series of tests, one with rubber facepiece respirators and one with fabric facepiece respirators. In the first set 50 subjects were used for a total of 144 tests. (Exh. 58, p. 10, LANL). In the second set, on the fabric facepiece respirators, a total of 40 tests were run.

The second data set from 3M Co. involved 174 tests on 87 subjects using respirators with replaceable type high-efficiency filters (Ex. 6–16. Atch 1). The data were generated using conventional oil mist QNFT (Dynatech Frontier equipment) for comparison. The third set submitted by 3M consisted of data generated by Held and Rodrigues under contract to 3M. This set involved 68 subjects each tested once.

A major question which has been raised concerning the saccharin protocol during this rulemaking is whether the particle size of the aerosal is too large to be effective in reliably screening respirators. Those who questioned the use of saccharin protocol QLFT were concerned that saccharin aerosal particles might be larger than the aerosal particles used in QNFT, and that they are sufficiently larger than typical industrial aerosals so that their behavior is different in penetrating faceseal leaks (Ex. 24, 38, 43, 54). Arguments that were raised primarily theoretical in nature and would be compelling if supported by careful measurements appropriate to the respirator application. However, in tests performed by LANL (Ex. 58) to determine the mass median aerodynamic diameter (MMAD) of the aerosal distribution generated by the nebulizer, it was determined that the particle size distribution was within acceptable limits. The author of the LANL report states, "The data obtained in these measurements reveal a consistency which is surprising for an aerosal generated by a simple squeeze bulb nebulizer. As one would expect for a hygroscopic aerosol, there is a tendency toward a larger MMAD as the relative humidity is increased, but even at 99 percent relative humidity, the MMAD is still less than 3 microns (um)." In addition, Dr. Liu, who had expressed concerned on this issue (Ex. 24, 43) after reviewing the LANL results (Ex. 62) stated not only with respect to the aerosol size distribution, but to the saccharin protocol in general, "With regard to the interpretation of the test results and conclusions to be drawn from these results, I am also in agreement with Dr. Marsh that the sodium saccharin aerosol has a stable size distribution and that the sodium saccharin test protocol is capable of rejecting respirators with fit factors less than 10 with a high degree of reliability." On the basis of the test results and Dr. Liu's support, OSHA concludes that aerosol size distribution does not reduce the effectiveness of the saccharin protocol.

Although as stated above all of the data in the record supports the conclusion made by OSHA, the Agency only relied on those studies which are appropriately designed, with results that can be compared to those of other studies. Some of the submissions did not meet these requirements.

The largest data set, submitted by 3M, involving 191 subjects and 382 tests, relied for validation on a comparision of results with quantitative tests based on particle count measurements of the saccharin aerosol (Ex. 6–16 Atch 1). A saccharin mist QNFT using particle counters is a completely novel and unevaluated technique. Validating such a method would directly involve all of the particle size concerns discussed above. Therefore, this attempted validation of QLFT involves comparing one unknown to another unknown and is not useful. These data have not been relied upon in assessing the utility of the saccharin QLFT. Mr. Hack of LANL also concluded that such data were inappropriate (Tr. p. 28).

In an effort to aid analysis of the record prior to the hearing, the OSHA Training Institute performed a small

series of comparison tests. However, the recommended test enclosure was not available and so none was used. Although the performance of the protocol was poor in discriminating higher from lower fit factors, the testing was inaccurate as validation because the test enclosure was not used (Ex. 15).

DuPont Company has also submitted data for the saccharin protocol (Ex. 40). This set of data involved 22 individuals and 68 tests. The results of DuPont's study might not be directly comparable to those of other studies in the record since they used the model 45 nebulizer, rather than the model 40. The difference in nebulizer model may result in variations in particle size and thus could affect the findings of the study. OSHA has therefore decided that the significance of this particular set of data is uncertain, and has not relied upon it in reaching the Agency's conclusions. However, in the DuPont study, of ten wearers with fit factors of 10 or less, none passed the saccharin test. Moreover, of 20 wearers with fit factors less than 100, only one passed and that one had a fit factor of 84. OSHA considers these data to be relevant.

Another data set was submitted by 3M that resulted from tests run on rubber facepieces in which holes had been cut in the front to create large leaks. The geometry of such a cutout is so different from normal mask leakage and the path of travel for the aerosol is so different that OSHA judged these data inappropriate for consideration.

In each of the data sets not excluded for consideration in the above discussion, the saccharin test was able to detect every half-mask respirator which had a fit factor of less than 10. From these studies, OSHA concludes that the saccharin protocol can reliably detect ill-fitted respirators when a fit factor of 10 is required. Tests were not performed on other than half-mask respirators, and therefore QLFT can only be used with half-mask respirators.

*Isoamyl Acetate (IAA)*

The isoamyl acetate QLFT protocol relies on a respirator wearer's ability to smell the banana-like odor of isoamyl acetate vapor, which is evaporated from a wetted towel hung at the top of a small enclosure about the upper body of the wearer. Test subjects are screened by their ability to smell a low level of isoamyl acetate.

DuPont submitted test data of paired testing by QNFT and by their IAA protocol for QLFT (Ex. 6–38). The data showed a high degree of agreement between the candidate protocol and QNFT. According to Dynatech, this was due in large part to having tested primarily subjects with very well-fitted respirators so that both tests showed good fits most of the time (Ex. 34E, p. 3–4 Dynatech). Therefore the data is of limited usefulness in establishing the ability of the IAA protocol to screen out inadequate fits.

After the hearing DuPont submitted additional testing data that included many more cases where fit factors were less that 100. These data showed that the protocol was successful in rejecting fits that were less than a fit factor of 10 (Ex. 40). A total of 54 tests were run on half masks, and 27 had fit factors less than 10. Of these 27, none passed the QLFT. These data support the conclusion that the isoamyl acetate protocol QLFT can be confidently used to screen out fits resulting in fit factors of less than 10.

Comparison test data were also submitted by National Paint and Coatings Association (NPCA) in three data sets (Ex. 6–59). The first set involved a pooled group of 105 subjects at several member companies. QNFT measurements were only done on those subjects who passed the QLFT, so no information is available concerning the actual fit factors of those who failed. Thus no estimate of the reliability of the protocol can be made from these data.

Both the second and third data sets from NPCA also cannot be used to estimate the reliability of the isoamyl acetate protocol because in neither case were there any fit factors of less than 10. Therefore OSHA feels that these data cannot be used to verify or reject its conclusion regarding respirator protection factors of 10 for half-mask respirators.

Mr. Revoir (then with the Norton Company; ANSI Z88.2 committee) stated that he found two problems with the proposed protocol—olfactory fatigue, and the possibility of the protocol indicating that a respirator has a fit factor greater than is justified. (Ex. 34D, pp. 11–14).

OSHA believes that the provisions of the protocol already adequately address the potential problem of olfactory fatigue, which is the temporary loss of the employee's ability to detect IAA when being repeatedly exposed. Separate rooms and ventilation systems are required for the fit testing and for the odor threshold screening. This is to ensure that employees are not exposed to IAA vapors before their test procedure begins. In addition, exhaust ventilation is required for the fit testing area to reduce ambient contamination levels. Delay periods are built in to the protocol that are designed for (or at least will function to assist) olfactory sensitivity recovery. Also the test subject is required to exit the test enclosure promptly if leakage is detected.

OSHA, however, agrees with Revoir's criticism that the IAA protocol, as proposed, may inflate the actual fit factor, and has modified the IAA protocol in response to this criticism. The probability of the IAA protocol passing respirators with fit factors which are actually too low is dependent on two factors—the sensitivity test IAA concentration (i.e. the concentration used for odor threshold screening), and the IAA challenge concentration within the test chamber (i.e. the concentration the employee is exposed to while testing the respirator). If an individual were tested with the highest sensitivity test concentration and the lowest test chamber concentration, he or she would be less likely to detect a poorly fitting respirator than if the sensitivity test concentration were lower and the test chamber concentration higher. Mr. Manley (Dupont) stated that under the proposed protocol IAA chamber concentrations fluctuated between 75 ppm and 250 ppm (Tr. 99). He further testified that the IAA odor sensitivity test concentration could be as high as 2.4 ppm (Tr. 100).

OSHA has determined that the protocol suggested in the May 19 proposal could be easily modified so as to increase its effectiveness substantially without adding either cost or testing time to the proposed procedure. The modifications consist of: (1) Reducing the sensitivity test concentration by 20% and (2) increasing the average challenge concentration within the hood enclosure. The protocol as adopted in this final rule requires that the jar solution be made with .4cc rather than .5cc of stock solution and that a 50% larger wet towel be used with a proportionate increase in the isoamyl acetate that wets it.

Based on the data submitted by DuPont (Ex. 40), and with the modification of the proposed protocol, OSHA believes that the isoamyl acetate protocol is adequate to detect respirators with fit factors less than 10 and, in almost all cases, less than 100, and that it therefore can be safely used where exposures will not exceed 500 $\mu g/m^3$.

*Irritant Smoke*

The irritant smoke QLFT involves the introduction of an irritating substance in the vicinity of the respirator faceseal. Test subjects will cough involuntarily if the irritant leaks into the respirators. Although OSHA did not propose a protocol for use of irritant smoke QLFT,

it has decided that the record supports inclusion of such a method in the final standard.

Irritant smoke has been used for many years in a variety of formal and informal protocols as a qualitative fitting test. Alan Hack suggested that irritant smoke QLFT be approved for use under this rulemaking (Ex. 22). He stated that, "This test is used extensively in nuclear installations, is recommended in Z88.2, and was reported on by Hardis, et al. of Livermore, in UCRL–83381. Their results: of 274 tested, for half masks no one had a PF of less than 10 who passed the smoke test, for full facepiece, 7 (less than 3%) had a PF of less than 100 who passed the smoke test. I believe that there is enough experience with the irritant smoke test to permit its use as an approved QLFT."

The irritant nature of the fume has been assumed adequate to ensure a reliable and effective fit test. The American Iron and Steel Institute (AISI), for example, contended that no precise definition of a protocol would be required. However, AISI members conducted tests of their contention, and found that this assumption was unjustified (Ex. 32, 41, p.1, AISI). The data revealed a very high error rate, indicating that two thirds or more of the inadequate fits would never be detected. (Ex. 37, p. 51, NIOSH). As stated by AISI, "The initial pilot study did not establish a rigid or uniform irritant smoke protocol because the intent was to demonstrate that even given poorly controlled testing procedures the irritant smoke is a reliable test for distinguishing half mask respirators that will provide a fit factor of at least ten. A careful analysis and review of the data and methodology used by the three participating companies indicates this hypothesis is wrong. We have since determined that certain specific elements should be incorporated into an irritant smoke qualitative fit test protocol if it is to be effective, reliable, and reproducible." (Ex. 41).

AISI defined a protocol and arranged for additional tests. The new data set consisted of 110 tests in which 15 were at fit factors less than 10 and none of these passed the irritant smoke test (Ex. 41). The use of the defined protocol thus increased the reliability of the irritant smoke test in effectively screening out unacceptable fits.

In addition, LANL initiated a set of validation measurements in order to test an irritant smoke protocol. The protocol used (Ex. 63) differs from that submitted by AISI in that the wearer need only sense the smoke without reacting involuntarily in order to reject the fit. Therefore, the LANL results cannot be used to support the AISI protocol which is part of this rulemaking. However, the LANL data (Ex. 64) show that out of 150 tests of half mask respirators, there were 98 cases of fit factors less than 100 and, of these, only three were not rejected by the LANL protocol. The three false passes had fit factors of 25, 30, and 43. OSHA believes that these results, while not entirely applicable, tend to strengthen confidence in the use of irritant smoke.

The Allied Corporation has also submitted a small data set for consideration. A small number of these tests (5%) were at fit factors less than 100. No information was given on the number of cases that did not pass the irritant smoke test nor was there any indication of the fit factors of those not passing the irritant smoke test. Consequently this data set was not considered usable in evaluating the appropriateness of the irritant smoke protocol.

Data submitted by 3M to OSHA (Hardis, et. al. (Ex. 7–1)) were also considered inappropriate because the method of administering the irritant smoke was too uncontrolled (using a squeeze bulb in open air). Data submitted by DuPont (Ex. 40) were also considered inappropriate because the smoke was administered by a squeeze bulb into a hood in which the respirator wearer's head was situated. OSHA considered this method to be excessively uncomfortable for the wearer. The AISI protocol entered into the record requires a smoke pump to be used in conjunction with an exhaust hood so that the procedure provides control without imposing extreme discomfort on the wearer.

For the foregoing reasons, the irritant smoke decision was made on the basis of the AISI data. Since no respirator with a known fit factor of less than 10 passed the irritant smoke test, OSHA considers the irritant smoke protocol suitable for assuring that half mask negative pressure respirators are safe to use under the lead standard in atmospheres where exposures do not exceed ten times the PEL.

*Changes Made in the Proposed Protocols*

In this final rule, OSHA has made minor changes to the proposed IAA and saccharin protocols to increase their reliability and to improve confidence in the results of such testing. Two areas of change bear specific mention. OSHA is adding a number of specific steps to the respirator selection process to help assure that the subject can meaningfully assess the comfort of the chosen model, and that he or she will end up with a comfortable respirator. For example, the model chosen as most comfortable must be worn at least 5 minutes before testing; after passing the fit test the subject must be given an opportunity to test another model if the respirator has become uncomfortable during testing; and the employee must be given a further opportunity to select and test another model if, within two weeks of on-the-job wear, the chosen facepiece becomes uncomfortable (IAA B–5, 9, 10).

The rulemaking record contains strong support for these changes. For example, the DuPont Company explained that if a man went out in the workplace and found after a few days that a respirator was not comfortable; he must come back and repeat the testing process with another respirator (Tr. 108). The need to wear the respirator for more than a short time to assess comfort was also stated in the record (Tr. 281–283).

Also, the protocols require that the array of respirators offered to the employee include at least three sizes of elastomeric facepieces and two manufacturers. Providing a wide array of respirators will help assure that most employees can be fitted, and that each employee tested will obtain a comfortable respirator as well. Record support for a wide array was substantial (Tr. 21, 150, 213, 322–23).

OSHA has also increased the time required for each exercise from 30 seconds in the proposal to one minute in the final protocols. This change too has ample record support (Tr. 74, 284, 315).

The specifications for the saccharin protocol have also been altered with respect to the head enclosure to be used. The proposal, as well as 3M's original submission, specified a hood 19 inches high by 19 inches in diameter. By contrast the kit provided by 3M to do the test, and, by all indications, the one used by all parties to run their validations, measures approximately 12 inches in diameter by 14 inches high. Consequently the protocol actually tested is one using the smaller hood, and therefore the smaller hood is specified in the appendix.

*Respirator Selection*

By specifying a broad assortment of respirators in the panel offered to each employee, OSHA has tried to assure that the vast majority of employees are able to be fitted through the application of the allowable testing protocols. OSHA is aware, however that some employees cannot be fitted with half-mask respirators, or because they are insensitive to the testing agent, cannot be tested using one or more of these protocols. In such cases, the employer

must either offer another kind of fit testing, another kind of respirator, or both. The choice depends on OSHA's requirements and the particular situation which precludes the fitting of an available half-mask respirator by using a particular QLFT protocol. For example, if an employee cannot be fitted with a half-mask respirator, he may be fitted with a full-mask respirator or a powered air-purifying divice (PAPR). In the former case, QNFA is required. In the latter case, no fit test would be required. If an employee cannot detect the testing agent used for that employer's QLFT, the employer may try testing with another approved QLFT, test with QNFT, or assign a PAPR.

*Summary*

The major consequence of this rule revision which permits QLFT is to place greater reliance on the subjective evaluation of the fit of half-mask respirators. It should be noted that the issue of concern in these discussions is the use of QLFT to establish a protection factor of 10 for half-mask facepieces. All of the studies described used half-masks.

The revision is appropriate because the methods (protocols) themselves have been shown to be effective within given limits. Employees are given an adequate opportunity to understand the whole respirator program through training and an opportunity to exercise their judgment to reject a respirator which appears inadequate. Employee cooperation and candor are vital to the successful and proper implementation of the protocols. The opportunities for refitting and retesting contained in the protocols included in the final standard, as well as the availability of a wide variety of facepieces, are expected to encourage and facilitate employee cooperation. They are, therefore, appropriately included as a part of revisions that place greater reliance on the employee's subjective judgment. In addition, the record clearly shows that respirators selected by employees for comfort will achieve substantially increased average protection factors (Tr. 211–212, Turner).

Very specific protocols are being required in this final rule because the terms "qualitative fit testing" would otherwise be so vague as to be virtually unenforceable, and would be of little help to employers in determining how to comply with the standard. As stated above, with the exception of irritant smoke these protocols were proposed, and other than suggestions for minor modifications, were generally agreed upon by participants in the rulemaking. The testing protocols must be performed exactly as listed in the appendices because it is only these protocols which have had their performance substantiated quantitatively. Failure to use all the steps and employ all the proper test conditions amounts to the use of a different testing protocol with uncertain results and would not comply with the standard. For example, the isoamyl acetate protocol requires two separate rooms that are well ventilated but not on the same recirculating ventilation system. A failure to adhere to these limitations will very likely result in deterioration of the employee's ability to detect isoamyl acetate, which will cause tested employees to be unable to detect masks which do not fit. This in turn would subject them to high lead exposure and its consequent health risk.

**D. Regulatory Impact Analysis; Regulatory Flexibility Analysis**

In accordance with Executive Order 12291 (46 FR 13193), OSHA hereby states that this rulemaking does not constitute a "major rule" since its effect will not meet any of the definitional elements in s1(b) of the Executive Order. OSHA also certifies that this proposal does not require a regulatory flexibility analysis under the Regulatory Flexibility Act because it will not have a significant economic impact on a substantial number of small entities.

An analysis of evidence submitted to the rulemaking docket indicates that the proposed change allowing use of QLFT or QNFT for half-mask respirators worn by employees exposed to less than 500 $\mu g/m^3$ of airborne lead is cost-effective. Compliance with the revised requirement is less expensive than compliance with the current provision requiring QNFT for all employees wearing negative pressure respirators. This increased flexibility, however, does not increase the risk of employee exposure to airborne lead above 50 $\mu g/m^3$. The upper bound on total annual cost-savings of this regulatory action, which are detailed in the section below, is estimated to be as much as $6,300,000.

OSHA has carefully examined the potential for increasing air lead exposures of employees as a result of allowing the substitution of QLFT for QNFT. OSHA believes that the record supports the conclusion that the protection resulting from providing respirators will prevent employee exposures to lead in excess of 50 $\mu g/m^3$. Furthermore, where air lead levels exceed 500 $\mu g/m^3$ and the assurance of a protection factor of more than ten is therefore necessary, OSHA retains the requirement for QNFT to ensure that workers wearing respirators do not inhale more than 50 $\mu g/m^3$ of airborne lead. These issues are discussed in other sections of this preamble.

Analysis of the cost data in the record shows that both the annual and capital costs of QNFT exceed the costs of QLFT. There are two major factors associated with QNFT that make it more expensive than QLFT. First, employers using QNFT incur capital expenditures for sophisticated equipment, including test boots and instrumentation. Capital costs are about $7,000 per firm (Ex. 6–12), assuming that firms purchase one unit each. Estimates for the capital costs varied, but OSHA believes that $7,000 is a representative figure. To the extent that smaller firms prefer to hire consultants at a daily rate of about $200 and rent the equipment to perform QNFT (Ex. 25), these capital costs are overstated. The record does not contain sufficient evidence to estimate the number of firms likely to use consultants and therefore OSHA cannot estimate the extent to which the capital costs are overstated. Second, evidence in the record suggests that the time required to fit test a respirator wearer for the first time does not differ significantly between QNFT and QLFT. Subsequent fit testing using QNFT appears to be comparable to QLFT. Thus, initial QNFT and QLFT each take about 30 to 40 minutes (Ex. 25, DuPont and Ex. 27, NPCA), and employers using QNFT would incur about 20 minutes of downtime per employee per retest compared with about 20 minutes of downtime per employee per retest for QLFT as required by protocols in this rulemaking. However, set-up time per test day associated with QNFT may be as much as twice as long as QLFT set-up time (Ex. 25).

One important factor increases the costs of QLFT relative to QNFT. The record shows that the rate of false positives resulting from QLFT exceeds the rate of false positives from QNFT (Ex. 48). This means that the QLFT methods reject a greater number of respirators that actually have acceptable fits than the QNFT methods do, and thus result in more retesting of subjects to attain adequate fits. Estimates of the rate of false positives in QLFT range from 36 percent to 90 percent (Ex. 34E). Using available studies in the record (Ex. LANL, Ex. 6–40, Ex. 16, and Ex. 16–A), OSHA calculates an average false positive incidence for QLFT of about 39.5%. The cost implications of this are significant. For instance, on the basis of one study (Ex. 6–38), OSHA found that 149 tests were required to qualitatively fit test 98 employees. Thus, the costs of retesting

employees increased the total costs of QLFT by about 30%. To the extent that the rate of false positives may be even higher in some firms, the resulting cost impact may induce employers to continue using QNFT rather than QLFT.

Annual costs of compliance with the current requirement to perform semiannual QNFT are estimated at nearly $6,800,000. Annual costs for this amended rule which gives employers the flexibility to choose either QNFT or QLFT for employees exposed to less than 500 $\mu g/m^3$ of airborne lead, but maintains the requirement for QNFT for all employees exposed to airborne lead in excess of 500 $\mu g/m^3$ are estimated at about $500,000. Thus, cost-savings resulting from this action are estimated to be as high as $6,300,000 per year. However it should be noted that this is a maximum upper bound in view of the potential for using consultants as described earlier.

**List of Subjects in 29 CFR Part 1910**

Occupational safety and health, Respiratory protection.

**PART 1910—[AMENDED]**

Accordingly, pursuant to sections 6(b) and 8(g) of the Occupational Safety and Health Act of 1970, 84 Stat. 1593, 1600, 29 U.S.C. 655(b), 657(g); 5 U.S.C. 553; and Secretary of Labor's Order 8–76 (41 FR 25059), 29 CFR Part 1910 is amended as follows:

1. 29 CFR 1910. 1025 is amended by revising paragraph (f)(3) (ii) as follows:

**§ 1910.1025 Lead.**

* * * * *

(f) Respiratory protection * * *

(3) Respirator usage.* * *

(ii) Employers shall perform either quantitative or qualitative face fit tests at the time of initial fitting and at least every six months thereafter for each employee wearing negative pressure respirators. The qualitative fit tests may be used only for testing the fit of half-mask respirators where they are permitted to be worn, and shall be conducted in accordance with Appendix D. The tests shall be used to select facepieces that provide the required protection as prescribed in table II.

* * * * *

2. In § 1910.1025, the fourth paragraph of Appendix B, Section IV: Respiratory Protection, is amended to read as follows:

**Appendix B to Section 1910.1025—Employee Standard Summary**

* * * * *

IV. * * *

Your employer must assure that your respirator facepiece fits properly. Proper fit of a respirator facepiece is critical. Obtaining a proper fit on each employee may require your employer to make available two or three different mask types. In order to assure that your respirator fits properly and that facepiece leakage is minimized, beginning on November 12, 1982, your employer must give you either a qualitative fit test in accordance with Appendix D of the standard or a quantitative fit test if you use a negative pressure respirator. Any respirator which has a filter, cartridge or canister which cleans the work room air before you breathe it and which requires the force of your inhalation to draw air thru the filtering element is a negative pressure respirator. A positive pressure respirator supplies air to you directly. A quantitative fit test uses a sophisticated machine to measure the amount, if any, of test material that leaks into the facepiece of your respirator.

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3. In § 1910.1025, Appendix B, Section XV: For Additional Information, Part A, item 7, is revised and new items 8 and 9 are added as follows:

* * * * *

XV. * * *

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7. Appendices to the standard (Appendices A, B, C), **Federal Register**, Vol. 44, pp. 60980–60995, October 23, 1979.

8. Corrections to appendices, **Federal Register**, Vol. 44, 68828, November 30, 1979.

9. Revision to the standard and additional appendices (Appendices D and E), **Federal Register**, Vol. 47, pp. (pages for this notice), November 12, 1982.

4. In § 1910.1025, a new Appendix D is added to read as follows:

* * * * *

**Appendix D to Section 1910.1025—Qualitative Fit Test Protocols**

This appendix specifies the only allowable qualitative fit test protocols permissible for compliance with paragraph (f)(3)(ii).

**I. Isoamyl Acetate Protocol**

A. Odor threshold screening.

1. Three 1–liter glass jars with metal lids (e.g. Mason or Bell jars) are required.

2. Odor-free water (e.g. distilled or spring water) at approximately 25°C shall be used for the solutions.

3. The isoamyl acetate (IAA) (also known as isopentyl acetate) stock solution is prepared by adding 1 cc of pure IAA to 800 cc of odor free water in a 1-liter jar and shaking for 30 seconds. This solution shall be prepared new at least weekly.

4. The screening test shall be conducted in a room separate from the room used for actual fit testing. The two rooms shall be well ventilated but may not be connected to the same recirculating ventilation system.

5. The odor test solution is prepared in a second jar by placing .4 cc of the stock solution into 500 cc of odor free water using a clean dropper or pipette. Shake for 30 seconds and allow to stand for two to three minutes so that the IAA concentration above the liquid may reach equilibrium. This solution may be used for only one day.

6. A test blank is prepared in a third jar by adding 500 cc of odor free water.

7. The odor test and test blank jars shall be labelled 1 and 2 for jar identification. If the labels are put on the lids they can be periodically *dried off* and switched to avoid people thinking the same jar always has the IAA.

8. The following instructions shall be typed on a card and placed on the table in front of the two test jars (i.e. 1 and 2):

"The purpose of this test is to determine if you can smell banana oil at a low concentration. The two bottles in front of you contain water. One of these bottles also contains a small amount of banana oil. Be sure the covers are on tight, then shake each bottle for two seconds. Unscrew the lid of each bottle, one at a time, and sniff at the mouth of the bottle. Indicate to the test conductor which bottle contains banana oil."

9. The mixtures used in the IAA odor detection test shall be prepared in an area separate from where the test is performed, in order to prevent olfactory fatique in the subject.

10. If the test subject is unable to correctly identify the jar containing the odor test solution, the IAA QLFT may not be used.

11. If the test subject correctly identifies the jar containing the odor test solution he may proceed to respirator selection and fit testing.

B. Respirator selection.

1. The test subject shall be allowed to select the most comfortable respirator from a large array of various sizes and manufacturers that includes at least three sizes of elastomeric half facepieces and units of at least two manufacturers.

2. The selection process shall be conducted in a room separate from the fit-test chamber to prevent odor fatigue. Prior to the selection process, the test subject shall be shown how to put on a respirator, how it should be positioned on the face, how to set strap tension and how to assess an "comfortable" respirator. A mirror shall be available to assist the subject in evaluating the fit and positioning of the respirator. This may not constitute his formal training on respirator use, only a review.

3. The test subject should understand that he is being asked to select the respirator which provides the most comfortable fit for him. Each respirator represents a different size and shape and, if fit properly, will provide adequate protection.

4. The test subject holds each facepiece up to his face and eliminates those which are obviously not giving a comfortable fit. Normally, selection will begin with a half-mask and if a fit cannot be found here, the subject will be asked to go to the full facepiece respirators. (A small percentage of users will not be able to wear any half-mask.)

5. The more comfortable facepieces are recorded; the most comfortable mask is donned and *worn at least five minutes* to assess comfort. Assistance in assessing comfort can be given by discussing the points in #6 below. If the test subject is not familiar with using a particular respirator, he shall be directed to don the mask several times and to

adjust the straps each time, so that he becomes adept at setting proper tension on the straps.

6. Assessment of comfort shall include reviewing the following points with the test subject:

- Chin properly placed.
- Positioning of mask on nose.
- Strap tension.
- Fit across nose bridge.
- Room for safety glasses.
- Distance from nose to chin.
- Room to talk.
- Tendency to slip.
- Cheeks filled out.
- Self-observation in mirror.
- Adequate time for assessment.

7. The test subject shall conduct the conventional negative and positive-pressure fit checks (e.g. see ANSI Z88.2–1980). Before conducting the negative- or positive-pressure checks, the subject shall be told to "seat" his mask by rapidly moving the head side-to-side and up and down, taking a few deep breaths.

8. The test subject is now ready for fit testing.

9. After passing the fit test, the test subject shall be questioned again regarding the comfort of the respirator. If it has become uncomfortable, another model of respirator shall be tried.

10. The employee shall be given the opportunity to select a different facepiece and be retested if during the first two weeks of on-the-job wear the chosen facepiece becomes unacceptably uncomfortable.

C. Fit test.

1. The fit test chamber shall be substantially similar to a clear 55 gallon drum liner suspended inverted over a 2 foot diameter frame, so that the top of chamber is about 6 inches above the test subject's head. The inside top center of the chamber shall have a small hook attached.

2. Each respirator used for the fitting and fit testing shall be equipped with organic vapor cartridges or offer protection against organic vapors. The cartridges or masks shall be changed at least weekly.

3. After selecting, donning, and properly adjusting a respirator himself, the test subject shall wear it to the fit testing room. This room shall be separate from the room used for odor threshold screening and respirator selection, and shall be well ventilated, as by an exhaust fan or lab hook, to prevent general room contamination.

4. A copy of the following test exercises and rainbow (or equally effective) passage shall be taped to the inside of the test chamber:

*Test Exercises*

i. Normal breathing.

ii. Deep breathing. Be certain breaths are *deep* and *regular*.

iii. Turning head from side-to-side. Be certain movement is complete. Alert the test subject not to bump the respirator on the shoulders. Have the test subject inhale when his head is at either side.

iv. Nodding head up-and-down. Be certain motions are complete and made about every second. Alert the test subject not bump the respirator on the chest. Have the test subject inhale when his head is in the fully up position.

v. Talking. Talk aloud and slowly for several minutes. The following paragraph is called the Rainbow Passage. Reading it will result in a wide range of facial movements, and thus be useful to satisfy this requirement. Alternative passages which serve the same purpose may also be used.

*Rainbow Passage*

When the sunlight strikes raindrops in the air, they act like a prism and form a rainbow. The rainbow is a division of white light into many beautiful colors. These take the shape of a long round arch, with its path high above, and its two ends apparently beyond the horizon. There is, according to legend, a boiling pot of gold at one end. People look, but no one ever finds it. When a man looks for something beyond reach, his friends say he is looking for the pot of gold at the end of the rainbow.

vi. Normal breathing.

5. Each test subject shall wear his respirator for at least 10 minutes before starting the fit test.

6. Upon entering the test chamber, the test subject shall be given a 6 inch by 5 inch piece of paper towel or other porous absorbent single ply material, folded in half and wetted with three-quarters of one cc of pure IAA. The test subject shall hang the wet towel on the hook at the top of the chamber.

7. Allow two minutes for the IAA test concentration to be reached before starting the fit-test exercises. This would be an appropriate time to talk with the test subject, to explain the fit test, the importance of his cooperation, the purpose for the head exercises, or to demonstrate some of the exercises.

8. Each exercise described in No. 4 above shall be performed for at least one minute.

9. If at any time during the test, the subject detects the banana-like odor of IAA, he shall quickly exit from the test chamber and leave the test area to avoid olfactory fatigue.

10. Upon returning to the selection room, the subject shall remove the respirator, repeat the odor sensitivity test, select and put on another respirator, return to the test chamber, etc. The process continues until a respirator that fits well has been found. Should the odor sensitivity test be failed, the subject shall wait about 5 minutes before retesting. Odor sensitivity will usually have returned by this time.

11. If a person cannot be fitted with the selection of half-mask respirators, include full facepiece models in the selection process. When a respirator is found that passes the test, its efficiency shall be demonstrated for the subject by having him break the face seal and take a breath before exiting the chamber.

12. When the test subject leaves the chamber he shall remove the saturated towel, returning it to the test conductor. To keep the area from becoming contaminated, the used towels shall be kept in a self-sealing bag. There is no significant IAA concentration buildup in the test chamber from subsequent tests.

13. Persons who have successfully passed this fit test may be assigned the use of the tested respirator in atmospheres with up to 10 times the PEL of airborne lead. In other words this IAA protocol may be used to assign a protection factor no higher than 10.

**II. Saccharin Solution Aerosol Protocol**

A. Taste threshold screening.

1. Threshold screening as well as fit testing employees shall use an enclosure about the head and shoulders that is approximately 12 inches in diameter by 14 inches tall with at least the front portion clear and that allows free movement of the head when a respirator is worn. An enclosure substantially similar to the 3M hood assembly of part # FT 14 and FT 15 combined is adequate.

2. The test enclosure shall have a three-quarter inch hole in front of the test subject's nose and mouth area to accommodate the nebulizer nozzle.

3. The entire screening and testing procedure shall be explained to the test subject prior to the conduct of the screening test.

4. The test subject shall don the test enclosure. For the threshold screening test, he shall breath through his open mouth with tongue extended.

5. Using a DeVilbiss Model 40 Inhalation Medication Nebulizer, the test conductor shall spray the threshold check solution into the enclosure. This nebulizer shall be clearly marked to distinguish it from the fit test solution nebulizer.

6. The threshold check solution consists of 0.83 grams of sodium saccharin, USP in water. It can be prepared by putting 1 cc of the test solution (see C6 below) in 100 cc of water.

7. To produce the aerosol, the nebulizer bulb is firmly squeezed so that it collapses completely then released and allowed to fully expand.

8. Ten squeezes are repeated rapidly and then the test subject is asked whether the saccharin can be tasted.

9. If the first response is negative, ten more squeezes are repeated rapidly and the test subject is again asked whether the saccharin is tasted.

10. If the second response is negative ten more squeezes are repeated rapidly and the test subject is again asked whether the saccharin is tasted.

11. The test conductor will take note of the number of squeezes required to elicit a taste response.

12. If the saccharin is not tasted after 30 squeezes (Step 9), the test subject may not perform the saccharin fit test.

13. If a taste response is elicited, the test subject shall be asked to take note of the taste for reference in the fit test.

14. Correct use of the nebulizer means that approximately 1 cc of liquid is used at a time in the nebulizer body.

15. The nebulizer shall be thoroughly rinsed in water, shaken dry, and refilled at least each morning and afternoon or at least every four hours.

B. Respirator selection.

Respirators shall be selected as described in section IB above, except that each respirator shall be equipped with a particulate filter cartridge.

C. Fit test.

1. The fit test uses the same enclosure described in B1 and B2 above

2. Each test subject shall wear his respirator for at least 10 minutes before starting the fit test.

3. The test subject shall don the enclosure while wearing the respirator selected in section A above. This respirator shall be properly adjusted and equipped with a particulate filter cartridge.

4. The test subject may not eat, drink (except plain water), or chew gum for 15 minutes before the test.

5. A second DeVilbiss Model 40 Inhalation Medication Nebulizer is used to spray the fit test solution into the enclosure. This nebulizer shall be clearly marked to distinguish it from the screening test solution nebulizer.

6. The fit test solution is prepared by adding 83 grams of sodium saccharin to 100 cc of warm water.

7. As before, the test subject shall breathe through the open mouth with tongue extended.

8. The nebulizer is inserted into the hole in the front of the enclosure and the fit test solution is sprayed into the enclosure and the fit test solution is sprayed into the enclosure using the same technique as for the taste threshold screening and the same number of squeezes required to elicit a taste response in the screening. (See B 10 above).

9. After generation of the aerosol the test subject shall be instructed to perform the following exercises for one minute each.

i. Normal breathing.

ii. Deep breathing. Be certain breaths are *deep* and *regular*.

iii. Turning head from side-to-side. Be certain movement is complete. Alert the test subject not to bump the respirator on the shoulders. Have the test subject inhale when his head is at either side.

iv. Nodding head up-and-down. Be certain motions are complete. Alert the test subject not to bump the respirator on the chest. Have the test subject inhale when his head in the fully up position.

v. Talking. Talk aloud and slowly for several minutes. The following paragraph is called the Rainbow Passage. Reading it will result in a wide range of facial movements, and thus be useful to satisfy this requirement. Alternative passages which serve the same purpose may also be used.

*Rainbow Passage*

When the sunlight strikes raindrops in the air, they act like a prism and form a rainbow. The rainbow is a division of white light into many beautiful colors. These take the shape of a long round arch, with its path high above, and its two ends apparently beyond the horizon. There is, according to legend, a boiling pot of gold at one end. People look, but no one ever finds it. When a man looks for something beyond his reach, his friends say he is looking for the pot of gold at the end of the rainbow.

10. Every 30 seconds, the aerosol concentration shall be replenished using one-half the number of squeeze as initially (C8).

11. The test subject shall so indicate to the test conductor if at any time during the fit test the taste of saccharin is detected.

12. If the saccharin is detected the fit is deemed unsatisfactory and a different respirator shall be tried.

13. Successful completion of the test protocol shall allow the use of the tested respirator in contaminated atmospheres up to 10 times the PEL. In other words this protocol may be used assign protection factors no higher than ten.

**III. Irritant Fume Protocol**

A. Respirator selection.

Respirators shall be selected as described in section IB above, except that each respirator shall be equipped with high efficiency-acid gas-organic vapor cartridges.

B. Fit test.

1. The test subject shall be allowed to smell a weak concentration of isoamyl acetate and of the irritant smoke to familiarize him with the characteristic odor of each.

2. The test subject shall properly don the respirator selected as above, and wear it for at least 10 minutes before starting the fit test.

3. The test conductor shall review this protocol with the test subject before testing.

4. The test subject shall perform the conventional positive pressure and negative pressure fit checks. Failure of either check shall be cause to select an alternate respirator.

5. A simplified isoamyl acetate based fit test shall be performed using ampules of IAA such as the Norton Respirator Fit Test Ampules or equivalent. Pass the ampule around the perimeter of the respirator at the junction of the facepiece and face. If leakage is detected, readjust the respirator. If leakage persists the respirator is rejected.

6. If no odor of IAA is detected the irritant smoke test shall be administered.

7. Break both ends of a ventilation smoke tube containing stannic oxychloride, such as the MSA part No. 5645, or equivalent. Attach a short length of tubing to one end of the smoke tube. Attach the other end of the smoke tube to a low pressure air pump set to deliver 200 milliliters per minute.

8. Advise the test subject that the smoke can be irritating to the eyes and instruct him to keep his eyes closed while the test is performed.

9. The test conductor shall direct the stream of irritant smoke from the tube towards the faceseal area of the test subject. He shall begin at least 12 inches from the facepiece and gradually move to within one inch, moving around the whole perimeter of the mask.

10. The following exercises shall be performed while the respirator seal is being challenged by the smoke. Each shall be performed for one minute.

i. Normal breathing.

ii. Deep breathing. Be certain breaths are *deep* and *regular*.

iii. Turning head from side-to-side. Be certain movement is complete. Alert the test subject not to bump the respirator on the shoulders. Have test subject inhale when his head is at either side.

iv. Nodding head up-and-down. Be certain motions are complete. Alert the test subject not to bump the respirator on the chest. Have the test subject inhale when his head is in the fully up position.

v. Talking—slowly and distinctly, count backwards from 100.

vi. Normal breathing.

11. If the irritant smoke produces an involuntary reaction (cough) by the test subject, the test conductor shall stop the test. In this case the tested respirator is rejected and another respirator shall be selected.

12. Each test subject passing the smoke test without evidence of a response shall be given a sensitivity check of the smoke from the same tube to determine whether he reacts to the smoke. Failure to evoke a response shall void the fit test.

13. Steps B4, B9, B10 of this protocol shall be performed in a location with exhaust ventilation sufficient to prevent general contamination of the testing area by the test agents (IAA, irritant smoke).

14. Respirators successfully tested by the protocol may be used in contaminated atmospheres up to ten times the PEL. In other words this protocol may be used to assign protection factors not exceeding ten.

This document was prepared under the direction of Thorne G. Auchter, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Ave. NW., Washington, D.C. 20210.

(Sec. 6. Pub. L. 91–596, 84 Stat. 1593 (29 U.S.C. 655), 29 CFR 1911: 41 U.S.C. 35, 38; Secretary of Labor's Order No. 8–76 (41 FR 25059))

Signed at Washington, D.C. this 8th day of November 1982.

**Thorne G. Auchter,**

*Assistant Secretary of Labor.*

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## DEPARTMENT OF TRANSPORTATION

### Saint Lawrence Seaway Development Corporation

### 33 CFR Part 401

### Seaway Regulations; Miscellaneous Amendments

**AGENCY:** Saint Lawrence Seaway Development Corporation, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Saint Lawrence Seaway Development Corporation and its counterpart agency, the St. Lawrence Seaway Authority of Canada, have completed their periodic review of joint Seaway Regulations and have agreed that several sections are in need of revision. The Seaway Corporation therefore proposes to amend 33 CFR Part 401—Subpart A in order (1) to insure its consistency with actual operating procedures, (2) to clarify several existing regulations, and (3) to complete the conversion of certain measurements to the metric system.

**EFFECTIVE DATE:** November 12, 1982.

**FOR FURTHER INFORMATION CONTACT:**
Frederick A. Bush, General Counsel, (315) 764–3245.

**SUPPLEMENTARY INFORMATION:**

**Background**

On April 29, 1982, the Seaway Corporation published in the **Federal Register** (47 FR 18375) proposed amendments to the Seaway Regulations which had been developed jointly with the Canadian Seaway Authority for the reasons set forth in the summary.

No comments were submitted in response to the notice of proposed rulemaking.

Since publication of the notice of proposed rulemaking the Seaway Corporation and the Canadian Seaway Authority have had further negotiations concerning the proposed amendments and have agreed to make a few minor technical and editorial changes, none of which affected the substance of the amendments, together with a revision of §§ 401.96 and 401.97 to bring the Seaway Regulations into conformity with the present closing procedures.

In 1977, the Saint Lawrence Seaway Development Corporation converted to the metric system of measurement, but at that time retained the English measurements during the transition period. As a final step in the metric conversion, all references to English measurements have been eliminated in the 1982 Seaway Regulations. However, in a number of cases, the measurements have been further refined in order to promote simplicity of administration without imposing additional costs upon the Seaway user. Various minor editorial changes have also been made.

**List of Subjects in 33 CFR Part 401**

Hazardous materials transportation, Navigation (water), Penalties, Radio, Reporting and recordkeeping requirments, Vessels, Waterways.

The Table of Contents has been amended to reflect changes in various sections.

In §§ 401.3, 401.4, 401.6, 401.8, 401.9, 401.10, 401.12, 401.13, 401.14, 401.15, 401.22, 401.28, 401.29, 401.31, 401.42, 401.48, 401.51, 401.65, 401.68, 401.69, 401.74, 401.82, 401.84 and Schedule II, all measurements will be stated in metric only. In addition to these changes, the following changes have been made:

In § 401.6 (c), the phrase "Effective April 1, 1981" has been dropped since the regulation is already in effect.

In § 401.12, a new paragraph (a)(5) has been added because breakage of mooring wires is a common problem, and the requirement for each vessel to have a minimum of two spare mooring wires available will assist in safe and expeditious operations.

The heading of § 401.17 has been changed from "Pitch indicators" to "Pitch indicators and alarms". A new paragraph (b) will be added noting that effective April 1, 1984, visable and audible pitch alarms in the wheelhouse and engine room will be required. The indicator and alarm will alert the master of wrong pitch so that immediate action can be taken to prevent a serious accident in a lock.

Section 401.20 has been deleted and reserved since oily water extractors do not exist, and discharges are adequately covered in § 401.59.

In § 401.26, (b)(1) and (b)(2) have been revised to indicate the correct financial security for the payment of Seaway tolls as a result of an increase in the Tariff of Tolls.

Section 401.35 has been deleted and reserved since this material is covered in §401.3 and § 401.33.

In § 401.37, a reference to Eisenhower and Snell Locks has been dropped so that crew members will be aware this regulation applies at all tie-up walls.

In § 401.39, paragraph (a) has a new phrase added to it which makes the procedure of drawing mooring lines off the winch drums a safer procedure.

In § 401.40, paragraph (b) has been reworded and a new paragraph (c) added. This will result in a ban on the use of vessel thrusters when passing a lock gate and thereby prevent damage to lock gates and vessels.

In § 401.42, paragraph (a)(1) has a new phrase added to it which will provide for the use of a bowline knot, and will make this section compatible with § 401.42 (a)(2) which also specifies the required knot.

The present § 401.45 has been reworded to designate the persons responsible for signaling in the Canadian Locks and in Eisenhower and Snell Locks in case of an emergency. This will correct a safety problem at the Canadian Locks.

In § 401.47, a new paragraph (c) has been added. This will ban the use of vessel thrusters when passing a lock gate, and will prevent damage to lock gates.

In the Table of § 401.48, 2. (c), reference to "Bridge 12" has been deleted since the Bridge no longer exists, and the correct area is designated.

In § 401.64, paragraph (c) has been reworded to clarify calling in procedures. Paragraph (g) has also been reworded because it was redundant.

In § 401.68, paragraph (c) has been reworded, deleting the titles of persons at the Saint Lawrence Seaway Development Corporation and the St. Lawrence Seaway Authority, so that should titles change, it will be unnecessary to revise the Seaway Regulations.

In § 401.69, a new paragraph (c)(10) has been added which incorporates direct reduced iron (DRI) in the hazardous cargo category of vessels.

A new § 401.77, Pleasure Craft Tolls, has been added to reflect the fact that tolls shall be paid by pleasure craft in Canadian or American funds for the transit of each Seaway lock. This section was previously reserved.

In § 401.80, paragraphs (a) and (b) have been reworded in order to add IMCO classification as an item to be reported. In addition to this, in paragraph (b), the master who takes on explosive or hazardous cargo, while in the Seaway System, must report that fact prior to commencing transit from a port, dock or wharf. This is a safety requirement.

In § 401.88 (c)(2), a typographical error has been corrected.

In § 401.96, the former definitions have been reworded. In addition, a definition for "wintering vessel" has been added.

In § 401.97, the opening paragraph has been deleted.

In § 401.97, paragraph (a) has been amended. This section provides that a wintering vessel wishing to return downbound through the Montreal-Lake Ontario Section of the Seaway in the same navigation season in which it entered the Seaway must have authorization from the Corporation and the Authority.

In § 401.97, paragraph (b) has been amended to stipulate conditions a vessel must meet in order to transit the Montreal-Lake Ontario Section of the Seaway during the closing period.

In § 401.97, paragraph (c) has been amended to define the calling in point.

In § 401.97, paragraph (d) has been amended to provide that vessels wishing to transit the Montreal-Lake Ontario Section of the Seaway after the period of 96 hours referred to in paragraph (b)(2) will not be allowed to do so unless the transit is authorized by the Corporation and the Authority.

In § 401.97, paragraph (e) has been amended to outline the conditions vessels must comply with if entering or departing the Montreal-Lake Ontario Section of the Seaway, upbound or downbound from any port, dock, wharf or anchorage.

In § 401.97, paragraph (f) has been amended to state the requirements vessels must meet when ice conditions

restrict navigation during the closing period.

In § 401.97, paragraph (g) has been deleted.

In Schedule I, paragraph (d)(4) has been revised to correct an error.

In Schedule II, Table of Speeds, several editorial changes have been made due to the renumbering of navigational aids, and all references to mph will be dropped in the speed limit table.

In Schedule III, Calling-In-Table, a number of changes in vessel reporting procedures for dangerous goods and procedures for Great Lakes Pilotage Authority relating to inland vessels have been made in order to make the information consistent with operating procedures now in effect.

This proposed regulation involves a foreign affairs function of the United States; therefore Executive Order 12291 does not apply to this rulemaking. The Saint Lawrence Seaway Development Corporation certifies that, for the purpose of the Regulatory Flexibility Act (Pub. L. 96-354), this proposed rule will not have a significant impact on a substantial number of small entities. The Seaway Regulations relate to the activities of commercial users of the Seaway, the vast majority of whom are foreign vessel operators, and therefore any resulting costs will be borne primarily by foreign vessels. On the other hand, the economic benefits derived from a safe and efficiently operated St. Lawrence Seaway are considerable. Finally, the Corporation has determined that this rulemaking is not a major Federal action affecting the quality of the human environment under the National Environmental Policy Act, and therefore an environmental impact statement is not required.

For the stated reasons, Seaway Regulations are amended as follows:

1. The table of contents to the Seaway Regulations is amended by revising the section headings of §§ 401.17, 401.20, 401.35 and 401.77.

## PART 401—SEAWAY REGULATIONS AND RULES

### Subpart A—Regulations

Sec.

* * * * *

401.17 Pitch indicators and alarms.

* * * * *

401.20 [Reserved].

* * * * *

401.35 [Reserved].

* * * * *

401.77 Pleasure craft tolls.

* * * * *

2. Section 401.3 is amended by revising paragraphs (a) and (b) and paragraph (d)(1) to read as follows:

**§ 401.3 Maximum vessel dimensions.**

(a) No vessel of more than 222.5 m in overall length or 23.16 m in extreme breadth, shall transit.

(b) No vessel shall transit if any part of the vessel or anything on the vessel extends more than 35.5 m above water level.

* * * * *

(d) * * *

(1) A vessel having a beam width less than 23.16 m and having dimensions exceeding the limits of the block diagram illustrated in Appendix I shall not transit a lock except in accordance with a permit to transit issued by the Authority.

3. Section 401.4 is revised to read as follows:

**§ 401.4 Maximum length and weight.**

No vessel of less than 6 m in overall length or 900 kg in weight shall transit.

4. Section 401.6 is revised to read as follows:

**§ 401.6 Markings.**

(a) Vessels of more than 19.8 m in overall length shall be correctly and distinctly marked and equipped with draft markings on both sides at the bow and stern.

(b) In addition to the markings required by paragraph (a) of this section, vessels of more than 107 m in overall length shall be marked on both sides with midship draft markings.

(c) Where a vessel's bulbous bow extends forward beyond her stem head, a symbol of a bulbous bow shall be marked above the 79.2 dm mark in addition to a "+" symbol followed by a number indicating the total length in meters by which the bulbous bow projects beyond the stem.

5. Section 401.8 is revised to read as follows:

**§ 401.8 Landing booms.**

Vessels of more than 50 m in overall length shall be equipped with at least one adequate landing boom on each side.

6. Section 401.9 is amended by revising paragraph (a) and (b)(1) to read as follows:

**§ 401.9 Radiotelephone equipment.**

(a) Self-propelled vessels, other than pleasure craft of less than 19.8 m shall be equipped with VHF (very high frequency) radio-telephone equipment.

(b) The radio transmitters on a vessel shall:

(1) Have sufficient power output to enable the vessel to communicate with Seaway stations from a distance of 48 km; and

* * * * *

7. Paragraph (a)(2) of § 401.10 and the table in paragraph (c) of § 401.10 are revised to read as follows:

**§ 401.10 Mooring lines.**

(a) * * *

(2) Be fitted with a spliced eye not less than 2.4 m long;

* * * * *

(c) * * *

| Ship's overall length | Length of mooring line | Breaking strength |
|---|---|---|
| 40 m to 60 m | 110 m | 89 kN. |
| 61 m to 90 m | 110 m | 134 kN. |
| 91 m to 120 m | 110 m | 178 kN. |
| 121 m to 180 m | 110 m | 250 kN. |
| 181 m to 222.5 m | 110 m | 300 kN. |

8. In § 401.12, paragraphs (a)(1), (a)(2), (a)(3), and (a)(4) introductory text, paragraph (b) and the table are revised, and paragraph (a)(5) is added to read as follows:

**§ 401.12 Minimum requirements—mooring lines and fairleads.**

(a) * * *

(1) Vessels of 40 m or less in overall length shall have at least two mooring lines or hawsers that may be led through closed chocks and be hand held, one of which shall lead from the break of the bow and the other shall lead from the quarter.

(2) Vessels of more than 40 m but not more than 60 m in overall length shall have four mooring lines, two of which shall be power operated by winches, capstans or windlasses and shall be led through a type of fairlead acceptable to the Corporation and the Authority, of which two mooring lines.

* * * * *

(3) The other two mooring lines required on vessels of more than 40 m but not more than 60 m may be led through closed chocks and may be hand held;

(4) Vessels of more than 60 m in overall length shall have four mooring lines, two of which shall lead from the break of the bow and two of which shall lead from the quarter, and

* * * * *

(5) Every vessel shall have a minimum of two spare mooring wires available and ready for immediate use.

(b) The following table sets out the requirements for the location of

fairleads for vessels of 60 m or more in overall length:

TABLE

| Overall length of vessels | For mooring lines Nos. 1 and 2 | For mooring lines Nos. 3 and 4 |
|---|---|---|
| 60 m to 90 m | Between 10 m and 25 m from the stem. | Between 10 m and 25 m from the stem. |
| 90 m to 120 m | Between 12 m and 30 m from the stem. | Between 15 m and 35 m from the stem. |
| 120 m to 150 m. | Between 12 m and 35 m from the stem. | Between 15 m and 40 m from the stem. |
| 150 m to 180 m. | Between 15 m and 40 m from the stem. | Between 20 m and 45 m from the stem. |
| 180 m to 222.5 m. | Between 20 m and 50 m from the stem. | Between 20 m and 50 m from the stem. |

9. Section 401.13 is amended by revising paragraph (b) to read as follows:

**§ 401.13 Hand lines.**

* * * * *

(b) Have a minimum diameter of 12.7 mm and a minimum length of 30 m.

10. Section 401.14 is revised to read as follows:

**§ 401.14 Anchor marking buoys.**

An orange colored anchor marking buoy of a type approved by the Corporation and the Authority, fitted with 22 m of suitable line, shall be secured directly to each anchor so that the buoy will mark the location of the anchor when the anchor is dropped.

11. Section 401.15 is revised to read as follows:

**§ 401.15 Stern anchors.**

Every vessel of more than 110 m, the keel of which is laid after January 1st, 1975, shall be equipped with a stern anchor.

12. Section 401.17 is revised to read as follows:

**§ 401.17 Pitch indicators and alarms.**

Every vessel of 1600 gross registered tons or more equipped with a variable pitch propeller shall be equipped with

(a) A pitch indicator in the wheelhouse and the engine room; and

(b) Effective April 1, 1984, visible and audible pitch alarms in the wheelhouse and engine room to indicate wrong pitch.

13. Section 401.20 will be removed and reserved.

**§ 401.20 [Reserved].**

14. Paragraphs (a) and (b) introductory text of § 401.22 is revised to read as follows:

**§ 401.22 Preclearance of vessels.**

(a) No vessel, other than a pleasure craft of 317.5 tonnes or less in weight shall transit until an application for preclearance has been made, pursuant to § 401.24, to the Corporation or the Authority by the vessel's representative and the application has been approved by the Corporation or the Authority pursuant to § 401.25.

(b) No vessel shall transit while its preclearance is suspended or has terminated by reason of

* * * * *

15. In § 401.26, paragraphs (b)(1), (b)(2) and (c)(2) are revised to read as follows:

**§ 401.26 Security for tolls.**

* * * * *

(b) * * *

(1) On the Seaway between Montreal and Lake Ontario, at $1.75 per ton for transit each way or at $3.50 per ton for a round trip;

(2) On the Welland Canal, at $1.40 per ton for transit each way or at $2.75 per ton for a round trip;

* * * * * *

(c) * * *

(2) Have the same representative, the security for the tolls may be provided in an amount estimated by the representative to be equal to $2.55 per ton for the aggregate maximum tonnage of the vessels within the Seaway at any one time and shall be maintained in an amount sufficient to cover each transit for which tolls have been incurred and are unpaid.

* * * * *

16. Section 401.28 is amended by revising paragraph (a) to read as follows:

**§ 401.28 Speed limits.**

(a) The maximum speed over the bottom for a vessel of more than 12 m in overall length shall be regulated so as not to adversely affect other vessels or shore property, and in no event shall such a vessel proceeding in an area between the place set out in Column I of an item of Schedule II and the place set out in Column II of that item exceed the speed set out in Column III or Column IV of that item, whichever is designated by the Corporation and the Authority from time to time as being appropriate to existing water levels.

* * * * *

17. In § 401.29, footnote [1] of paragraph (a), and paragraph (b) are revised to read as follows:

**§ 401.29 Maximum draft.**

* * * * *

(b) The draft of a vessel shall not, in any case, exceed 79.2 dm or the maximum permissible draft designated by the Corporation or the Authority for the part of the Seaway in which a vessel is passing.

[1] The main channels between the Port of Montreal and Lake Erie have a controlling depth of 8.23 m.

18. In § 401.31, paragraph (c)(2) is revised to read as follows:

**§ 401.31 Meeting and passing.**

* * * * *

(c) * * *

(2) Within 600 m of a canal or lock entrance;

* * * * *

19. Section 401.35 is removed and reserved.

**§ 401.35 [Reserved].**

20. Section 401.37(b) is revised to read as follows:

**§ 401.37 Mooring at tie-up walls.**

* * * * *

(b) Crew members being put ashore on landing booms and handling mooring lines on tie-up walls shall wear life jackets.

21. Section 401.39(a) is revised to read as follows:

**§ 401.39 Preparing mooring lines for passing through.**

* * * * *

(a) Unless winches can pay out at a minimum speed of 46 m per minute, sufficient lengths of mooring lines to reach the mooring posts on the lock walls shall be drawn off the winch drums and laid out on the deck; and

* * * * *

22. Section 401.40 is amended by revising paragraph (b) and adding a new paragraph (c) to read as follows:

**§ 401.40 Entering a lock.**

* * * * *

(b) Every vessel proceeding into a lock shall be positioned and moored as directed by the officer in charge of the mooring operation.

(c) Thrusters shall not be used when passing a lock gate.

23. In § 401.42, paragraphs (a)(1) and (a)(2) are revised to read as follows:

**§ 401.42 Passing hand lines.**

(a) * * *

(1) A downbound vessel shall use its own hand lines, secured to the eye at the end of the mooring lines, by means of a bowline, which hand lines shall be passed to the linesmen at the lock as soon as the vessel passes the open gates;

(2) Hand lines shall be passed to upbound vessels by the linesmen as soon as the vessel passes the open gates, and secured, by means of a clove

hitch, to the mooring lines 60 cm behind the splice of the eye; and

* * * * *

24. Section 401.45 is revised to read as follows:

**§ 401.45 Emergency procedure.**

When a vessel entering a lock chamber has to be checked in an emergency, a signal consisting of five blasts on a horn shall be given,

(a) In Canadian locks by the master and,

(b) In Eisenhower and Snell Locks by the master or the officer in charge of the mooring operation,

and all mooring lines shall be put out as quickly as possible.

25. Section 401.47 is amended by adding a new paragraph (c) as follows:

**§ 401.47 Leaving a lock.**

* * * * *

(c) Thrusters shall not be used when passing a lock gate.

26. In the table to § 401.48, items 2.(a), (b), (c), (d) are revised and (e) is amended to read as follows:

**§ 401.48 Turning basins.**

* * * * *

2. * * *

(a) Turning Basin No. 1—Opposite St. Catharines Wharf for vessels up to 107 m.

(b) Turning Basin No. 2—Between Lock 7 and Guard Gate for vessels up to 180 m.

(c) Turning Basin No. 3—Immediately south of Port Robinson (Mile 13).

(d) Turning Basin No. 4—North of Lock No. 8 for vessels up to 170 m.

(e) For vessels up to 80 m:

* * * * *

27. Section 401.51 is revised to read as follows:

**§ 401.51 Signalling approach to a bridge.**

Unless a vessel's approach has been recognized by a flashing signal, the master shall signal the vessel's presence to the bridgemaster by VHF radio when it comes abreast of any of the bridge whistle signs, which signs shall be placed at distances varying between 670 m and 1500 m upstream and downstream from movable bridges at sites other than lock sites.

28. In § 401.64, paragraphs (c) and (g) are revised to read as follows:

**§ 401.64 Calling in.**

* * * * *

(c) A downbound vessel in St. Lambert Lock shall switch to channel 10 (156.5 MHz) for a traffic report from Montreal Vessel Traffic Management Center.

* * * * *

(g) In the event of an expected meeting of vessels between the downstream end of the lower approach wall and C.I.P. 2, the downbound vessel shall remain on channel 14 (156.7 MHz) until the meeting has been completed.

* * * * *

29. Section 401.65(a)(1) is revised to read as follows:

**§ 401.65 Communication—ports, docks and anchorages.**

(a) * * *

(1) Toronto and Hamilton—.87 of a nautical mile outside of harbor limits; and

* * * * *

30. In § 401.68, paragraphs (a) (1), (2), (3), (4) and (c) are revised to read as follows:

**§ 401.68 Explosives permit.**

(a) * * *

(1) For all vessels carrying any quantity of explosives with a mass explosive risk, up to a maximum of 2 tonnes (IMCO Class 1, Division 1.1);

(2) For all vessels carrying more than 10 tonnes and up to a maximum of 50 tonnes of explosives that do not explode en masse (IMCO Class 1, Division 1.2);

(3) For all vessels carrying more than 100 tonnes and up to a maximum of 500 tonnes of explosives having a fire hazard without explosive effect (IMCO Class 1, Division 1.3); and

(4) For all vessels carrying more than 100 tonnes and up to a maximum of 500 tonnes of safety explosives and shop goods (IMCO Class 1, Divisions 1.4 and 1.5).

* * * * *

(c) A written application for a Seaway Explosives Permit showing that the cargo is packed, marked, labelled, described, certified, stowed and otherwise conforms with all relevant regulations of the country in which it was loaded and of Canada and the United States may be made to the Saint Lawrence Seaway Development Corporation, P.O. Box 520, Massena, New York 13662 or to the St. Lawrence Seaway Authority, 202 Pitt Street, Cornwall, Ontario, K6J 3P7.

* * * * *

31. In § 401.69, paragraphs (c) (1), (2), (3), (4) and (7) are revised, and a new paragraph (c)(10) is added.

**§401.69 Hazardous cargo vessels.**

* * * * *

(c) * * *

(1) In excess of 50 tonnes of gases, compressed, liquified or dissolved under pressure (IMCO Class 2),

(2) In excess of 50 tonnes of flammable liquids having a flashpoint below 61°C (IMCO Class 3),

(3) In excess of 50 tonnes of flammable solids, spontaneously combustible material or substances emitting combustible gases when wet (IMCO Class 4),

(4) In excess of 50 tonnes of oxidizing substances or organic peroxides (IMCO Class 5),

* * * * *

(7) In excess of 50 tonnes of corrosive substances (IMCO Class 8),

* * * * *

(10) Any quantity of direct reduced iron (DRI).

32. In § 401.74, paragraph (a) is revised to read as follows:

**§401.74 Transit declaration.**

(a) The Seaway Transit Declaration Form (Cargo and Passenger), which may be obtained from the Corporation, Massena, New York, or from the Authority, Cornwall, Ontario, shall be forwarded to the Corporation or the Authority by the representative of every vessel, other than a pleasure craft of not more than 317.5 tonnes, within fourteen days after the vessel first enters the Seaway on any upbound or downbound voyage.

* * * * *

33. Section 401.77 which was formerly reserved is added to read as follows:

**§401.77 Pleasure craft tolls.**

Tolls, in accordance with the St. Lawrence Seaway Tariff of Tolls, shall be paid by pleasure craft in Canadian or American funds for the transit of each Seaway lock.

34. In § 401.80, paragraphs (a) and (b) are revised to read as follows:

**§401.80 Reporting dangerous cargo.**

(a) The master of any explosive vessel or hazardous cargo vessel shall report to a Seaway station, the nature, quantity and IMCO classification of the dangerous cargo and where it is stowed on the vessel.

(b) The master of any vessel, that takes on explosive or hazardous cargo while in the Seaway shall report to the nearest Seaway station at least four hours prior to commencing transit from a port, dock or wharf, the nature, quantity and IMCO classification of the dangerous cargo and where it is stowed on the vessel.

35. Section 401.82 is revised to read as follows:

**§401.82 Reporting mast height.**

A vessel, any part of which extends more than 33.5 m above water level shall not transit any part of the Seaway until precise information concerning the height of the vessel has been furnished to the Seaway station.

36. In § 401.84, paragraph (g) is revised to read as follows:

**§ 401.84 Reporting of impairment or other hazard by vessels transiting within the seaway.**

* * * * *

(g) Any location where visibility is less than one nautical mile.

37. Paragraph (c)(2) of § 401.88 is revised to read as follows:

**§ 401.88 Power of sale for toll arrears.**

* * * * *

(c) * * *

(2) The fine or penalty imposed on conviction, shall be deducted from the proceeds of a sale pursuant to paragraph (b) of this section, and the balance shall be paid to the owner of the vessel or cargo or the mortgagee thereof, as the case may be.

38. In § 401.96, paragraphs (a), (b), (c) and (d) are revised and a new paragraph (e) is added to read as follows:

**Navigation Closing Procedures**

**§ 401.96 Definitions.**

In § 410.97:

(a) "Clearance date" means the date designated in each year by the Corporation and the Authority as the date by which vessels must report at the applicable calling in point referred to in § 401.97(c) for final transit of the Montreal-Lake Ontario Section of the Seaway;

(b) "Closing date" means the date designated in each year by the Corporation and the Authority as the date on which the Seaway is closed to vessels at the end of the navigation season;

(c) "Closing period" means the period that commences on the date designated in each year by the Corporation and the Authority as the date on which the closing procedures in § 401.97 apply and that ends on the closing date;

(d) "Montreal-Lake Ontario Section of the Seaway" means the portion of the Seaway between the Port of Montreal and mid-Lake Ontario;

(e) "Wintering vessel" means a vessel that enters the Seaway upbound after a date designated each year by the Corporation and the Authority and transits above Port Colborne.

39. Section 401.97 is revised to read as follows:

**§ 401.97 Closing procedures.**

(a) No wintering vessel shall return downbound through the Montreal-Lake Ontario Section of the Seaway in the same navigation season in which it entered the Seaway unless the transit is authorized by the Corporation and the Authority.

(b) No vessel shall transit the Montreal-Lake Ontario Section of the Seaway during the closing period in a navigation season unless

(1) It reports at the applicable calling in point referred to in paragraph (c) of this section on or before the clearance date in that navigation season; or

(2) It reports at the applicable calling in point referred to in paragraph (c) of this section within a period of 96 hours after the clearance date in that navigation season, has furnished the applicable operational surcharge pursuant to the St. Lawrence Seaway Tariff of Tolls and the transit is authorized by the Corporation and the Authority.

(c) For the purposes of paragraph (b) of this section, the calling in point is,

(1) In the case of an upbound vessel, Cape St. Michel; and

(2) In the case of a downbound vessel, Cape Vincent.

(d) No vessel shall transit the Montreal-Lake Ontario Section of the Seaway after the period of 96 hours referred to in paragraph (b)(2) of this section unless the transit is authorized by the Corporation and the Authority.

(e) Every vessel that, during a closing period, enters the Montreal-Lake Ontario Section of the Seaway, upbound or downbound, or departs upbound from any port, dock, wharf or anchorage in that Section shall,

(1) At the same time of such entry or departure, report to the nearest Seaway station the furthermost destination of the vessel's voyage and any intermediate destinations within that Section; and

(2) At the time of any change in those destinations, report such changes to the nearest Seaway station.

(f) Where ice conditions restrict navigation during a closing period,

(1) No upbound vessel that has a power to length ratio of less than 24:1 (kW/meter) and a forward draft of less than 50 dm, and

(2) No downbound vessel that has a power to length ratio of less than 15:1 (kW/meter) and a forward draft of less than 25 dm shall transit between the St. Lambert Lock and the Iroquois Lock of the Montreal-Lake Ontario Section of the Seaway.

40. In Schedule I, item (d)(4) is revised to read as follows:

SCHEDULE I.—VESSELS TRANSITING U.S. WATERS

* * * * *

(d) * * *

(4) For each vessel that is fitted with a controllable pitch propeller, a table of control settings for a representative range of speeds;

* * * * *

41. Schedule II, "Table of Speeds", is revised to read as follows:

SCHEDULE II.—TABLE OF SPEEDS [1]

| From— | To— | Maximum speed over the bottom, knots | |
|---|---|---|---|
| | | Col. III | Col. IV |
| 1. Upper Entrance South Shore Canal | Lake St. Louis Buoy A13 | 10.5 | 10.5. |
| 2. Lake St. Louis Buoy A13 | Lower Entrance Lower Beauharnois Lock | 16 | 16. |
| 3. Upper Entrance Upper Beauharnois Lock | Lake St. Francis Buoy D3 | 9 upb; 10.5 dnb | 9 upb; 10.5 dnb. |
| 4. Lake St. Francis Buoy D3 | Lake St. Francis Buoy D49 | 16 | 16. |
| 5. Lake St. Francis Buoy D49 | Snell Lock | 8.5 upb; 10.5 dnb. | 8 upb; 10.5 dnb. |
| 6. Eisenhower Lock | Richards Point Lt. 55 | 11 | 10.5. |
| 7. Richards Point Lt. 55 | Morrisburg Buoy 84 | 13 | 10.5. |
| 8. Morrisburg Buoy 84 | Ogden Island Buoy 99 | 11 | 10.5. |
| 9. Ogden Island Buoy 99 | Blind Bay ½ mile east of Buoy 162 | 13 | 10.5. |
| 10. Blind Bay ½ mile east of Buoy 162 | Deer Island Lt. 186 | 11 | 10.5. |
| 11. Deer Island Lt. 186 | Bartlett Point Lt. 227 | 8.5 upb; 10.5 dnb. | 8 upb; 10.5 dnb. |
| 12. Bartlett Point Lt. 227 | Tibbetts Point | 13 | 10.5. |
| 13. Junction of Canadian Middle Channel and Main Channel abreast of Ironsides Island. | Open Waters between Wolfe and Howe Islands through the said Middle Channel. | 9.5 | 9.5. |
| 14. Port Robinson | Ramey's Bend through the Welland Bypass | 8 | 8. |
| 15. All other canals | | 6 | 6. |

[1] Maximum speeds at which a vessel may travel in identified areas in both normal and high water conditions are set forth in this schedule. The Corporation and the Authority will, from time to time, designate the set of speed limits which is in effect.

42. Schedule III, "Calling-In-Table", is amended by revising Items 1, 3, 19, 29, 35, 36, 43, 48, 52 and 53 to read as follows:

SCHEDULE III.—CALLING-IN-TABLE

| C.I.P. and checkpoint | Station to call | Message content |
|---|---|---|
| | UPBOUND VESSELS | |
| 1. C.I.P. 2—Entering Sector 1 (order of passing through established): | | |
| (a) Vessels transiting from the Lower St. Lawrence River | Seaway Beauharnois Ch. 14 | 1. Name of Vessel.<br>2. Location.<br>3. Destination.<br>4. Drafts, fore and aft.<br>5. Cargo.<br>6. Manifested dangerous cargo—nature and quantity; IMCO classification; location where dangerous cargo is stowed.<br>7. Pilot requirement—Lake Ontario.<br>8. Confirm pilot requirement—Upper Beauharnois Lock (inland vessels only). |
| (b) Vessels in Montreal Harbor, dock, berth or anchorage: | | |
| (i) Before getting under way | Seaway Beauharnois Ch. 14 | 1. Name of Vessel.<br>2. Location.<br>3. Destination.<br>4. Drafts, fore and aft.<br>5. Cargo.<br>6. Manifested dangerous cargo—nature and quantity; IMCO classification; location where dangerous cargo is stowed.<br>7. Pilot requirement—Lake Ontario.<br>8. Confirm pilot requirement—Upper Beauharnois Lock (inland vessels only). |
| (ii) C.I.P. 2— Entering Sector 1 (order of passing through established). | Seaway Beauharnois Ch. 14 | 1. Name of Vessel.<br>2. Location. |
| • • • | • | • • • |
| 3. Exiting Upper Beauharnois Lock | Seaway Beauharnois Ch. 14 | 1. Name of Vessel.<br>2. Location.<br>3. ETA C.I.P. 7.<br>4. Confirm pilot requirement—Snell Lock (inland vessels only). |
| • • • | • | • • • |
| 19. Mid Lake Ontario—Entering Sector 5 | Seway Newcastle Ch. 11 | 1. Name of Vessel.<br>2. Location.<br>3. Manifested dangerious cargo—nature and quantity; IMCO classification; location where dangerous cargo is stowed. |
| • • • | • | • • • |
| | DOWNBOUND VESSELS | |
| • • • | • | • • • |
| 29. Long Point—Entering Sector 7 | Seaway Long Point Ch. 11 | 1. Name of Vessel.<br>2. Location.<br>3. ETA C.I.P. 16.<br>4. Manifested dangerous cargo—nature and quantity; IMCO classification; location where dangerous cargo is stowed. |
| • • • | • | • • • |
| 35. Mid Lake Ontario—Entering Sector 4 | Seaway Sodûs Ch. 13 | 1. Name of Vessel.<br>2. Location.<br>3. Manifested dangerous cargo—nature and quantity; IMCO classification; location where dangerous cargo is stowed. |
| 36. Sodus Point | Seaway Sodus Ch. 13 | 1. Name of Vessel.<br>2. Location.<br>3. Destination.<br>4. Drafts, fore and aft.<br>5. Cargo.<br>6. Updated ETA Cape Vincent or Lake Ontario Port.<br>7. Confirm river pilot requirement—Cape Vincent.<br>8. Pilot requirement—Snell Lock and/or Upper Beauharnois Lock (inland vessels only). |
| • • • | • | • • • |
| 43. Exiting Iroquois Lock | Seaway Iroquois Ch. 11 | 1. Name of Vessel.<br>2. Location.<br>3. ETA C.I.P. 10.<br>4. Harbor or river pilot requirement—St. Lambert.<br>5. Confirm pilot requirement—Smeil Lock (inland vessels only). |
| • • • | • | • • • |
| 48. Buoy D47 Lake St. Francis | Seaway Eisenhower Ch. 12 | 1. Name of vessel.<br>2. Location.<br>3. Confirm pilot requirement—Upper Beauharnois Lock (inland vesseis only). |
| • • • | • | • • • |
| 52. Exiting Lower Beauharnois Lock | Seaway Beauharnois Ch. 14 | 1. Name of Vessel.<br>2. Location.<br>3. Confirm harbor or river pilot requirmeent—St. Lambert.<br>4. Montreal Harbor Berth number (if applicable). |
| 53. St. Nicholas Island | Seaway Beauharnois Ch. 14 | 1. Name of Vessel.<br>2. Location. |
| • • • | • | • • • |

(68 Stat. 93–96, 33 U.S.C. 981–990, as amended and Secs. 4, 5, 6, 7, 8, 12 and 13 of Sec. 2 of Pub. L. 95–474, 92 Stat. 1471)

Issued at Washington, D.C., on November 4, 1982.

Saint Lawrence Seaway Development Corporation.

**D. W. Oberlin,**

*Administrator.*

[FR Doc. 82–31111 Filed 11–10–82; 8:45 am]

BILLING CODE 4910-61-M

**DEPARTMENT OF THE INTERIOR**

**National Park Service**

**36 CFR Part 50**

## National Capital Parks Regulations; Vietnam Veterans Memorial; Demonstrations

**AGENCY:** National Park Service, Interior.

**ACTION:** Interim rule with request for comments.

**SUMMARY:** The National Park Service is issuing an interim rule to amend its National Capital Parks Regulations in § 50.19 on demonstrations and special events in National Capital Parks to list the "Vietnam Veterans Memorial" as a site where demonstration activities will not be permitted. Official annual Memorial Day and Veterans Day Commerative ceremonies however will be authorized.

**DATES:** This interim rule is effective November 12, 1982, and will remain in effect until revoked, replaced, or modified by a final rulemaking publication. Written comments, suggestions, or objections regarding this interim rule will be accepted until December 13, 1982.

**ADDRESSES:** Written comments should be sent to Manus J. Fish, Jr., Regional Director, National Capital Region, National Park Service, 1100 Ohio Drive, S.W., Washington, D.C. 20242.

**FOR FURTHER INFORMATION CONTACT:** Sandra Alley, Associate Regional Director, Public Affairs, National Capital Region, National Park Service, 1100 Ohio Drive, S.W., Washington, D.C. 20242, telephone (202) 426–6700; Richard G. Robbins, Assistant Solicitor, National Capital Parks, Office of the Solicitor, Department of the Interior, Washington, D.C. 20240, telephone (202) 343–4338.

**SUPPLEMENTARY INFORMATION:** The following persons participated in the writing of this rule: Richard G. Robbins and Patricia S. Bangert, Office of the Solicitor, Department of the Interior.

### Background

The Act of July 1, 1980 (94 Stat. 872) authorized the Vietnam Veterans Memorial Fund, Inc., to establish a memorial in honor and recognition of the men and women of the Armed Forces of the United States who served in the Vietnam War. The legislation specified that the memorial was to be located on National Park Service lands in Constitution Gardens, in West Potomac Park in the District of Columbia.

The Vietnam Veterans Memorial was conceived by its sponsors as a vehicle for all Americans, whether or not they supported the national policy in Vietnam, to express their acknowledgement of the sacrifices of those men and women who served there. It was further intended to be a means whereby the healing and reconciliation of a country divided by the Vietnam War could be promoted. Finally, the memorial was intended to further the psychological readjustment of the veterans of the war, who have received little recognition for their honorable service.

The memorial itself was designed to harmonize with and enhance the existing landscape on which it stands. For that reason, the memorial is comprised of the memorial wall, a sculpture, and a flag and pole, integrated into a two-acre garden design. The memorial was designed to be an inviting, hospitable but, nevertheless, peaceful and reflective location in which to contemplate the courage and sacrifice of the Americans who served in Vietnam.

Because the National Capital Region of the National Park Service has responsibility for regulating the use of this area, the Region now makes effective this interim rule regarding demonstration activity and special events in the area of the memorial.

### Proposed Regulation Changes

The interim rule amends 36 CFR 50.19(a) by adding a new paragraph (a)(10) which defines the term "Vietnam Veterans Memorial." The new definition includes the memorial wall, the sculpture, the flagpole and adjacent acreage into which the structures are integrated. As indicated above, the memorial was intended and designed to encompass not just the structures, but to include the structures in a carefully landscaped setting.

The interim rule also amends 36 CFR 50.19(c)(2) by adding a new (c)(2)(v). This section sets out park areas, other than the White House area, where no permits for demonstrations or special events will be issued. It includes the Jefferson and Lincoln Memorials, the Kennedy Center and the Washington Monument. The interim rule will add the Vietnam Veterans Memorial to this list. As a further aid in understanding the interim rule, a diagram of the location where demonstrations and special events are not permitted appears at the conclusion of this section.

The Department believes that there is a substantial government interest in protecting legitimate park value concerns. After careful consideration, the Department has determined that included in these interests is the maintenance of an atmosphere of calm, tranquility, and reverence in the vicinity of the major memorials, which now includes the Vietnam Veterans Memorial. Maintenance of such an atmosphere will substantially enhance the visitor's park experience and does not place an unreasonable limitation on First Amendment activity, especially in light of the abundance of available nearby and adjacent park areas in which demonstrations and special events may occur.

The Department believes that these considerations are especially relevant to the Vietnam Veterans Memorial. Designed and conceived as a vehicle for reconciliation after a decade of division resulting from the Vietnam war, the Vietnam Veterans Memorial is especially unsuitable as a location for activity. In addition, the memorial was intended to be a location where the visitor could quietly contemplate and acknowledge the thousands of Americans who served in Vietnam in an atmosphere of tranquility and reverence. Demonstration and special event activity on the memorial grounds would preclude thousands of visitors from utilizing the memorial in this intended fashion.

The interim rule would, however, allow official annual Memorial Day and Veterans Day commemorative ceremonies to be held at the Vietnam Veterans Memorial. The Department believes that these ceremonies are consistent with and promote the intended purposes of the memorial, as outlined above. Further, the interim rule is not intended to prohibit ceremonies dedicating the memorial or its component parts.

**Public Participation**

The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the interim rule to the address noted at the beginning of the rulemaking.

**Impact Analysis**

The National Park Service has determined that this document is not a major rule requiring preparation of a Regulatory Impact Analysis under Executive Order 12291. The National Park Service has also determined that the interim rule will not have a significant economic impact on a substantial amount of small entities and, therefore, does not require a small entity flexibility analysis under Pub. L. 96–354. The interim rule merely defines the term "Vietnam Veterans Memorial" and prohibits demonstrations and special events on the memorial grounds, except for official annual Memorial Day and Veterans Day commemorative ceremonies. It will have no substantial impact on any aspect of the economy.

The National Park Service has further determined that this interim rule is not a major Federal action significantly affecting the quality of the human environment.

**List of Subjects in 36 CFR Part 50**

District of Columbia, National Parks, National Capital Parks.

Dated: October 21, 1982.

**S. Craig Potter,**

*Acting Assistant Secretary for Fish and Wildlife and Parks.*

## PART 50—NATIONAL CAPITAL PARKS REGULATIONS

In consideration of the foregoing, § 50.19(a) and (c)(2) of Title 36 of the Code of Federal Regulations are accordingly amended.

1. The authority citation for Part 50 is revised to read as follows:

**Authority:** Sec. 6 of the Act of July 1, 1898 (30 Stat. 571); secs. 1–3 of the Act of August 25, 1916 (39 Stat. 535, as amended); Sec. 16 of the Act of March 3, 1925 (43 Stat. 1126, as amended); Act of March 17, 1948 (62 Stat. 81); Act of August 8, 1953 (67 Stat. 495); Act of July 1, 1980 (94 Stat. 872); 16 U.S.C. 1–3; D.C. Code 8–137 (1981); D.C. Code 40–721 (1981).

2. A new paragraph (a)(10) is added to § 50.19 before the "Note," to read as follows:

(a)* * *

(10) The term "Vietnam Veterans Memorial" means the structures and adjacent areas extending to and bounded by the inner edge of the surrounding paved curvilinear paths and the center line of 21st Street, N.W., extended, known as the Vietnam Veterans Memorial.

3. A new paragraph (v) is added to § 50.19(c)(2) before the "Note," to read as follows:

* * * * *

(c)* * *

(2)* * *

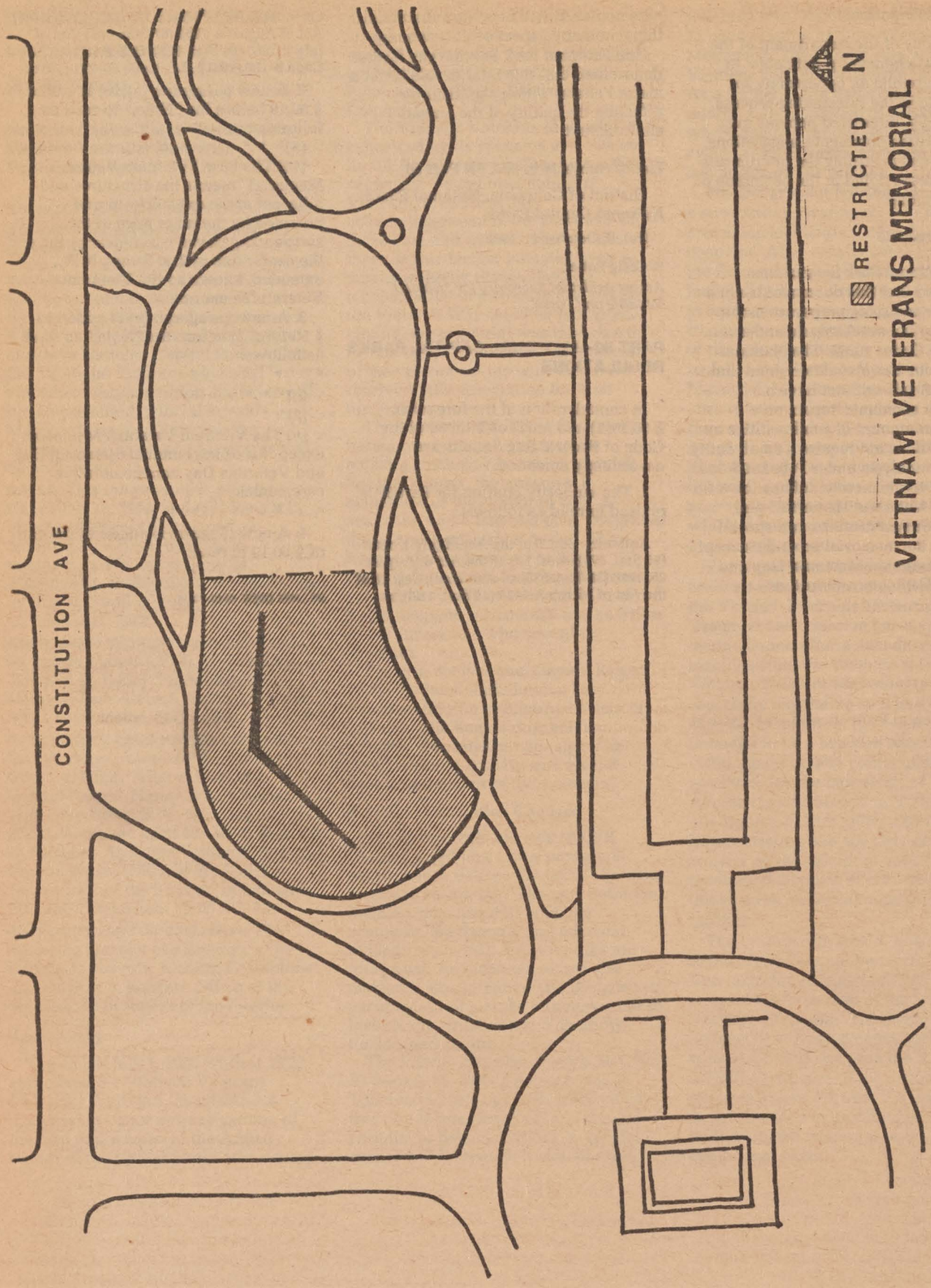
(v) The Vietnam Veterans Memorial, except for official annual Memorial Day and Veterans Day commemorative ceremonies.

* * * * *

4. A new diagram is added to the end of § 50.19 to read:

* * * * *

BILLING CODE 4310-70-M




[FR Doc. 82-30908 Filed 11-10-82; 8:45 am]
BILLING CODE 4310-70-C

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[A-1-FRL 2229-5]

### Approval and Promulgation of Implementation Plans; Connecticut Revision—Sulfur-in-Fuel Regulations

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** EPA is approving a revision to the State Implementation Plan (SIP) for the State of Connecticut which was received on June 2 and July 16, 1982. The revision will allow the Sikorsky Aircraft Division (Stratford, Connecticut) of United Technologies Corporation to use fuel oil containing 1.0 percent sulfur by weight under specific operating conditions during nine months of the year. The intended effect is to promulgate this change as required under Section 110 of the Clean Air Act.

**EFFECTIVE DATE:** November 12, 1982.

**ADDRESSEES:** Copies of the Connecticut document which is incorporated by reference are available for public inspection during normal business hours at the Environmental Protection Agency, Room 2312, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C.; the Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C. and the Connecticut Department of Environmental Protection, Air Compliance Unit, State Office Building, Hartford, Connecticut 06115.

**FOR FURTHER INFORMATION CONTACT:** Sarah Simon, Air Management Division, Room 2312, JFK Federal Building, Boston, Massachusetts 02203, (617) 223-2533.

**SUPPLEMENTARY INFORMATION:** On September 11, 1981 EPA proposed approval (46 FR 45378) of revisions to the Connecticut State Implementation Plan (SIP) proposed by the Connecticut Department of Environmental Protection (DEP). A final 1% sulfur-in-oil revision approval was published in the **Federal Register** for most sources on November 18, 1981 (46 FR 56612), and no action was taken on several others. Our action today supplements our November action by approving the new 1% sulfur-in-oil limit for one source, Sikorsky Aircraft in Stratford, not previously approved. EPA received this SIP revision for this source from the Commissioner of the Connecticut DEP on June 2 and July 16, 1982.

A thorough discussion of the 1% sulfur oil-in-SIP revision, its technical support, EPA's rulemaking procedures, and EPA's reasons for approval were presented in the Notice of Proposed Rulemaking and will not be fully repeated here. Briefly, the original screening analyses did not demonstrate compliance with the National Ambient Air Quality Standards (NAAQS) for sulfur dioxide for 17 sources. Therefore, EPA proposed to approve the revision allowing those sources to use 1.0 % sulfur oil *provided that* the revision submittal was expanded to include further modeling demonstrations or enforcable source operating restrictions that would ensure NAAQS compliance.

Further state review of the Sikorsky facility, using VALLEY modeling with operating conditions imposed, has demonstrated compliance with the NAAQS when burning 1 % sulfur oil. The source will use this 1% sulfur-in-oil variance from March through November, but comply with its existing SIP Limit of 0.5% sulfur oil the rest of the year so that it may use the full existing steam capacity in the winter months when it may be needed. Operating restrictions for the source have been specified in a state order approving the new fuel limitation and are incorporated into the SIP as part of this rulemaking.

After evaluation of the state's submittal, the Administrator has determined that this Connecticut revision meets the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, it is approved as a revision to the Connecticut SIP.

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

The Agency finds that good cause exists for making this action effective immediately since this implementation plan revision is already in effect under state law and EPA approval imposes no additional regulatory burden.

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

### List of Subjects in 40 CFR Part 52

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

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

Dated: November 3, 1982.

**Anne M. Gorsuch,**

*Administrator.*

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

### PART 52—[AMENDED]

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

### Subpart H—Connecticut

1. Section 52.370, paragraph (c) is amended by adding subparagraph (24) as follows:

**§ 52.370 Identification of plan.**

* * * * *

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

* * * * *

(24) Revision for Sikorsky Aircraft Division of United Technologies received from the Commissioner of the Connecticut Department of Environmental Protection on June 2 and July 16, 1982. This provision supersedes a portion of the revisions identified under (c)(18).

2. Section 52.380, paragraph (d) is amended by removing and reserving subparagraph (9)(iii), as follows:

**§ 52.380 Rules and regulations.**

* * * * *

(d) * * *

(9) * * *

* * * * *

(iii) [Reserved]

* * * * *

[FR Doc. 82-30778 Filed 11-10-82; 8:45 am]

BILLING CODE 6560-50-M

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### 40 CFR Part 52

[A-5-FRL 2223-8]

### Approval and Promulgation of Implementation Plans; Indiana

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rulemaking.

**SUMMARY:** On May 10, 1982, the Indiana Air Pollution Control Board submitted revisions to the total suspended particulate (TSP), volatile organic compound (VOC), nitrogen dioxide ($NO_2$) and sulfur dioxide ($SO_2$) portions of its State Implementation Plan (SIP). The revisions are in the form of source specific emission limits contained in

operating permits for the Bunge Corporation, Globe Industries, Skyline Corporation, and Dubois County Farm Bureau Co-op Association, Inc. EPA is approving these source specific emission limits as complying with the requirements of the Clean Air Act. Further information on these revisions is provided below.

**DATE:** This action will be effective January 11, 1983. unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

**ADDRESSES:** Copies of these revisions to the Indiana SIP are available for inspection at: The Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20408.

Copies of the SIP revisions and other materials relating to this rulemaking are available for inspection at the following addresses:

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

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

Indiana Air Pollution Control Division, Indiana State Board of Health, 1330 West Michigan Street, Indianapolis, Indiana 46206.

Comments on this action should be addressed to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, Region V, Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** Toni Lesser, (312) 886-6037.

**SUPPLEMENTARY INFORMATION:** On May 10, 1982, Indiana submitted revisions to its SIP in the form of operating permits for the following four facilities:

1. Bunge Corporation, Clymers
2. Globe Industries, Lowell
3. Skyline Corporation, Elkhart
4. Dubois County Farm Bureau Co-op Association, Huntingburg

The operating permits require that the sources meet both Indiana's general regulations, i.e., 325 IAC Articles 1 through 12, and certain source specific emission limitations. EPA is rulemaking today only on these source specific emission limitations. EPA either has or will in the future rulemake on each general regulation referenced in the permits.

*Bunge Corporation*

On March 12, 1982, the State of Indiana issued to the Bunge Corporation Permit No. 09-02-86-0133. Bunge Corporation is located in Cass County, which is an attainment area for TSP, $SO_2$, and $NO_2$. This permit applies to Bunge Corporation's boilers among other emission points at Bunge.

The boiler emissions for the Bunge Corporation are limited to the levels in Indiana's general regulations and the following:

a. Limit of $6.62 \times 10^6$ gal/yr of a 50/50 mix of #5-500/#2 fuel oil having an average sulfur content of 0.48%.

b. When burning fuel oil, particulate emissions shall be limited to: 0.02 lbs/MMBTU, 1.34 lbs/hr and 5.85 tons/yr.

c. When burning fuel oil, sulfur dioxide emissions shall be limited to: 0.95 lbs/MMBTU, 57.1 lbs/hr and 250 tons/yr.

d. When burning natural gas, nitrogen oxides emissions shall be limited to: 034 lbs/MMBTU, 20.53 lbs/hr and 89.66 tons per year.

e. The 90 MMBTU/HR standby boiler will be limited to 240 hrs of operation burning natural gas and/or a 50/50 mix of #5-500/#2 fuel oil having an average sulfur content of 0.48%.

EPA is approving the source specific emission limits in (a) through (e) above as additions to the SIP for Bunge Corporation. These limitations are essentially status quo.

*Globe Industries, Inc.*

On February 15, 1982, the State of Indiana issued to Globe Industries, Inc. Permit No. 45-12-85-0373. Globe Industries is located in Lake County, which is a nonattainment area for ozone. The operating permit was granted for the company's automotive sound deadening production facilities in Lowell, Indiana. In addition to requiring the source to meet the emission limits in Indiana's general regulations, the permit limits the facility to VOC emissions of 1.39 lbs/hr and 2.67 tons/yr. EPA is approving the VOC source specific emissions.

*Skyline Corporation*

On February 15, 1982, the State of Indiana issued to the Skyline Corporation Permit No. 20-11-85-0604. Skyline Corporation is located in Elkhart County, which is classified as nonattainment for ozone. The permit requires the source to meet the requirement of Indiana's general regulations and a 48 tons/year annual VOC emission limitation. EPA is approving the 48 tons/year VOC cap emission limit for Skyline Corporation. This emission limit is essentially status quo.

*Dubois County Farm Bureau Co-op Assn., Inc.*

On March 10, 1982, the State of Indiana issued to the Dubois County Farm Bureau Co-op, Inc. (DCFBIC) Permit No. 10-11-85-0225. The DCFBCI grain elevator is located in the TSP nonattainment portion of Dubois County and handles approximately 2,150,000 bushels of grain per year. The permit requires the source to meet the requirements of the general regulations and to meet an overall particulate emission limit of 31 tons per year. EPA believes the essentially status quo 31 tons/year particulate emission limit cap meets the requirements of the Clean Air Act and, therefore, is approving it.

*Other Applicable Regulations*

As can be seen, several of these facilites are located in areas designated for the pollutant in question as nonattainment (40 CFR 81.315). Part D of the Clean Air Act requires the State to submit plans for these areas to attain the primary National Ambient Air Quality Standards (NAAQS) by 1982. (Under certain conditions the attainment date for ozone and carbon monoxide nonattainment areas can be extended until no later than 1987.) One of the requirements of Part D is that reasonably available control technology (RACT) must be required in all areas not attaining the NAAQS.

For TSP the State did submit such plans for certain counties, including Dubois where DCFBCI is located. EPA conditionally approved these plans as meeting the Part D requirements, including RACT, on July 16, 1982 (47 FR 30972). These plans only require specific TSP emission limitations for grain elevators of greater than one billion bushel capacity, however, they do require good housekeeping and good maintenance procedures for all elevators. The TSP emission limit which EPA is approving today for DCFBCI is in addition to those Part D RACT requirements EPA approved on July 16, 1982, and therefore, should contribute to the attainment and maintenance of the TSP NAAQS in the Dubois County.

The current status of the Indiana Part D ozone plan is considerably more complex. The State has not submitted a complete Part D VOC SIP for Elkhart County (Skyline Corporation). The State has submitted, but EPA has not yet approved, a Part D SIP for Lake County (Globe Industries).

EPA policy does not require RACT regulations [1] for less than 100 tons/yr

[1] RACT I regulation are applicable to VOC sources for which control technique guidelines

sources for which applicable CTG's have not been published. (46 FR 7182, January 22, 1981) Globe Industries is such a source and, therefore, is not required to have VOC emission limitations to meet the requirements of Part D. Globe Industries remains subject, however, to EPA's approved SIP VOC regulation APC 15, as promulgated by the State in 1972 and approved by EPA on May 14, 1973 (38 FR 12698).

EPA's approval of the VOC emission limitation on Skyline Corporation will place an emission cap on a source where none now exists. EPA's approval today of the source specific emission limits for both Globe Industries and Skyline Corporation will not affect EPA's ultimate action on the VOC plans as a whole for Lake and Elkhart Counties nor does it affect the growth restrictions in these areas required by Section 110(a)(2)(I) of the Clean Air Act.

In summary, EPA is approving source specific emission limitations contained in the operating permits issued to the Bunge Corporation, Globe Industries, Skyline Corporation, and Dubois County Farm Bureau Co-op Assn., Inc. as revisions to the Indiana SIP. EPA believes that the limits incorporated into the permits developed by the State are acceptable because the limits are in addition to those in the SIP and should assist the areas where the sources are located in attaining and maintaining the appropriate national ambient air quality standards. In addition, the emission limits that EPA is approving today are not inconsistent with the required RACT level of control, where applicable. If the State should in the future adopt other emission limits in its operating permits for these sources, it must then submit them to EPA as revisions to the SIP.

Because EPA considers today's action noncontroversial and routine, we are approving it today without prior proposal. The action will become effective on (60 days from the date of this notice). However, if we recieve notice by (30 days from the date of this notice) that someone wishes to submit critical comments, *then* EPA will publish: (1) A notice that withdraws the action, and (2) a notice that begins a new rulemaking by proposing the action and establishing a comment period.

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

(CTG's were published on January 1978. RACT II regulations are applicable to VOC sources for which CTG's were published between January 1978 and January 1979.

Under 5 U.S.C. § 605(b), I certify that SIP approvals do not have a significant economic impact on a substantial number of small entities.

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

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

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

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

(Secs. 110 and 172, Clean Air Act, as amended (42 U.S.C. 7410 and 7502))

Dated: November 3, 1982.

**Anne M. Gorsuch,**

*Administrator.*

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Section 52.770 is amended by adding paragraph (c)(37) to read:

**§ 52.770 Identification of plan.**

(c) * * *

(37) On May 10, 1982, Indiana submitted source specific emission limits contained in operating permits for the Bunge Corporation, Globe Industries, Skyline Corporation, and Dubois County Farm Bureau Co-op Assn., Inc. as revisions to the Indiana SIP.

[FR Doc. 82-31107 Filed 11-10-82; 8:45 am]

BILLING CODE 6560-50-M

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**40 CFR Part 52**

**[A-8-FRL 2235-8]**

## Approval and Promulgation of State Implementation Plans; North Dakota

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rulemaking.

**SUMMARY:** This notice approves several minor revisions to the North Dakota State Implementation Plan (SIP) which were submitted by the Governor on May 6, 1982. A provision is added requiring all flares to meet a 20 percent opacity standard, fees for new sources construction permits are increased from $25.00 to $75.00, and fees are established for obtaining an annual permit to operate which will allow the State to cover the costs of issuing and enforcing the permits. The permit to operate fees range in cost from $100.00 to $1,500.00, depending on the size of the facility.

**DATES:** This action will be effective on January 11, 1983, unless notice is received by December 13, 1982, that someone wishes to submit adverse or critical comments.

**ADDRESSES:** Copies of the revision are available for public inspection between 8 a.m. and 4 p.m., Monday through Friday at the following offices:

Environmental Protection Agency, Region VIII, Air Programs Branch, 1860 Lincoln Street, Denver, Colorado 80295

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

The Office of the Federal Register, 110 L Street NW., Room 8401, Washington, D.C. 20408

**FOR FURTHER INFORMATION CONTACT:** Dale M. Wells, Air Programs Branch, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295, (303) 837-3763.

**SUPPLEMENTARY INFORMATION:** On May 6, 1982, the Governor of North Dakota submitted several minor revisions to the SIP: (1) The addition of a new section, 33-15-03-04, which requires that all flares meet a 20 percent opacity standard. Section 33-15-07 is amended to remove the word "smokeless" when referring to flares (since they are allowed 20 percent opacity), and requirement is added that flares be equipped with automatic ignitors or pilots; (2) the permit fees in Chapter 33-15-14 for construction of new sources are raised from $25.00 to $75.00 to account for rising costs, and fees for an annual permit to operate to cover costs of issuing and enforcing the permit are added.

EPA has determined ~~that~~ these revisions are consistent with the requirements of Section 110 of the Clean Air Act and therefore is approving these revisions.

The public is advised that this action will be effective January 11, 1983. However, if we receive written notice by 30 days from date of publication that someone wishes to submit adverse or

critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw this final action and another will begin a new rulemaking by announcing a proposal of this action and establishing a comment period.

Also submitted on May 6, 1982, were revisions to New Source Performance Standards (NSPS) and Emission Standards for Hazardous Air Pollutants which are not part of the SIP. These revisions pertain only to EPA's delegation of authority to the State to enforce these programs pursuant to Sections 111 and 112 of the Clean Air Act and 40 CFR Parts 60 and 61.

Under section 307(b)(1) of the Clean Air Act, petitions for review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 11, 1983. This action may not be challenged later in proceedings to enforce its requirements (See section 307(b)(2)).

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

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

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

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

Dated: November 3, 1982.

**Anne M. Gorsuch,**

*Administrator.*

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

## PART 52—[AMENDED]

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

### Subpart JJ—North Dakota

In 52.1820, paragraph (a)(12) is added as follows:

**§ 52.1820 Indentification of plan.**

(a) * * *

(12) A revision requiring flares to meet 20% opacity and have automatic ignitors or pilots, increasing construction permit fees to $75.00 and establishing annual permit to operate fees was submitted on May 6, 1982 by the Governor.

[FR Doc. 82-31108 Filed 11-10-82; 8:45 am]

BILLING CODE 6560-50-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

### 43 CFR Ch. II

**[Great Falls 084385]**

### Public Land Order; Montana; Order Providing for Opening of Public Lands

November 2, 1982.

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Opening Order.

**SUMMARY:** This order restores certain lands acquired by the United States under the reverter provisions of an Act of Congress to the operation of the public land laws and makes some of those lands available only for an exchange under the provisions of the Federal Land Policy and Management Act of 1976, to resolve a longstanding title/occupancy problem.

**EFFECTIVE DATE:** December 6, 1982.

**FOR FURTHER INFORMATION CONTACT:** Jack McIntosh, District Manager, Butte District Office, 106 North Parkmont, P.O. Box 3388, Butte, Montana 59702 (406-494-5059)

**SUPPLEMENTARY INFORMATION:**

1. In accordance with the provisions of the Act of March 5, 1931, (46 Stat. 2162), and Patent No. 1055819 dated June 23, 1932, title to the following described lands has reverted to the United States:

**Principal Meridian**

T. 2 S., R. 9 W.,
Sec. 5, Lot 2.

The area described contains 40.15 acres.

2. The lands described in paragraph 1 are in both Beaverhead and Silver Bow Counties near Maiden Rock on the Big Hole River. Lot 2 sits in the foothills of the Pioneer Mountains and is bisected by the river which also denotes the county line. Vegetation consists primarily of sagebrush-grasslands and scattered timber. A portion of the SE¼ of Lot 2 is occupied by mineral material sorting, crushing, and loading equipment and maintenance buildings all owned by the Stauffer Chemical Company. The remainder of the lot is utilized primarily by recreationists in association with the river and as wildlife habitat.

3. At 8 a.m. on December 6, 1982, the lands shall be open to the public land laws generally subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law except for the SE¼ of Lot 2 which, for a period of 2 years is made available only for an exchange with the Stauffer Chemical Company under Section 206 of the Act of October 21, 1976, 43 U.S.C. 1716 (1976).

4. Mineral rights have always been owned by the Government.

**Roland F. Lee,**

*Chief, Branch of Lands and Minerals Operations.*

[FR Doc. 82-31077 Filed 11-10-82; 8:45 am]

BILLING CODE 4310-84-M

## INTERSTATE COMMERCE COMMISSION

### 49 CFR Ch. X

**[Ex Parte No. 55 (Sub-53)]**

### Motor Carrier Consolidation Procedures; General Policy Statement

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Final policy statement.

**SUMMARY:** This final policy statement discusses the criteria to be applied in motor carrier consolidation proceedings before the Commission. The final policy statement rejects the interpretation announced in the proposed policy statment (issued October 19, 1981). The proposed policy statement would have applied the pre-Staggers Act criteria to all motor carrier consolidations. In light of recent Congressional action, the final policy statement states that we will apply: (1) The competition analysis of 49 U.S.C. 11344(d) and the public interest standard of 49 U.S.C. 11344(c) in motor carrier of property consolidations, and (2) the four criteria of 49 U.S.C. 11344(b)(2) and the public interest standard of 49 U.S.C. 11344(c) in motor carrier of passenger consolidations.

**EFFECTIVE DATE:** November 12, 1982.

**FOR FURTHER INFORMATION CONTACT:**

Louis E. Gitomer, (202) 275-7245

or

Karen A. Osterloh, (202) 275-7483.

**SUPPLEMENTARY INFORMATION:** On October 19, 1981, the Commission issued a proposed policy statement discussing the criteria to be considered in motor carrier consolidation proceedings.[1] *See*

[1] Under 49 U.S.C. 11343(a), Commission approval is necessary for any regulated carrier to:

(1) Purchase, lease, or enter into a contract to operate the properties of another carrier;

(2) consolidate or merge with another carrier; or

(3) acquire control of another carrier through stock ownership, management, or otherwise.

*See* 49 U.S.C. 11343(a)(1)-(3). Moreover, under sections 11343(a)(4-5), Commission approval is—under certain circumstances—required even where a noncarrier seeks to acquire control of a carrier.

For ease of reference, we will refer to all these transactions as consolidations.

46 FR 51413, October 20, 1981. In light of recent legislative action, we have decided to reject the interpretation contained in that proposed policy statement.

The statutory criteria applied in rail and motor carrier consolidation proceedings are set out at 49 U.S.C. 11344. Before the passage of the Staggers Rail Act of 1980, Pub. L. No. 96–448 (Staggers Act), the four specific factors to be considered in all consolidation proceedings were contained in 49 U.S.C. 11344(b).[2] Subsection (c) imposed a general public interest standard, authorized us to condition approval of transactions, and listed several other criteria to be applied in specific types of transactions.

Section 228 of the Staggers Act amended section 11344 by limiting the provisions of subsection (b) to transactions involving the merger or control of at least two class I railroads and by codifying a fifth factor that had been considered under case law. Subsection (c) was left unchanged. A new subsection (d) was added governing all transactions not involving control or merger of at least two class I railroads. Subsection (d) mandates approval unless:

(1) As a result of the transaction, there is likely to be a substantial lessening of competition, creation of a monopoly, or restraint of trade in freight surface transportation in any region of the United States, and

(2) The anticompetitive aspects of the transaction outweigh the public interest in meeting significant transportation needs.

Thus, the Staggers Act amendments created two different standards under section 11344, one applicable to merger and control transactions involving two or more class I rail carriers and another applicable to all other consolidation proceedings.

Our proposed policy statement determined that the Staggers Act exclusively affected rail transportation matters and that the conference report explaining the amendments to 49 U.S.C. 11344 did not address motor carrier matters. See H.R. Rep. No. 96–1430, 96th Cong., 2d Sess. at 120. Furthermore, we noted that it was significant that the Motor Carrier Act of 1980, Pub. L. 96–296 (Motor Carrier Act) (comprehensive legislation that modernized motor carrier regulation enacted three months prior to the Staggers Act) did not alter section 11344 criteria, although it amended several other statutory provisions directly affecting motor carrier consolidations. Based on this legislative history, we concluded that the Commission should apply the pre-Staggers Act criteria to all motor carrier consolidation proceedings, pending express Congressional clarification.

Following notice of the propose policy statement and a public comment period [3] Congress enacted the Bus Regulatory Reform Act of 1982 (Pub. L. No. 97–261) (Bus Act). Section 21 of the Bus Act specifically provides (in new 49 U.S.C. 11344(b)(2)) that the criteria to be applied in consolidation proceedings involving motor carriers of passengers are the four criteria found in 49 U.S.C. 11344(b) prior to the Staggers Act, and the public interest standard of 49 U.S.C. 11344(c). Congress expressly excluded passenger consolidation transactions from the provisions of 49 U.S.C. 11344(d). Appendix A contains the relevant sections of amended 49 U.S.C. 11344.

While the Bus Act clarifies the criteria to be applied in motor passenger consolidations, it does not directly address the criteria to be applied in consolidations involving motor carriers of property, although other substantive changes in the law affecting motor carriers of property were enacted in the Bus Act. See sections 19 and 21(b). The legislative history of the Bus Act, however, provides some guidance.

The Bus Act reflects the work of a conference committee assigned to resolve the differences between the Senate and House of Representatives versions of the Act. As pertinent here, the House bill would have subjected *all* motor consolidations to the pre-Staggers Act criteria. The Senate amendment, however: (1) Subjected motor passenger consolidations to the pre-Staggers Act criteria; (2) made no changes to the criteria governing motor property consolidations; and (3) gave the Commission new authority to exempt certain motor property consolidations from review. With a few minor exceptions, Congress adopted the Senate amendments.

The Conference committee report states that the Bus Act was intended to *reinstate* the pre-Staggers Act criteria for *motor passenger consolidations. See* H.R. Rep. No. 97–780, 97th Cong., 2d Sess. at 56. Congress recognized that the Staggers Act altered the criteria applicable to motor carrier consolidations. Congress also declined to act on a specific legislative proposal that would reinstate these criteria for motor property consolidations, while enacting a provision reinstating the criteria for motor passenger consolidations. Congress took this action with full knowledge of the House version of the bill which would have made this change of criteria for motor property transactions. Therefore, we conclude that Congress intended the Staggers Act criteria to govern motor property consolidations.

There is an additional reason to adopt this interpretation. The Motor Carrier Act, Staggers Act, and Bus Act all advanced the broad policy of reducing regulation and encouraging greater reliance on market forces.[4] Since this statement announces our intention to apply a more competitive and less regulatory approach to motor property consolidations, this interpretation conforms with these broad congressional policies.

Accordingly, in motor property consolidations, we shall apply the competition analysis of section 11344(d) and the public interest standards of section 11344(c). In motor passenger consolidations, we shall apply the four criteria in section 11344(b)(2) and the public interest standards of section 11344(c).

This decision will not increase the burdens on regulated carriers or interested members of the public, including small entities. For the foregoing reasons, it is certified that this decision will not have a significant economic impact on a substantial number of small entities.

[2] These four criteria were:

(1) The effect of the proposed transaction on the adequacy of transportation to the public;

(2) The effect on the public interest of including, or failing to include, other rail carriers in the area involved in the proposed transaction;

(3) The total fixed charges that result from the proposed transaction; and

(4) The interest of carrier employees affected by the proposed transaction.

[3] We received comments from five interested parties. The Amalgamated Transit Union and the United Transportation Union supported the proposed policy statement. The American Bus Association, North American Van Lines, Inc., and Southern Railway Company urged the Commission to reject the policy statement.

[4] *See* section 3 of the Motor Carrier Act, sections 2(9) and 3 (2 and 3) of the Staggers Act, sections 2 and 3 of the Bus Act, 49 U.S.C. 10101(a) (2 and 3), and 49 U.S.C. 10101a.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

This action is taken under the authority of 5 U.S.C. 553 and 559, and 49 U.S.C. 10321, 11343, 11344, and 11345(a).

Dated: October 22, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison.

**Agatha L. Mergenovich,**

*Secretary.*

BILLING CODE 7035-01-M

APPENDIX A

As amended, the relevant sections of 49 U.S.C. 11344 provide:

(b)(1) In a proceeding under this section which involves the merger or control of at least two class I railroads, as defined by the Commission, the Commission shall consider at least the following:

(A) the effect of the proposed transaction on the adequacy of transportation to the public.

(B) the effect on the public interest of including, or failing to include, other rail carriers in the area involved in the proposed transaction.

(C) the total fixed charges that result from the proposed transaction.

(D) the interest of carrier employees affected by the proposed transaction.

(E) whether the proposed transaction would have an adverse effect on competition among rail carriers in the affected region.

(2) In a proceeding under this section which involves only carriers of passengers providing transportation subject to the jurisdiction of the Interstate Commerce Commission under subchapter II of chapter 105 of this title, the Commission shall consider at least the following:

(A) the effect of the proposed transaction on the adequacy of transportation to the public.

(B) the effect on the public interest of including, or failing to include, other rail carriers in the area involved in the proposed transaction.

(C) the total fixed charges that result from the proposed transaction.

(D) the interest of carrier employees affected by the proposed transaction.

(c) The Commission shall approve and authorize a transaction under this section when it finds the transaction is consistent with the public interest. The Commission may impose conditions governing the transaction. When the transaction contemplates a guaranty or assumption of payment of dividends or of fixed charges or will result in an increase of total fixed charges, the Commission may approve and authorize the transaction only if it finds that the guaranty, assumption, or increase is consistent with the public interest. When a rail carrier, or a person controlled by or affiliated with a rail carrier, is an applicant and the transaction involves a motor carrier, the Commission may approve and authorize the transaction only if it finds that the transaction is consistent with the public interest, will enable the rail carrier to use motor carrier transportation to public advantage in its operations, and will not unreasonably restrain competition. When a rail carrier is involved in the transaction, the Commission may require inclusion of other rail carriers located in the area involved in the transaction if they apply for inclusion and the Commission finds their inclusion to be consistent with the public interest.

(d) In a proceeding under this section which does not involve the merger or control of at least two class I railroads, as defined by the Commission, the Commission shall approve such an application unless it finds that--

(1) as a result of the transaction, there is likely to be substantial lessening of competition, creation of a monopoly, or restraint of trade in freight surface transportation in any region of the United States; and

(2) the anticompetitive effects of the transaction outweigh the public interest in meeting significant transportation needs.

In making such findings, the Commission shall, with respect to any application that is part of a plan or proposal developed under section 5(a)-(d) of the Department of Transportation Act (49 U.S.C. 1654(a)-(d)), accord substantial weight to any recommendations of the Secretary of Transportation. The provisions of this subsection do not apply to any proceeding under this section which involves only carriers of passengers providing transportation subject to the jurisdiction of the Commission under subchapter II of Chapter 105 of this title.

[FR Doc. 82-30989 Filed 11-10-82; 8:45 am]
BILLING CODE 7035-01-C

## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

### 49 CFR Part 172

**[Docket No. HM-171B; Amdt. Nos. 171-67, 172-75, 176-14, 178-73]**

### Use of United Nations Shipping Descriptions; Correction

**AGENCY:** Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

**ACTION:** Correction of final rule.

**SUMMARY:** This document corrects amendments to the Optical Hazardous Materials Table (Optional Table) which appears in 49 CFR 172.102 that were published in the **Federal Register** on October 7, 1982, FR Doc. 82-27290 (Docket HM-171B, FR 44466). The purpose of this correction is to notify users of the amendments to the Optional Table that all except two entries in the second column that were contained within parentheses should have been italicized and the parentheses removed. In addition, the heading of the columns of the Optional Table are corrected. Since the use of the Optional Table is, as the name implies, an option for international shipments, this rule change correction will not impose an undue burden on persons affected by the regulations.

**EFFECTIVE DATE:** November 4, 1982.

**FOR FURTHER INFORMATION CONTACT:** Edward A. Altemos, Office of Hazardous Materials Regulation, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590 (202) 426-0656.

**SUPPLEMENTARY INFORMATION:** This correction is necessary because descriptive text accompanying many of the proper shipping names in the second column of the October 7, 1982, amendment of the Optional Table were not italicized as intended. Therefore, the parenthetical portion of those entries tends to be confusing. Additionally, some of the column headings for the Optional Table published in that amendment contain abbreviations or incorrect identifications. These are corrected to read as they appear in the current § 172.102 except that Column (3) is changed from "IMCO class" to "IMO class." Action has been taken to assure that the 1982 edition of 49 CFR Parts 100-177 will contain the correct entry for the October 7 changes and additions to the Optional Table, but the **Federal Register** publication must be used until the 1982 edition of the Hazardous Materials Regulations becomes available.

In consideration of the foregoing, the following corrections are made in Docket No. HM-171B appearing in Part II, page 44466 of the **Federal Register** issued on October 7, 1982. (FR Doc. 82-27290).

### PART 172—HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

**§ 172.102 [Corrected]**

1. On pages 44467 through 44471, § 172.102, each entry of descriptive material within parentheses accompanying a proper shipping name in the amendments to the Optional Table is changed to an italicized entry and the parentheses are removed from these entries except "(M.D.I.)" in the entry "Diphenylmethane diisocyanate (M.D.I.)" and "(T.D.I.)" in the entry "Toluene diisocyanate (T.D.I.)."

2. The column headings in the Optional Table are corrected to read as follows:

§ 172.102 OPTIONAL HAZARDOUS MATERIALS TABLE

| (1) | (2) | (3) | (4) | (5) | (6) | (7) Vessel Storage Requirements | | |
|---|---|---|---|---|---|---|---|---|
| Notes and Symbols | Hazardous Materials Description and Proper Shipping Names | IMO class | Identification Number | Label(s) required | Packaging Group | (a) Cargo vessel | (b) Passenger vessel | (c) Other requirements |

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1)

Note.—The Materials Transportation Bureau has determined that this document will not result in a "major rule" under terms of Executive Order 12291 or a significant regulation under DOT's regulatory policy and procedures (44 FR 11034) or require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321, *et seq.*) I certify that this final rule will not have a significant economic impact on a substantial number of small entities. A regulatory evaluation and environmental assessment are available for review in this docket.

Issued in Washington, D.C. on November 4, 1982.

L. D. Santman,

*Director, Materials Transportation Bureau.*

[FR Doc. 82-30895 Filed 11-10-82; 8:45 am]

BILLING CODE 4910-60-M

## INTERSTATE COMMERCE COMMISSION

### 49 CFR Part 1057

**[Ex Parte No. MC-43 (Sub-13)]**

### Lease and Interchange of Vehicles

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Final rules.

**SUMMARY:** The Commission is modifying its lease and interchange regulations, set forth at 49 CFR 1057.12, (a) to require specific performance of lease provisions by carriers, (b) to specify that payment to owner-operators for trip leases be made by the permanent lease carrier, (c) to limit the paperwork which carriers may require as a condition of payment to owner-operators, (d) to require carriers to pay fines for overweight and oversize trailers in certain instances, (e) to require carriers to give prorated refunds for returned base plates, and (f) to require carriers to specify the amount of charge-back items together with a recitation of how the amount is computed, and afford owner-operators copies of those documents necessary to determine the validity of the charge. These modifications are necessary in order to assure continued participation by owner-operators in the surface transportation industry.

**EFFECTIVE DATE:** These rules will be effective on January 11, 1983.

**FOR FURTHER INFORMATION CONTACT:**

Wayne Miller, (202) 275-1763

or

Mary Kelly, (202) 275-7292.

**SUPPLEMENTARY INFORMATION:** By notice of proposed rulemaking published in the **Federal Register** on September 2, 1981,

at 46 FR 44013, this proceeding was instituted to modify the Commission's leasing regulations in Title 49 of the Code of Federal Regulations, Chapter X, Part 1057—Lease and Interchange of Vehicles (49 CFR Part 1057). The notice outlined several proposed modifications of the leasing regulations.

Over 100 carriers, owner-operators, private individuals, Government agencies, and unions responded to the notice, the overwhelming majority being either individual motor carriers or carrier conferences. As we noted in the notice of proposed rulemaking, this proceeding arose out of attempts to solve serious and longstanding problems facing owner-operators. We conclude that these modifications are necessary in order to assure continued participation by owner-operators in the surface transportation industry. Careful consideration has been given to the effect the final rules will have on all segments of the motor carrier industry.

This decision addresses each of the several areas contained in the notice of proposed rulemaking. Any changes, modifications, or corrections to the proposed rules are explained and discussed.

**Discussion of Material Issues**

1. *Performance by carriers of terms of lease.* We will adopt the change to § 1057.12 as set forth in the appendix. The proposed rules also included a change in § 1057.1 to explicitly mention lease performance as an obligation under the regulations. We have concluded, however, that this change would be redundant in light of our new more precise requirements in § 1057.12. Therefore, § 1057.1 will not be altered in this proceeding.

Certain parties filing comments argue that either of these changes exceeds the Commission's jurisdiction, and is an infringement upon private contractual relationships. They contend that a rule requiring specific performance would place this Commission in the position of a bargaining agent for the owner-operators; that the judicial system is available for the resolution of differences between carriers and owner-operators; and that no need has been demonstrated for the creation of a second forum. They argue further that the statute does not delegate to the Commission authority to institute civil actions for breach of contract (lease) between an authorized carrier and an owner-operator. The parties maintain that the Commission's jurisdiction is limited by 49 U.S.C. 11107 to authority to require that arrangements between equipment lessors and authorized carriers be reduced to writing and contain certain provisions.

The Commission derives its authority to regulate leasing practices between carriers and owner-operators from its general rulemaking powers under 49 U.S.C. 10321(a). *Mourning* v. *Family Publication Services,* 411 U.S. 356, 369 (1963); *American Trucking Ass'ns, Inc.* v. *United States,* 344 U.S. 298 (1953). In the *ATA* case, the Supreme Court rejected an argument that, in the absence of express statutory delegation of power, the Commission lacked authority to regulate leasing practices between carriers and owner-operators. The Court emphasized that its "function * * * does not stop with a section-by-section search for the phrase 'regulation of leasing practices' among the literal words of the statutory provisions." 344 U.S. at 309. Rather, the Court looked to the Commission's general regulatory purposes. It concluded that, since the aim of the rules was to prevent conditions which may "frustrate the success of the regulation undertaken by Congress," the Commission's action was within its rulemaking power, which is "coterminous with the scope of agency regulation itself." *Id.* at 310, 311. Nor does 49 U.S.C. 11107, enacted after the *ATA* case, limit the Commission's authority to regulate the relationship between carriers and owner-operators to the terms set out in that section. In *Global Van Lines* v. *I.C.C.,* 627 F.2d 546 (D.C. Cir. 1980), the court found that nothing in the legislative history of 49 U.S.C. 11107 indicated a Congressional intent to restrict the broad power of the Commission recognized in the *ATA* case. Rather, Congress intended to preserve the broad authority of the Commission to regulate motor carriers. If the regulations reasonably relate to the purposes of the Act, they are allowed. *Id.*, 627 F.2d at 551.

The proposed rule is consistent with our general powers under the Act as interpreted in the *ATA* case. Authority for such a rule is premised on the Commission's duty under the National Transportation Policy to promote safe, adequate, economical and efficient transportation, and to encourage fair wages and working conditions in the transportation industry. The evidence underlying this rulemaking has indicated that owner-operators have neither the time nor the monetary resources to take carriers to court for breach of contract, and that the judicial system, therefore, is not a meaningful forum. In addition, to force owner-operators to institute individual litigation against carriers could result in disruptions in transportation services and the perpetuation of unfair wages and working conditions. The proposed rule is aimed at alleviating this problem. Contrary to the assertions of certain parties, the Commission will not institute civil actions for breach of contract on behalf of owner-operators. The Commission will, however, enforce these regulations and prosecute those carriers which violate the regulations.

Nor does this rule represent an unwarranted intrusion into the field of labor relations. In *Local 1976, United Brotherhood of Carpenters and Joiners of America v. NLRB,* 357 U.S. 93, 108–111 (1958), and *Burlington Truck Lines, Inc., v. United States,* 371 U.S. 156 (1962), the Supreme Court recognized that there are overlapping areas of jurisdiction between the Interstate Commerce Commission and the National Labor Relations Board and that independent consideration and resolution by the two agencies of problems arising in these areas was possible and, indeed, necessary. The Court required that when the two agencies are regulating in an area of overlap, they should seek only "precise and narrowly drawn" remedies, which go no further than necessary to accomplish the policy of the respective act being applied.

This rule is designed to insure that authorized carriers comply with the Commission's Leasing Regulations, to reduce the opportunity for abuses, to insure an efficient transportation system, and to encourage fair wages and working conditions. The rule strives to accomplish these stated purposes of the Motor Carrier Act of 1980.

We conclude that the Commission has both the implied and express authority to require specific performance of the terms of a lease. We have determined to place such a requirement in § 1057.12, "*Written Lease Requirements*", rather than in § 1057.1, "*Applicability*", and have modified the proposed rules accordingly.[1]

2. *Payment within 15 days.* We adopt the proposed modification of 49 CFR 1057.12(g) to specify that payment to the owner-operator for trip leases must be made by the permanent lease carrier within 15 days from submission of necessary paperwork. The change is set forth in the appendix.

Certain parties filing comments maintain that in many instances owner-operators arrange trip leases without specific authorization from, or

[1] We note the recent decision in *I.C.C.* v. *Wheatley Trucking, Inc.*, No. J–82–938 (U.S. District Court, District of Maryland, June 25, 1982) which requires the defendant carrier to both conform its leases to the provisions of our leasing regulations, and to perform those provisions as well.

knowledge of, the permanent lease carrier. They argue that it is unfair for the permanent lease carrier to be required to pay the owner-operator if the owner-operator engaged in a trip lease in violation of the terms of the permanent lease, or if the permanent lease carrier was unaware of the trip lease and had not as yet been compensated by the trip lease carrier. It is suggested that the proposed rule should be modified to require the permanent lease carrier to pay within 15 days of its receipt of payment from the trip lease carriers.

The purpose of this rule is to assure that owner-operators are compensated promptly for services lawfully performed on behalf of the permanent lease carrier. A lawful trip lease can only be entered into between authorized carriers.[2] Consequently, an owner-operator cannot enter into a trip lease on his own behalf. If permanent lease carriers wish to require prior approval of trip leases entered into on their behalf by owner-operators, there is certainly no reason why such a provision cannot be included in their leases with owner-operators. Permanent lease carriers of course will not be responsible for payment for trip leases entered into in violation of prior approval provisions.

Prompt compensation would be frustrated if permanent lease carriers were only required to pay owner-operators when, at some indefinite future time, payment was received from trip lease carriers. Permanent lease carriers have the responsibility to pay owner-operators within 15 days. This responsibility continues to exist irrespective of when payment is received from the trip lease carrier.[3]

3. *Required paperwork.* We also adopt the proposed modification of 49 CFR 1057.12(g) to specify what paperwork may be required by carriers prior to payment to owner-operators.

Some carriers have avoided their obligation to pay promptly by specifying unusual types or amounts of paperwork as a condition for payment. The existing rules state only that the lease must specify what paperwork is required; they are silent as to just what that paperwork is to include. This rule is intended to circumscribe the freedom now enjoyed by carriers in prescribing required paperwork to more accurately conform with the intent of the leasing rules.

Certain parties of record object to our failure to include the submission of completed log books as a condition for payment. They contend that the only way to make owner-operators submit log books is to make their submission a prerequisite to payment. If log books are not submitted, they note, compliance with Department of Transportation (DOT) and State regulations would be impossible. In light of these comments, log books required by DOT may be required as a condition of payment.

Finally, we adhere to the requirement that no time limits be set for the submission of paperwork. In the notice of proposed rulemaking we noted that in certain instances carriers have imposed requirements that the required paperwork must be submitted within 24 hours to trigger the 15 day payment period. We reiterate that such a requirement is contrary to the intent of the leasing rules and is prohibited.

4. *Rated freight bills.* The proposed modification to § 1057.12(h), providing that owner-operators, in all instances, be furnished with a copy of a rated freight bill, will not be adopted.

Many carriers and carrier organizations comment that to require a copy of a rated freight bill to be furnished to all owner-operators, regardless of the method of compensation, would impose needless and excessive administrative costs and burdens. They contend that the proposed rule would be of little benefit to owner-operators and that it would cause discord between owner-operators and their authorized carriers. The American Trucking Associations (ATA) indicates that over 80 percent of owner-operators are now compensated on a percentage of revenue basis, and, in accord with the existing requirement, are already receiving copies of rated freight bills. The ATA further indicates that rated freight bills are not necessary in those instances in which a mileage based compensation is employed, since the owner-operators are able to compute for themselves what their costs per mile are and to bargain accordingly. Upon consideration of these comments, we conclude that the benefits of full disclosure arising from the proposed modification are outweighed by the burdens which would be imposed on honest and efficient motor carriers. We find that a requirement for motor carriers to provide all owner-operators with a rated freight bill, regardless of the method of compensation, is unnecessary.

5. *Fines.* We adopt, with some modification, the proposal to require carriers to assume the costs of fines for overweight and oversize trailers. The change is reflected in § 1057.12(f) in the appendix.

Certain parties argue that the proposed rule violates due process because it assertedly imposes a standard of strict liability upon authorized carriers for violations of State laws by parties other than the carriers. These parties point to instances in which overweight violations may involve preloaded or sealed trailers and the violations may result solely from the acts or omissions of owner-operators, i.e., overweight violations caused by lifting the axles of equipment, or drivers traveling off-route and traversing bridges and highways where the posted weight limits are exceeded. The parties note that under the proposed rule there is no provision for penalizing the owner-operator who is less than diligent in seeking to protect the carrier's interests. Under these circumstances the carriers assertedly would be victimized by owner-operators who simply do not care whether the carriers are cited for violations. While the carriers could dismiss such owner-operators, the carriers are, nevertheless, not protected from liability. The parties feel that unless a carrier knowingly instructs a driver to ignore a known weight violation, it is arbitrary and unreasonable to place the full burden and the sole responsibility upon the carrier.

We agree with the parties that the authorized carrier should not be made to bear the blunt of fines incurred solely through the conduct of an owner-operator, just as owner-operators should not be held strictly liable for fines resulting from the conduct of shippers or carriers. We have, therefore, modified the proposed rule to provide that except when the violation is the result of the act or omission of the owner-operator, the authorized carrier must bear the costs of fines on shipments which are within its control. In accordance with a suggestion of the parties, we also have modified the proposed rule to include improperly permitted overweight, as well as overdimension, loads. However, because we do not intend for the rule to be an all-inclusive listing of instances in which the responsibility for payment of fines rests with the carrier, we have inserted our overriding concern that such responsibility rests with the carrier whenever the trailers and/or their lading are outside the control of the lessor.

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[2] This applies, of course, only to trip leases subject to the Commission's jurisdiction. We are currently considering the possible expansion of trip leasing to include private carriers as a source of equipment in Ex Parte No. MC-43 (Sub-No. 12), *Leasing Rules Modifications.*

[3] We note that carriers must currently pay owner-operators for shipments transported under permanent lease within 15 days irrespective of when payment is received from the shipper.

6. *Base plates.* Parties filing comments correctly note that the proposed rule requires base plate refunds in full, under all circumstances. This was an error in the notice. The discussion portion of the notice correctly conveyed our intention to require prorated refunds, rather than refunds in full, for the amount paid for base plates by the lessor. To require a full refund would provide the lessor with a windfall since it might be able to make use of a base plate for an extended period of time without charge. In addition, certain parties are opposed to an unrestricted requirement for prorated refunds. They note that many States do not provide refunds or credits for base plates. They argue that to require carriers to give refunds, without regard to whether the carriers have received a refund or a credit from the State, or whether the carrier has been able to transfer the registration to another lessor, is arbitrary and unreasonable. In light of these comments, the proposed rule will be modified to provide that in the event any refund or credit is authorized to be received from a State for a returned base plate, or in the event that the base plate is authorized to be resold to another lessor, the amount received will be refunded to the initial lessor on whose behalf the base plate was first obtained. This provision will eliminate any unjust enrichment on the part of both carriers and owner-operators. These changes are reflected in § 1057.12(f) in the appendix.

7. *Charge-backs.* We will adopt with some modification the proposed change to § 1057.12(i). Parties filing comments have pointed out that State laws can significantly affect what and how much is charged back to the owner-operator. Charge-back items include such items as vehicle registration fees, fuel taxes, highway use taxes, insurance, and weight taxes. While agreeing that charge-back items should be specified in the lease, the parties feel that it would be impossible to set forth the exact amount of each item. In order to keep leases current, they would have to be amended several times each year because State laws frequently change. In many cases, the exact amount is not known until after the liability is incurred, as with fuel and other operating expenses. The parties contend that the costs and administrative burdens associated with the proposed rule would be enormous, and would far exceed the benefits to be derived.

In light of these comments, we conclude that, rather than require carriers to state with specificity the amount of charge-backs, we should, instead, require that the lease contain the charge-back items, together with a recitation as to how the amount of each item is computed. To ensure that the owner-operator has access to these computation methods, we will require that owner-operators be afforded copies of those documents which are necessary to determine the validity of the charge. With such information, the owner-operators will be able to ascertain whether these charges have been computed correctly.

8. *Insurance.* Finally, parties see no necessity for a requirement that carriers summarize the insurance coverage provided to the owner-operator. We agree, especially in view of our alteration of the proposed changes to § 1057.1(i), so as to require that owner-operators have access to all documents supporting any charge-back. This will include insurance charge-backs, and should deter any excessive "mark up" of insurance, as discussed in our notice of proposed rulemaking. In addition, the obligations of § 1057.1(k) concerning insurance disclosures as it presently exists will continue to apply. We will not, therefore, alter that subsection as originally proposed.

## Environmental and Energy Considerations

We adopt our preliminary finding in our notice of proposed rulemaking that this action will not have any significant impact on the quality of the human environment or conservation of energy resources. No comments have been submitted on any matter indicating that a contrary position is warranted. We reaffirm our position that these rule changes will improve operating efficiency.

## Regulatory Flexibility Analysis

We affirm our previous determination that this proceeding will not have a significant economic impact on a substantial number of small entities.

## List of Subjects in 49 CFR Part 1057

Motor carriers, Owner-operators, Equipment leasing.

## Adoption of Rules

Accordingly, we adopt the revised rules as set forth in the appendix.

This action is taken under authority contained in 49 U.S.C. 10321 and 11107 and 5 U.S.C. 553.

Decided: November 2, 1982.

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

**Agatha L. Mergenovich,**

*Secretary.*

**Commissioner Sterrett, joined by Commissioner Andre, dissenting:**

The rules adopted by the majority are a poor substitute for the natural workings of the market place and should not be adopted. They will prevent parties from privately negotiating contract provisions, the very practice which we should be encouraging.

Although the rules adopted by the majority apparently are intended to benefit owner operators, they may instead seriously harm these individuals. For example, consider the rule which requires permanent lessees, rather than trip lessees, to pay owner operators for trip leased services. It is most likely that regulated carriers will respond to this new rule by requiring owner operators, as part of their contracts, to obtain the approval of permanent lessees prior to engaging in trip leasing. This, in turn, will reduce the ability of owner operators to trip lease, thereby increasing their empty mileage and reducing their revenues, a result which hurts owner operators and benefits no one else. Others among the new rules, particularly the rules defining the responsibility for fines and requiring payment without receipt of full paperwork, are seemingly counter-productive and unworkable. They will make the use of independents less attractive, and in many instances will make the difference between use of independent lessors and alternative transportation arrangements.

I believe the Commission should be taking steps to reduce regulation in ways which will benefit not only owner operators, but the consuming and shipping public as well. Prime candidates for this type of change are existing regulations which require that owner operators' leases with regulated carriers be for 30 days or longer. Unless an owner operator is operating under a 30 day, or longer, lease with a regulated carrier, he is prevented from providing trip lease services for any regulated carrier. These 30 day minimum regulations, are counter-productive, produce operating inefficiencies, and obviously limit the potential enterprise of many independent operators. Rather than adopting more regulations, we should be eliminating regulatory impediments.

For these reasons, I reject the proposed regulations.

**Commissioner Gradison, commenting:**

The final rules adopted today are a modified version of the rules proposed last year. We have eliminated proposed requirements that carriers provide rated freight bills and summaries of insurance coverage to all owner-operators. We have adjusted other requirements, including those relating to paperwork, fines, charge-backs, and base plates, in order to minimize the burden on authorized carriers. As a result, we have, I think, adopted rules which will provide some measure of equitable assistance for owner-operators without being a burden to honest and efficient motor carriers.

The minimal rules adopted are designed to foster an environment in which carriers and owner-operators will be able to negotiate and cooperate to provide the transportation services the nation needs. I believe the rules will result in fewer disputes and less need for court or Commission involvement. The marketplace should function better as the rights and responsibilities of both carriers and owner-operators will be more clearly defined.

**Appendix**

## PART 1057—LEASE AND INTERCHANGE OF VEHICLES

In Part 1057 of Title 49, § 1057.12 is amended by revising the introductory text of the section and paragraphs (f), (g), and (i) to read as follows:

**§ 1057.12 Written lease requirements.**

Except as provided in the exemptions set forth in subpart C of this part, the written lease required under § 1057.11(a) shall contain the following provisions. The required lease provisions shall be adhered to and performed by the authorized carrier.

* * * * *

(f) *Items specified in lease.* The lease shall clearly specify the responsibility of each party with respect to the cost of fuel, fuel taxes, empty mileage, permits of all types, tolls, ferries, detention and accessorial services, base plates and licenses, and any unused portions of such items. Except when the violation results from the acts or omissions of the lessor, the authorized carrier lessee shall assume the risks and costs of fines for overweight and oversize trailers when the trailers are pre-loaded, sealed, or the load is containerized, or when the trailer or lading is otherwise outside of the lessor's control, and for improperly permitted overdimension and overweight loads and shall reimburse the lessor for any fines paid by the lessor. If the authorized carrier is authorized to receive a refund or a credit for base plates purchased by the lessor from, and issued in the name of, the authorized carrier, or if the base plates are authorized to be sold by the authorized carrier to another lessor the authorized carrier shall refund to the initial lessor on whose behalf the base plate was first obtained a prorated share of the amount received.

(g) *Payment period.* The lease shall specify that payment to the lessor under permanent or trip lease to the authorized carrier shall be made by the permanent lease carrier within 15 days after submission of the necessary delivery documents and other paperwork concerning a trip in the service of the authorized carrier. The paperwork required before the lessor can receive payment is limited to log books required by the Department of Transportation and those documents necessary for the authorized carrier to secure payment from the shipper. The authorized carrier to secure payment from the shipper. The authorized carrier may require the submission of additional documents by the lessor but not as a prerequisite to payment. Payment to the lessor shall not be made contingent upon submission of a bill of lading to which no exceptions have been taken. The authorized carrier shall not set time limits for the submission by the lessor of required delivery documents and other paperwork.

* * * * *

(i) *Charge-back items.* The lease shall clearly specify all items that may be initially paid for by the authorized carrier, but ultimately deducted from the lessor's compensation at the time of payment or settlement, together with a recitation as to how the amount of each item is to be computed. The lessor shall be afforded copies of those documents which are necessary to determine the validity of the charge.

* * * * *

[FR Doc. 82-30993 Filed 11-10-82; 8:45 am]
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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

### 50 CFR Part 83

### Implementation of Fish and Wildlife Conservation Act of 1980

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** This rule implements the Fish and Wildlife Conservation Act of 1980 which provides for Federal funds to States for developing, revising and implementing, in consultation with appropriate Federal, State and local and regional agencies, plans for the conservation of fish and wildlife. It clarifies requirements set forth in the Act and merges with them other requirements placed on grantees and grant-administering agencies by other laws, Executive orders and policies such as Office of Management and Budget (OMB) Circular A-102.

**EFFECTIVE DATE:** December 13, 1982.

**FOR FURTHER INFORMATION CONTACT:** Charles K. Phenicie, Chief, Division of Federal Aid, U.S. Fish and Wildlife Service, Washington, D.C., 20240, telephone 703/235-1526.

**SUPPLEMENTARY INFORMATION:** Proposed rulemaking was published on pages 14739-14743 of the **Federal Register** of April 8, 1982, and invited comments for 45 days ending May 21, 1982. Comments were received from 28 sources including State and Territorial fish and wildlife agencies, Federal natural resource agencies and non-governmental conservation groups. The following is a summary of the major comments received and our response to each.

1. *Comment.* One State questioned the advisability of showing feral animals to be ineligible for inclusion as nongame under this program.

*Response.* Feral animals are specifically excluded from the nongame classification by language contained in the Act.

2. *Comment.* Two States expressed concern that the rule would not allow planning for wildlife communities as opposed to wildlife species.

*Response.* Although its meaning is somewhat broader, the term "ecologic association of species and subspecies" as used in § 83.1(h) fully accommodates the designation of wildlife communities as plan species.

3. *Comment.* One State proposed that the word "commerce" in the definition of nongame fish and wildlife (§ 83.1(g)(1)) would preclude actions to control a species which might be regarded as commercial under certain circumstances.

*Response.* The presence of the word "commerce" does preclude declaring a commercial species to be a plan species, but it does not prevent the controlling of a commercial species to assure the welfare of a plan species.

4. *Comment.* One State objected to bringing species which are normally hunted under the classification of nongame when they occupy areas not open to hunting since such classification could prompt charges that populations are being built up in anticipation of future harvests.

*Response.* This provision, taken directly from the Act, enables managers to address the needs of these populations and the nonconsumptive interests of the people.

5. *Comment.* One State requested the addition of language to specify that the exclusion of endangered and threatened species from the nongame classification applies to federally listed species only (§ 83.1(g)(2)).

*Response.* We believe this point is adequately made by the specification in the same section that the endangered and threatened species are listed under the Endangered Species Act of 1973.

6. *Comment.* Three States questioned the necessity for the governor to designate the State agency responsible for the implementation of this Act when the State legislature has already specified an agency to be responsible for all fish and wildlife.

*Response.* Participation is limited to the agency(ies) having "primary legal authority for the conservation of fish and wildlife" (§ 83.1(c)). A determination by the governor or chief executive will be required only when there is more than one agency having such primary legal authority. Wording has been added in § 83.2 to avoid confusion on this point.

7. *Comment.* One State questioned the absence from § 83.3 of any minimum or maximum amount a State may be allocated.

*Response.* The allocation formula, including minimum and maximum allocation limits, is clearly specified in the Act (section 8(b)); hence, it is not repeated in this rule.

8. *Comment.* A citizens group expressed concern that the rule was less specific than the Act in discussing requirements pertaining to an action to be undertaken in lieu of a conservation plan. It also noted that the rule does not interpret the word "appropriate" in section 5(d)(1) in specifying requirements for such a proposal, in addition to those listed.

*Response.* It is specified in § 83.8(a) that all proposals must be in accordance with the Act, this rule and the Federal Aid Manual. Thus, the rule is drawn to clarify and complement the Act as necessary, but not to restate or replace it. We believe the provisions contained in section 5(d)(1) of the Act and in § 83.4(a)(1) of this rule set forth sufficient basic requirements. More detailed requirements and procedures are treated in the Federal Aid Manual.

9. *Comment.* One State proposed rewording § 83.4(a)(1) to preclude the performance of an action in lieu of a conservation plan if the action is for the benefit of the users of nongame.

*Response.* We find nothing in the legislative history to indicate that Congress intended to exclude such actions. We believe it would be inadvisable to introduce such a restriction since we expect legitimate emergencies could occur requiring such a project (e.g., acquisition of critical land which is due to be withdrawn from the market).

10. *Comment.* One State suggested revising § 83.4(b) to clarify that only the designated State agency may apply for funding of a project under this Act.

*Response.* This revision has been inserted to avoid confusion.

11. *Comment.* One State noted an inconsistency in dates between the Act (section 5(d)) and the rule (§ 83.4(a)(3)).

*Response.* The error in the rule has been corrected.

12. *Comment.* One State questioned the advisability of the percentage limitations given in § 83.5(a), (c) and (e).

*Response.* Each of these is specified in the Act and therefore may not be changed or deleted by this rule.

13. *Comment.* One commenter suggested revision of § 83.7 to clarify the meaning of the word "disbursement" as it relates to the period during which the funds are available for use by the States (section 8(c)).

*Response.* Taken in the context of other parts of the Act (especially sections 6 and 8) and in view of the legislative record, we believe the word "disbursement" as cited by the commenter, should be interpreted as the commitment or obligation of Federal funds for subsequent expenditure for an approved undertaking by a State. Thus the funds are available through the fiscal year following the year of allocation. To clarify this, § 83.7 has been revised, using wording similar to the rules for the Federal Aid in Fish and Wildlife Restoration Programs.

14. *Comment.* One State suggested deleting from § 83.8(a) the requirement that the Applications for Federal Assistance contain such information as the regional director may require, replacing it with a detailed spelling out of the information required.

*Response.* We believe the present approach is preferable which consists of placing the more detailed list of information required for the application in the Federal Aid Manual and in directives for guidance of the regional director. Such detailed listings included in this rule would increase its volume and complexity and could result in unnecessary demands being placed on the States in certain instances.

15. *Comment.* One State challenged the word "optimize" as it is used in § 83.9(d), holding that optimization of populations may fail to meet agency objectives for a given species.

*Response.* The term "optimize" places the responsibility to determine the target levels on the State. This is accomplished as a part of the planning process. Since the optimum levels are fixed by the State, we believe the chances of their being in conflict with agency objectives will be minimal.

16. *Comment.* A citizens group indicated that § 83.9 is not sufficiently definitive. It was suggested that the rule should specify what population levels and distributions are optimum, how they must be determined, and what factors will be considered in determining methods and procedures to ensure the well-being and enhancement of plan species.

*Response.* In § 83.12 the State is required to employ "accepted planning techniques and appropriate procedures" in preparing its plan and the resulting plan must also meet the tests for substantiality given in that section. We believe spelling out requirements in § 83.9 with greater specificity would be unnecessary and in many cases would preempt the planning process.

17. *Comment.* One State questioned the usefulness of a conservation plan which coordinates and consolidates planning for all fish and wildlife in the presence of an existing plan for game species.

*Response.* This type of planning and associated provisions are specifically provided in the Act. Therefore, this feature is not subject to change through this rule.

18. *Comment.* One State proposed deletion of the specific dates in § 83.10(a)(1) and (2) which mark the end of certain activity periods and providing instead for periods of specific duration, scheduled to begin upon activation of the program.

*Response.* The dates are taken directly from the Act, leaving no latitude to express them as suggested, except by amendment of the Act.

19. *Comment.* One State inquired whether one inter-state project in a total conservation plan would enable a State to receive increased cost sharing across its entire plan.

*Response.* Such a project would justify increased cost-sharing only for that portion of the total plan which met the requirements stated in § 83.1.

20. *Comment.* One State proposed deletion under § 83.12(b) of the specific standards for a substantial project for implementing an approved plan, substituting a more generalized presentation.

*Response.* The Act is specific in requiring that plans as well as actions in lieu of approved plans must be substantial in character and design. We believe Congress also intended that actions carried out under approved plans should meet this same requirement, even though the Act failed to address this point. Section 83.12(b) is structured to define standards by which such actions would be judged to be substantial in character and design.

21. *Comment.* One State proposed that the prohibition of the use of Federal Aid funds for producing income should not apply to the use of these monies to develop funding sources for nongame.

*Response.* Though we could agree that development of a State revenue source could be rationalized as benefiting nongame resources, we do not believe the intent of the Act or of grant programs in general, is to participate in costs for producing State revenue. We believe § 83.13(c) as written, correctly restricts such use of funds provided by this program.

22. *Comment.* Two Federal Agencies proposed revision of the rule to ensure that planned actions which involve the use of Federal lands or facilities have been fully agreed to by the Federal agency involved.

*Response.* Appropriate wording has been added to § 83.9(i).

23. *Comment.* One State expressed concern that the rule makes no provision for information and education activities.

*Response.* Both information and education are considered fundable activities under this program, being specifically authorized in the Act (section 3(3)).

24. *Comment.* A Federal agency noted the requirement that lands and waters on which grant funds are to be expended must be under State control (§ 83.19). The agency expressed the concern that States might seek to acquire control of Federal lands in order to utilize these grants and suggested that provision should be inserted into the rule to avoid "the anomalous result of States using Federal money to acquire Federal land."

*Response.* We believe § 83.19 in combination with § 83.9(i), adequately covers the securing of land control, by whatever instrument, prior to the approval of funding for the action. Lands or rights acquired under a grant become the property of the State. Assuming conformance with all pertinent laws and regulations, a proposal to acquire needed land from a Federal agency would not be viewed differently from a proposal to acquire land from a private vendor. Thus, we see no need for the suggested revision.

In addition to the changes made as a result of comments received, internal review revealed that § 83.3(b) in the proposed rule was in apparent conflict with section 8(c)(2) in the Act; thus, § 83.3(b) was deleted from the final rule and other paragraphs in the section were renumbered accordingly. The grant program will be referenced in the Catalog of Federal Domestic Assistance as Program number 15.614, Fish and Wildlife Planning and Nongame Assistance.

The principal author of this rule is C. Phillip Agee, U.S. Fish and Wildlife Service, Division of Federal Aid, Washington, D.C. 20240, telephone 703/235–1526.

It has been determined that this rule is not a major rule under Executive Order 12291 and will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act.

**Information Collection:** The information collection requirement contained in this Part 83 has been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1018–0048.

**List of Subjects in 50 CFR Part 83**

Fish grant programs—natural resources, Grant administration—wildlife.

Part 83 of Title 50, Code of Federal Regulations, is added as set forth below.

## PART 83—RULES IMPLEMENTING THE FISH AND WILDLIFE CONSERVATION ACT OF 1980

Sec.



**Authority:** The Fish and Wildlife Conservation Act of 1980, 16 U.S.C. 2901.

The information collection requirement contained in this Part 83 has been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1018–0048.

### § 83.1 Definitions.

As used in this part, the following terms mean:

(a) *Act.* The Fish and Wildlife Conservation Act of 1980, Pub. L. 96–366 (16 U.S.C. 2901, *et seq.*].

(b) *Conservation plan.* A plan for the conservation of fish and wildlife within a State which meets the requirements set forth in this part

(c) *Designated State agency or State agency.* The Commission, department, division or other agency of a State which has the primary legal authority for the conservation of fish and wildlife. If more than one agency is designated by the State to exercise such authority, the term means each such agency acting with respect to its assigned responsibilities.

(d) *Director.* The Director of the U.S. Fish and Wildlife Service or his/her designee.

(e) *Federal Aid Manual.* The publication of the U.S. Fish and Wildlife Service which contains policies, standards and procedures required for participation in the benefits of the Act.

(f) *Fish and Wildlife.* Wild vertebrate animals that are in an unconfined state.

(g) *Nongame fish and wildlife.* Fish and wildlife that:

(1) Are not ordinarily taken for sport, fur, food, or commerce within the State except that any species legally taken for sport, fur, food, or commerce in some but not all parts of a State may be deemed nongame within any area where such taking is prohibited; and

(2) Are not listed as endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531–1543); and

(3) Are not marine mammals within the meaning of section 3(5) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1362(5)); and

(4) Are not domesticated species that have reverted to a feral existence.

(h) *Plan species.* Any species or subspecies or ecologic association of species and subspecies which is designated to be addressed through actions set forth in an approved conservation plan.

(i) *Project.* A definitive proposal submitted by a State and approved by the regional director for funding under this Act.

(j) *Regional Director.* The regional director of the U.S. Fish and Wildlife Service or his/her designee.

(k) *Secretary.* The Secretary of the Interior or his/her designee.

(l) *State.* Any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, the Trust Territories of the Pacific Islands, and the Commonwealth of the Northen Mariana Islands.

### § 83.2 Participant eligibility.

Participation is limited to designated State agencies. If a State places primary legal authority for the conservation of fish and wildlife in more than one agency, the governor or chief executive of that State shall designate the State agency which will serve to coordinate

the State actions under this Act. The director of each designated State agency shall notify the regional director, in writing, of the official(s) authorized to sign Federal Aid documents and of any changes in such authorizations.

**§ 83.3 Allocation of funds.**

In accordance with the provisions of the Act, the allocation of funds to the States shall take into account the area and population of each State.

(a) Area of the land and water of each State shall be as determined by the Department of Commerce and shall include the area of coastal and Great Lakes waters within each State.

(b) Population of each State shall be the most recent population estimates, as determined by the Department of Commerce.

**§ 83.4 Eligible undertakings.**

Funding under this Act may be approved by the regional director to carry out projects which meet the standards of substantiality as defined in § 83.12 and which conform to one of the following:

(a) A proposal to implement a nongame action in lieu of an approved conservation plan. Upon a showing of need, a State may request funding under this Act before a conservation plan is approved. Such a proposal must:

(1) Be for the purpose of conserving, restoring, or otherwise benefitting nongame fish and wildlife, its habitats or its users;

(2) Comply with standards contained in the Federal Aid Manual; and

(3) Consist of work to be accomplished before October 1, 1986.

(b) A proposal to develop or maintain a conservation plan. The designated State agency may apply for funding of a project for developing a conservation plan, coordinating or consolidating a conservation plan with other plans, or maintaining a previously approved conservation plan. State costs incurred later than September 30, 1991, for the development of a conservation plan cannot be approved for funding.

(c) A proposal to implement actions described in an approved conservation plan. Such a proposal specifies and requests funding to cover one or more of the nongame actions described in the approved conservation plan.

**§ 83.5 Limitations.**

The following limitations shall apply to the eligibility of projects for funding under the Act:

(a) Of the total estimated costs for any project proposed under this Act, not less than 80 percent shall be for work or activities for the principal benefit of nongame fish and wildlife resources or of the public use of these resources.

(b) Upon approval of a conservation plan, all projects must be limited to actions required for implementing or revising the plan or for coordinating or consolidating the plan with other plans.

(c) Not more than 10 percent of the costs of any project which is carried out in lieu of an approved conservation plan, or which is carried out under an approved conservation plan covering only nongame fish and wildlife resources, may be derived from the sale of hunting, fishing, and trapping licenses and from penalties (including forfeitures) for violations of hunting, fishing, and trapping laws of the State.

(d) Not more than 10 percent of the estimated costs for projects to be funded shall be for law enforcement activities.

(e) Not more than 10 percent of the cost of implementing any project under this Act shall be funded by in-kind contributions from third parties.

**§ 83.6 Appeals.**

Any difference of opinion over the eligibility of proposed activities or differences arising over the conduct of work may be appealed to the Director. Final determinations rests with the Secretary.

**§ 83.7 Availability of funds.**

Funds allocated to a State under the Act are available for obligation and expenditure during the fiscal year for which they are allocated and until the close of the succeeding fiscal year. For the purpose of this section, obligation of allocated funds occurs when a project agreement is approved by the Regional Director.

**§ 83.8 Submission of proposals for funding.**

To make application for funds allocated under this Act, the State shall submit to the regional director an Application for Federal Assistance.

(a) Each application shall contain such information as the regional director may require to determine if the proposed activities are in accordance with the Act, the provisions of this part, and the standards contained in the Federal Aid Manual.

(b) Applications must be signed by the director of the designated State agency or the official(s) delegated to exercise the authority and responsibilities of such director in committing the State to participation under the Act.

**§ 83.9 Conservation plans.**

A conservation plan submitted to the regional director for approval shall meet the requirements for substantiality set forth in § 83.12(a) and the standards prescribed in the Federal Aid Manual, and shall:

(a) Identify the species of nongame fish and wildlife, and other fish and wildlife deemed appropriate by the designated State agency which are within the State and are valued for ecological, educational, aesthetic, cultural, recreational, economic, or scientific benefits by the public;

(b) Provide for inventory(ies) of the identified species (plan species) to determine:

(1) Their population size, distribution, and range; and

(2) The extent, condition, and location of their significant habitats.

(c) Identify the significant problems which may adversely affect the plan species:

(d) Determine actions which should be taken to conserve the plan species and their significant habitats. Actions proposed will seek to optimize population levels, population distributions, and human benefits while taking fully into account the effects on non-target species and user groups. The actions will utilize methods and procedures which will, to the maximum extent practicable, ensure the well-being and enhancement of the plan species;

(e) Establish priorities for implementing the actions proposed in (d);

(f) Provide for regular monitoring of the plan species and the effectiveness of the actions implemented;

(g) Provide for the review of the plan and revision, if appropriate, at intervals of not more than 3 years.

(h) Describe procedures by which inputs have been solicited from the public during plan development and by which inputs will be solicited during revision and implementation of the plan;

(i) Indicate State and Federal agencies which were consulted during plan development and which will be consulted during plan implementation. If plan implementation will entail substantive cooperation with other agencies, an agreement describing the intended cooperation and signed by the involved parties must be executed before funding is authorized.

**§ 83.10 Cost sharing**

Federal and State participation in the costs incurred in completion of approved work funded by this Act shall be limited as follows:

(a) The Federal share may not exceed:

(1) Ninety percent of the costs for development of conservation plans, except after September 30, 1984, the Federal share may not exceed 75 percent of the cost for development of

conservation plans, and after September 30, 1991, no reimbursement may be paid under this Act for development of a conservation plan;

(2) Seventy-five percent of the costs for implementing and revising an approved conservation plan, except the Federal share may be increased to 90 percent if two or more States have mutually agreed to cooperate in implementation projects, provided, however, that after September 30, 1991, the Federal share may not exceed 50 percent if the conservation plan covers only nongame species;

(3) Seventy-five percent of the costs incurred prior to October 1, 1986, for projects which are not covered by an approved conservation plan, except the Federal share may be increased to 90 percent if two or more States have mutually agreed to cooperate in projects.

(b) The State share of project costs:

(1) May be in the form of cash or in-kind contributions, subject to the limitations described in § 83.5 and the following conditions:

(i) The allowability and valuation of in-kind contributions shall be in accordance with the provisions of OMB Circular A–102 and the policies and standards as described in the Federal Aid Manual.

(ii) Volunteers proposed by the State to provide personal services to be claimed as in-kind contributions must possess qualifications appropriate to the service to be performed. The State must attest to such qualifications of all such volunteers based on the volunteers' training, experience or employment status, or upon an endorsement provided by a recognized institution, agency, or professional society.

(2) May not be derived from other Federal funds.

### § 83.11 Cooperation between States.

Whenever two or more States propose to cooperate in the revision of a conservation plan or in a conservation action which will result in a higher rate of Federal costsharing, such States shall describe in documentation the plan or action to be jointly undertaken. The proposed cooperation shall:

(a) Require each cooperating State to accept and carry out a substantial share of the described undertaking;

(b) Enhance the effectiveness of or reduce the total cost in accomplishing the project purpose;

(c) Be supported by a memorandum of understanding executed by the cooperating States.

### § 83.12 Project requirements.

Each project proposed for funding under the Act shall be substantial in character and design and shall be in conformance with the policies and standards contained in the Federal Aid Manual.

(a) A substantial project for plan development or plan maintenance is one which:

(1) Provides defined objectives related to completion or revision of the plan, with schedules for completion;

(2) Utilizes accepted planning techniques and appropriate procedures;

(3) Provides for public involvement;

(4) Accomplishes its purpose at a reasonable cost;

(5) Provides assurance that, upon completion of the plan, the State intends to be guided by the conservation plan being developed or maintained.

(b) A substantial project for implementation of approved conservation plans is one which:

(1) Identifies specific conservation actions contained in the plan;

(2) Identifies the objectives to be accomplished related to the needs described in the plan;

(3) Utilizes accepted conservation and management principles, sound design, and appropriate procedures.

(c) A substantial project for actions in lieu of an approved conservation plan is one which:

(1) Identifies and describes a need within the purposes of the Act;

(2) Identifies the objectives to be accomplished based on the stated need;

(3) Utilizes accepted conservation and management principles, sound design, and appropriate procedures;

(4) Will yield benefits which are pertinent to the identified need at a level commensurate with project costs.

### § 83.13 Application of funds provided under the Act.

(a) Funds provided under this Act shall be applied only to activities or purposes approved by the regional director or contained in a conservation plan approved by the regional director. If otherwise applied, such funds must be replaced by the State to maintain eligibility.

(b) Real property acquired or constructed with Federal Aid funds must continue to serve the purpose for which acquired or constructed:

(1) When such property passes from management control of the designated State agency, either the control must be fully restored to the designated State agency or the real property must be replaced using non-Federal Aid funds. Replacement property must be of equal value at current market prices and with equal or commensurate nongame fish and wildlife benefits as the original property. The State may be granted up to 3 years from the date of notification by the regional director, to acquire replacement property before becoming ineligible.

(2) When such property is used for purposes which interfere with the accomplishment of approved purposes, the violating activities must cease and any adverse effects resulting must be remedied.

(3) When such property is no longer needed or useful for its original purpose, and with prior approval of the regional director, the property shall be used or disposed of as provided in Attachment N of OMB Circular A–102.

(c) Federal Aid funds shall not be used for the purpose of producing income. However, income producing activities incidental to accomplishment of approved purposes are allowable. Income derived from such activities shall be accounted for in the project records and its disposition shall be in accordance with Attachment E of OMB Circular A–102.

### § 83.14 Allowable costs.

Allowable costs are limited to those which are necessary and reasonable for accomplishment of the approved project or action and are in accordance with the cost principles of OMB Circular A–87.

(a) All costs must be supported by source documents or other records as necessary to substantiate the application of funds. Such documentation and records are subject to review by the Secretary to determine the allowability of costs.

(b) Costs incurred prior to the effective date of the project agreement are allowable only when specifically provided for in the project agreement.

(c) Projects or facilities designated to include purposes other than those eligible under the Act shall provide for the allocation of costs among the various purposes. The method uses to allocate costs shall produce an equitable distribution of costs based on the relative used or benefits provided.

### § 83.15 Payments.

Payments to the State shall be made for the Federal share of allowable costs incurred by the State in accomplishing approved projects.

(a) Requests for payments shall be submitted on forms furnished by the regional director.

(b) Payments shall be made only to the office or official specified by the designated State agency and authorized under the laws of the State to receive public funds for the State.

(c) All payments are subject to final determination of allowability based on

audit. Any overpayments made to the State shall be recovered as directed by the regional director.

**§ 83.16 Maintenance.**

The State is responsible for maintenance of all capital improvements acquired or constructed with Federal Aid funds throughout the useful life of each improvement. Costs for such maintenance are allowable when provided for in approved projects. The maintenance of improvements acquired or constructed with non-Federal Aid funds are allowable costs when such improvements are necessary to accomplishment of project purposes as approved by the regional director, and when such costs are otherwise allowable by law.

**§ 83.17 Responsibilities**

In the conduct of activities funded under the Act, the State is responsible for:

(a) The supervision of each project to assure that it is conducted consistent with the project documents and that it provides:

(1) Proper and effective use of funds;

(2) Maintenance of project records;

(3) Timely submission of reports;

(4) Regular inspection and monitoring of work in progress.

(b) The selection and supervision of project personnel to assure that:

(1) Adequate and competent personnel are available to carry the project through to a satisfactory and timely completion;

(2) Project personnel perform the work to ensure that time schedules are met, projected work units are accomplished, other performance objectives are achieved, and reports are submitted as required.

(c) The accountability and control of all assets to assure that they serve the purposes for which acquired throughout their useful life.

(d) The compliance with all applicable Federal, State, and local laws.

(e) The settlement and satisfaction of all contractual and administrative issues arising out of procurement entered into.

**§ 83.18 Records.**

The State shall maintain current and complete financial, property and procurement records in accordance with requirements contained in the Federal Aid Manual and OMB Circular A–102.

(a) Financial, supporting documents, and all other records pertinent to a project shall be retained for a period of 3 years after submission of the final expenditure report on the project. If any litigation, claim, or audit was started before the expiration of the 3-year period, the records shall be retained until the resolution is completed. Records for nonexpendable property shall be retained for a period of 3 years following final disposition of the property.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any pertinent books, documents, papers and records of the State.

**§ 83.19 Land control.**

The State must control lands or waters on which capital improvements are made with Federal Aid funds. Control may be exercised through fee title, lease, easement, or agreement. Control must be adequate for protection, maintenance, and use of the improvement throughout its useful life.

**§ 83.20 Assurances.**

The State must agree to and certify that it will comply with all applicable Federal laws, regulations, and requirements as they relate to the application, acceptance, and use of Federal funds under the Act. The Secretary shall have the right to review or inspect for compliance at any time. Upon determination of noncompliance, the Secretary may terminate or suspend any actions or projects in noncompliance, or may declare the State ineligible for further participation in program benefits until compliance is achieved.

Dated: September 27, 1982.

**G. Ray Arnett,**

*Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 82–30998 Filed 11–10–82; 8:45 am]

BILLING CODE 4310–55–M

# Proposed Rules

Federal Register
Vol. 47, No. 219
Friday, November 12, 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.

## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 352

### Reemployment Rights

**AGENCY:** Office of Personnel Management.

**ACTION:** Proposed regulations.

**SUMMARY:** To implement applicable law, the Office of Personnel Management (OPM) proposes to amend its regulations on reemployment rights to: (1) Add provisions for the reemployment of employees of executive branch departments and agencies following employment by the Senate Committee on Appropriations; and (2) remove obsolete provisions for reemployment following service in the Economic Stabilization Program. The new reemployment provisions will entitle employees, on leaving employment with the Senate Committee for reasons other than cause, to be reemployed by their former agencies in the positions and with the pay they would have held had they remained with those agencies.

**COMMENT DATE:** Comments will be considered if received no later than January 11, 1983.

**FOR FURTHER INFORMATION CONTACT:** William Bohling, Noncompetitive Staffing Branch, Staffing Group, (202) 632-6000.

**SUPPLEMENTARY INFORMATION:** Section 67a of title 2, United States Code, provides that employees of executive branch departments and agencies who left to accept employment on the Senate Committee on Appropriations are entitled, upon termination of that employment other than for cause, to be restored "to a department or agency where an opening exists comparable to the position which, according to the records of the department or agency which he left * * * such person would be occupying if he had remained in the employ of such department or agency during the time he was employed by the committee; and such persons shall be restored to such position with the same seniority, status, and pay as if he had remained in the employ of the department or agency which he left during such time."

The statute sets no conditions for the type of appointment held before service on the committee. Therefore, the proposed regulations would apply to employees holding any type of appointment, in either the competitive or the excepted service. However, because employees are entitled only to positions which they could have reached had they not taken the appropriations committee assignment, those who left time-limited appointments would not be entitled to restoration or employment consideration if their appointments expire during their service with the committee.

The statute sets no minimum period of service on the committee before reemployment rights may be exercised, but does require that application for reemployment be made within 30 days after termination from the committee. The proposed regulations would reflect this requirement and, to ensure that eligible employees are reemployed promply, would require that reemployment be effected within 30 days after receipt of the employee's application or on his or her termination from the committee, whichever is later. Although the statute provides that application for reemployment be submitted to OPM, the regulations would delegate to agencies authority to determine employees' eligibility, make appointments and set pay under this authority without obtaining OPM's approval of individual actions.

The statute permits reemployment in an agency other than the one an employee left, but provides no specific criteria for determining that a position in another agency is comparable to the one the employee would have attained by remaining in his or her original employing agency. Therefore, the proposed regulations would provide mandatory reemployment rights only to the agency which an employee left or to which the employee's position was transferred through transfer of function. Reemployment with another agency would be permitted if the agency has an appropriate vacancy and the appointment is consistent with the agency's staffing procedures.

Section 212(g) of the Economic Stabilization Act of 1970 provided reemployment rights for certain employees hired under the Economic Stabilization Program. The Economic Stabilization Act expired in April 1974. Although certain of its provisions were incorporated in Executive Order 11788, which transferred duties to the Council on Wage and Price Stability, and in legislation authorizing the Council and the Department of Energy, neither the Executive order nor the statutes included the reemployment provisions. Therefore, the regulations implementing section 212(g) of the Economic Stabilization Act are obsolete.

*E.O. 12291, Federal Regulation*

OPM has determined that this is not a major rule as defined under Section 1(b) of E.O. 12291, Federal Regulation.

*Regulatory Flexibility Act*

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it affects only the procedures under which certain employees may move between the legislative and executive branches of the Federal Government.

**List of Subjects in 5 CFR Part 352**

Administrative practice and procedure, Government employees, International organizations.

Office of Personnel Management.

**Donald J. Devine,**

*Director.*

## PART 352—[AMENDED]

Accordingly, OPM proposes to revise Subpart F of 5 CFR Part 352 to read as follows:

**Subpart F—Reemployment Rights After Service With the Senate Committee on Appropriations**

Sec.



Authority: 2 U.S.C. 67a.

## Subpart F—Reemployment Rights After Service With the Senate Committee on Appropriations

### § 352.601 Purpose.

The subpart govern reemployment rights and employment consideration authorized by section 67a of title 2, United States Code, after service with the Senate Committee on Appropriations.

### § 352.602 Eligibility for reemployment rights.

(a) Except as provided in paragraph (b) of this section, any employee in the executive branch of the Government who leaves such employment to accept a position with the Senate Committee on Appropriations is entitled to reemployment in his/her former employing agency or in another agency in accordance with the provisions of this subpart in a position under the same type of appointment previously held.

(b) An employee who left a time-limited appointment is not entitled to restoration or employment consideration if his/her appointment would have expired during the time of service with the committee.

(c) In the case of an employee whose former position is transferred to another agency by transfer of function, all provisions in this subpart for reemployment in his/her former agency will apply in the agency to which the position is transferred.

### § 352.603 Consideration for promotion.

(a) An employee with reemployment rights under this subpart shall be considered by his/her former agency for all promotion for which he/she would be considered were he/she not serving with the Senate Committee on Appropriations.

(b) When the position an employee last held in his/her former agency is regraded upward while he/she is serving with the Senate Committee on Appropriations with reemployment rights under this subpart, the employee's former agency shall place him/her in the regarded position.

### § 352.604 Basic entitlement to reemployment.

(a) *Position in which reemployed.* On reemployment, an employee is entitled to be appointed to a position in his/her former agency in the following order:

(1) To the position to which promoted in absentia under § 352.603, or if that position is not available, to a position at the same grade. If the employee is reemployed at a higher grade, his/her pay will be computed as if the employee had been promoted on the date he/she would have been had he/she not been absent.

(2) To the position he/she last held in the agency or, if that position is not available, to another position at the same grade.

(b) *Pay upon reemployment.* Upon reemployment in his/her former agency in the same or a higher grade, the employee is entitled to be placed at the rate within the grade which he/she would have attained by remaining with the agency, taking into account within grade increases, statutory pay adjustments, and merit pay increases.

(c) *Status and tenure upon reemployment.* (1) Reemployment will be in a position under the same type of appointment previously held and will be under the same appointing authority or another authority under which the employee could have been assigned had he/she remained with the agency.

(2) An employee who left a career appointment will be reemployed in a career appointment. An employee who left a career-conditional appointment will be reemployed in a career appointment if he/she meets the service requirement for career tenure; otherwise, the employee will be reemployed in a career-conditional appointment. Service with the committee will be credited in determining whether the employee meets the requirement for career tenure.

(3) An employee who left a time-limited appointment will be reemployed under the same type of appointment for an amount of time equal to that which the employee had left to serve before leaving to accept service with the committee; except that service after reemployment may not exceed the expiration date for the project or authority under which the employee was originally appointed.

### § 352.605 Application for reemployment.

(a) *Application for reemployment.* The employee must apply to his/her former agency for reemployment not later than 30 days after separation from the committee.

(b) *Date of return.* An employee eligible for reemployment under this subpart is entitled to be reemployed as soon as possible after his/her application for reemployment is received, and in any event, must be reemployed within 30 days after his/her application is received or after his/her separation from the committee, whichever is later.

### § 352.606 Additional eligibility.

(a) An employee with reemployment rights under this subpart may also apply for employment with an agency other than the one he/she left. Employment may be effected under any appropriate appointing authority.

(b) Application for employment with another agency must be filed not later than 30 days after the employee's separation from the committee. Any appointment under this section will be effective on a date negotiated between the employee and the agency involved.

(c) Upon employment under the provisions of this section, the employee's pay will be set at a rate at least equal to that which he/she would be earning in his/her former grade, taking into account mandatory within grade increases and pay adjustments.

### § 352.607 Termination of reemployment rights.

An employee's reemployment rights under this subpart terminate if he/she is separated for cause from employment with the committee or if he/she fails to apply for reemployment within 30 days after separation from the committee other than for reemployment within 30 days aftr separation from the committee other than for cause.

### § 352.608 Appeals to the Merit Systems Protection Board.

If an employee considers that he/she has been improperly reemployed or has been improperly denied reemployment to which the employee considers he/she is entitled under this subpart, the employee may appeal to the Merit Systems Protection Board under the provisions of the Board's regulations.

[FR Doc. 30664 Filed 11-10-82; 8:45 am]

BILLING CODE 6325-01-M

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## DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

## 7 CFR Part 27

## Regulations Under Cotton Futures Legislation; Removal of Augusta, Georgia From List of Bona Fide Spot Cotton Markets

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** This notice proposes the removal of Augusta, Georgia from the list of nine bona fide cotton markets designated by the Secretary of Agriculture to be used to established settlement differences for futures contracts whenever the quality of cotton delivered differs from the base quality. This proposal is one of several cost-

cutting actions made necessary by the reduced Fiscal Year 1983 budget for cotton market news activities. The Augusta spot market has only marginally met the criteria as a designated spot market for a number of years. Its removal would have no impact on settlement differences for futures contracts and no significant impact on the accuracy or representiveness of daily spot cotton quotations.

**DATE:** Comments by December 13, 1982.

**ADDRESS:** Comments may be mailed to Loyd R. Frazier, Chief, Marketing Services Branch, Cotton Division, AMS, USDA, Washington, D.C. 20250.

**FOR FURTHER INFORMATION CONTACT:** Loyd R. Frazier, (202) 447–2147.

**SUPPLEMENTARY INFORMATION:** This proposal has been reviewed under the USDA procedures established in accordance with Executive Order 12291 of February 17, 1981 and has been classified "non-major" as it does not meet criteria contained therein for major regulatory action. William T. Manley, Deputy Administrator for Marketing Programs Operations, has determined that this action will not have a significant impact on a substantial number of small business entities because (i) Augusta quotations have not been used for futures contract settlement purposes since 1968, (ii) the accuracy of the daily spot cotton quotations will not be reduced by the removal of Augusta, and (iii) the trading of spot cotton on the Augusta market will not be restricted by this proposed action.

A 30-day-comment period is deemed adequate because of the need to implement the proposed cost savings action as soon as possible in conjunction with other cost-saving efforts.

The United States Cotton Futures Act (7 U.S.C. 15b) authorizes the Secretary of Agriculture to designate bona fide spot cotton markets to be used to establish settlement differences for futures contracts whenever the quality of cotton delivered differs from the base quality. The Act directs the Secretary to designate those cotton markets in which spot cotton is sold in such volume and under such conditions as customarily to reflect accurately the value of Middling cotton and the differences between the prices of values of Middling cotton and of other grades for which standards have been established. There are nine markets so designated at the present time. Prices from only seven of these markets are used for futures contract settlement purposes. The other two, Augusta, Georgia and Fresno, California are carried as extra or reserve markets although the act does not require reserve markets.

Each designated spot market is required to establish and maintain a competent spot quotations committee for the purpose of establishing daily price quotations for that market. The U.S. Department of Agriculture is responsible for the accuracy of the spot quotations established in each designated market. A USDA employee is assigned to each market to collect, analyze, and present pertinent price information at twice-weekly committee meetings.

A reduction in the Fiscal Year 1983 budget for cotton market news activities has necessitated a close review of all market news programs on a cost/benefit basis. A number of cost-reduction measures are under consideration, one of which proposes the removal of Augusta, Georgia from the list of nine bona fide spot cotton markets. The Augusta spot market is supervised by a USDA employee headquartered in Macon, Georgia who travels to Augusta each week to canvass the market and meet with the quotations committee. Savings resulting from the removal of the Augusta market would augment savings from other market news cost-savings measures that are necessary to operate within the Fiscal Year 1983 budget.

The Augusta market has only marginally met the criteria for designation for several years and it is currently at a level that is significantly lower than any other bona fide market. The volume of spot cotton traded on the Augusta market declined significantly during the 15 years prior to 1977 and the validity of Augusta's designation as a bona fide spot cotton market became questionable. Due to this continuing downward trend, it was determined in 1977 that the Augusta market no longer met the market designation criteria of the Cotton Futures Act and a rule was issued on October 31 of that year removing Augusta from the list of bona fide spot cotton markets (42 FR 56949). Removal of the Augusta market was subsequently postponed until August 1, 1981 pending an evaluation of the cotton market news needs in the State of Georgia (44 FR 45917). The rule removing Augusta from the list of bona fide spot cotton markets was rescinded on January 14, 1981 due to an increase in participation of Augusta cotton exchange members in the establishment of spot cotton quotations (46 FR 3203).

This increase in participation was accompanied by an increase in reported purchases which strengthened the validity of Augusta's designation as a bona fide spot cotton market. In rescinding the action to remove Augusta, USDA reiterated its responsibility to continue to monitor all of the designated bona fide spot cotton markets to insure that each one continues to meet the criteria for designation. It was the expectation of USDA that the increased volume of purchases reported on the Augusta market would be supported by an accompanying increase in availability of information on actual transactions in the market.

Although the volume of reported purchases on the Augusta market increased after January 1981, the availability of additional price information on actual transactions failed to materialize. Furthermore, it has been determined that much of the increased volume of reported purchases was in Texas grown cotton which is not representative of spot sales of Georgia or southeastern cotton.

The declining volume of locally-produced cotton being traded and the lack of actual sales information indicates that the Augusta market is, at best, only marginally qualified to continue as a bona fide spot cotton market and its value as a spot cotton market reporting point does not warrant its costs in operating the cotton market news program within the constraints of a reduced Fiscal Year 1983 budget.

**List of Subjects in 7 CFR Part 27**

Classification, Cotton, Micronaire, Samples.

## PART 27—COTTON CLASSIFICATION UNDER COTTON FUTURES LEGISLATION

Accordingly, it is proposed that § 27.93 of the regulations (7 CFR 27.93) governing cotton futures legislation be amended by removing the reference to Augusta, Georgia from the list of bona fide spot cotton markets as follows:

**§ 27.93 [Amended]**

7 CFR 27.93 is amended by removing the words "Augusta, GA," from the list of bona fide spot markets.

(90 Stat. 1841–1846; 7 U.S.C. 15b)

Dated: October 1, 1982.

**William T. Manley,**

*Deputy Administrator, Marketing Program Operations.*

[FR. Doc. 82-30994 Filed 11-10-82; 8:45 am]

BILLING CODE 3410-02-M

## Animal and Plant Health Inspection Service

### 7 CFR Part 301

[Docket No. 82-333]

### Sugarcane Smut; Withdrawal of Proposed Rule

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

**ACTION:** Withdrawal of proposed rule.

**SUMMARY:** This document withdraws a proposal to establish a nonemergency quarantine and regulations to restrict the interstate movement of certain articles from certain areas in Florida and from any area in Hawaii because of sugarcane smut. The proposal was designed, among other things, for the purpose of preventing the artifical spread of sugarcane smut into noninfected sugarcane growing areas of the United States. It has now been determined that sugarcane smut is widespread throughout sugarcane growing areas in the United States and that restrictions would not be effective for the purpose of preventing the spread of sugarcane smut. Accordingly, there is no longer any basis for imposing restrictions because of sugarcane smut.

A companion document removes emergency regulations which were designed to restrict the interstate movement of certain articles from certain areas in Florida because of sugarcane smut. The companion document captioned "Sugarcane Smut" is published in the final rule section of this issue of the Federal Register.

**DATES:** The effective date of this document is November 12, 1982.

Written comments must be received on or before January 11, 1983.

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

**FOR FURTHER INFORMATION CONTACT:** N. Santacroce, Staff Officer, Biological Assessment Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 632 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8367.

**SUPPLEMENTARY INFORMATION:** This document withdraws that portion of a proposal published in the Federal Register on February 8, 1980 (45 FR 8630-8637), to establish a quarantine and regulations to restrict the interstate movement of certain articles from certain areas in Florida and from any area in Hawaii because of sugarcane smut. For a discussion of the basis and purpose of the withdrawal of the proposal, see the companion document captioned "Sugarcane Smut" in the final rule section of this issue of the Federal Register.

### List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases, Plants (Agriculture), Quarantine, Transportation, Sugarcane smut.

Secs. 8 and 9, 37 Stat. 318, as amended; sections 105 and 106, 71 Stat. 32, 71 Stat. 33, (7 U.S.C. 161, 162, 150dd, 150ee), CFR 2.17, 2.51, and 371.2

Done at Washington, D.C., this 8th day of November 1982.

**William F. Helms,**

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

[FR Doc. 82-31100 Filed 11-10-82; 8:45 am]

BILLING CODE 3410-34-M

## Agricultural Marketing Service

### 7 CFR Part 966

### Tomatoes Grown in Florida; Proposed Handling Regulation 966.323

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule would extend through June 11, 1983, and from October 10 through June 15 each marketing season thereafter, the grade, size, pack, container, marking and inspection requirements effective from October 13 through December 31, 1982, for tomatoes grown in certain counties in Florida. It would promote orderly marketing of such tomatoes and keep less desirable sizes and qualities from being shipped to consumers.

**DATE:** Comments due: December 13, 1982.

**ADDRESS:** Comments should be sent to: Hearing Clerk, Room 1077-S, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written comments shall be submitted, and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447-2615. The final impact analysis relating to this rule is available on request from Mr. Porter.

**SUPPLEMENTARY INFORMATION:**

### Paperwork Reduction Act

Information collection requirements contained in this proposed regulation (7 CFR Part 966) have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB # 0581-0073.

This action has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been designated a "nonmajor" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this proposed action will not have a significant economic impact on a substantial number of small entities. It is designed to promote orderly marketing of the Florida tomato crop for the benefit of producers and consumers, and would not substantially affect costs for the directly regulated handlers.

Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR 966) regulate the handling of tomatoes grown in designated counties of Florida. The program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The Florida Tomato Committee, established under the order, is responsible for its local administration.

This action is based upon unanimous recommendations made by the committee at its public meeting at Marco Island, Florida, on September 17, 1982. The recommendations of the committee reflect its appraisal of the composition of the 1982-83 crop of Florida tomatoes and the marketing prospects for this season and are consistent with the marketing policy it adopted.

The proposed regulation contains requirements identical to those in the interim regulation in effect during the period October 13-December 3, 1982. The proposed grade and size requirements are necessary to prevent tomatoes of lower quality and undesirable size from being distributed in fresh market channels. Such tomatoes are usually of negligible economic value to producers. This would provide consumers with tomatoes of good quality and size throughout the season consistent with the overall quality of the crop. The proposed requirements, including those for containers, container net weights, and size classifications, are intended to standardize shipments in the

interest of orderly marketing and to improve returns to growers.

The requirements proposed in this rule are the same as those in past seasons with the exception of those pertaining to size, pack, and containers. It is proposed that tomatoes meet a minimum size requirement of 2⅝₃₂ inches in diameter, compared with 2⅜₃₂ inches in past seasons. The committee has determined that the lower requirement permits tomatoes of too small a size to enter fresh market channels. Demand is weak for these smaller sizes, and prices for all tomatoes are adversely affected. The increase in the minimum size standards would not have a substantial effect on the volume of tomatoes shipped to fresh market.

The pack specifications would reflect the increase in the minimum size requirement. The adjustment also would result in a more even distribution of tomato shipments among the established size categories.

The trend over the years has been a shift to the use of smaller containers, as evidenced by last year's replacement of the 30-pound container with one of 25-pounds. This year, the committee has recommended the elimination of the 40-pound container. This change would have no effect on tomato handlers, however, since the 40-pound container is no longer in use.

Exceptions would be provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable. Shipments would be allowed to certain special purpose outlets without regard to minimum grade, size, container or inspection requirements provided that safeguards were used to prevent such tomatoes from reaching unauthorized outlets. Tomatoes for canning are exempt under the legislative authority for this part. Since no purpose would be served by regulating tomatoes used for relief, experimental or charity purposes such shipments would also be exempt. Because export requirements differ materially, on occasion, from domestic market requirements such shipments would be exempt.

The following types of tomatoes would be exempt from these regulations: elongated types commonly referred to as pear shaped or paste tomatoes, cerasiform type tomatoes commonly referred to as cherry tomatoes, hydroponic tomatoes and greenhouse tomatoes. Such types are generally of good quality, readily identifiable either by their distinctive shapes or container markings and usually comprise a very small part of the total crop. Only tomatoes shipped outside the regulated area would be regulated because of an increase in the U-pick type of harvest in Florida production areas close to urban areas and resulting difficulty in obtaining compliance with regulations. The minimum quantity exemption would permit persons to handle up to 60 pounds of tomatoes per day without regard to the requirements of this part. This would reduce the problem of enforcement on small shipments of essentially noncommercial nature. The proposed requirements concerning special pack shipments are intended to help handlers in the production area compete on an equl basis with those outside the area by not requiring reinspection of previously inspected and certified tomatoes when repacked in consumer size packages.

Occasionally individual fruit of several varieties of tomatoes grown in Florida may be elongated in shape. This characteristic may be exaggerated by adverse growing conditions. It is anticipated that handlers packing these varieties usually will be able to comply with all provisions of the regulation. However, if situations arise in which the incidence of tomatoes not of the normal globular shape makes sizing in accordance with the present pack specifications infeasible, the affected varieties may be exempted from the size requirements of the regulation.

It is hereby proposed that the requirements contained in this rule be effective during the period January 1 through June 11, 1983, this marketing season and during the period October 10 through the following June 15 each marketing season thereafter unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the committee or other information available to the Secretary. Interested persons are invited to comment through December 13, 1982 regarding this proposal. In the past, regulations issued under the marketing order were made effective for a single marketing season. The proposed change to issue a regulation which would continue in effect from marketing season to marketing season reflects the fact that regulations change infrequently from season to season and it is believed unnecessary to issue them for only a single season. In addition, the proposed action could result in a reduction in operational costs to the committee and the government. Although the final regulation would be effective for an indefinite period, the committee would continue to meet prior to or during each season to consider recommendations for modification, suspension, or termination of the regulation. Prior to making any such recommendations, the committee would submit to the Secretary a marketing policy for the season in accordance with § 966.50 of the order, including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings or may file comments with the Fruit and Vegetable Division before September 1 each year. The Department will evaluate committee recommendations and information submitted by the committee, comments filed, and other available information, and determine whether modification, suspension, or termination of the regulation on shipments of Florida tomatoes would tend to effectuate the declared policy of the act.

**List of Subject in 7 CFR Part 966**

Marketing agreements and orders, Tomatoes, Florida.

**PART 966—[AMENDED]**

It is proposed that § 966.322 (47 FR 46488, October 19, 1982) be removed and a new § 966.323 be added as follows:

**§ 966.323 Handling regulation.**

During the period January 1, 1983, through June 11, 1983, this season and during the period October 10 through June 15 each season thereafter, no person shall handle any lot of tomatoes for shipment outside the regulated areas unless they meet the requirements of paragraph (a) or are exempted by paragraphs (b) or (d) of this section.

(a) *Grade, size, container and inspection requirements.* (1) *Grade.* Tomatoes shall be graded and meet the requirements specified for U.S. No. 1, U.S. Combination, U.S. No. 2, or U.S. No. 3, of the U.S. Standards for Fresh Tomatoes. When not more than 15 percent of tomatoes in any lot fail to meet the requirements of U.S. No. 1 grade and not more than one-third of this 15 percent (or 5 percent) are comprised of defects causing very serious damage including not more than one percent of tomatoes which are soft or affected by decay, such tomatoes may be shipped and designated as at least 85 percent U.S. No. 1 grade.

(2) *Size.* (i) Tomatoes shall be at least 2⅝₃₂ inches in diameter and be sized in one or more of the following ranges of diameters. Measurement of diameters shall be in accordance with the methods prescribed in Section 51.1859 of the U.S. Standards for Fresh Tomatoes.

| Size classification | Inches | |
|---|---|---|
| | Minimum diameter | Maximum diameter |
| 7×7 | 2 $^{5}/_{32}$ | 2 $^{15}/_{32}$ |
| 6×7 | 2 $^{5}/_{32}$ | 2 $^{15}/_{32}$ |
| 6×6 | 2 $^{15}/_{32}$ | 2 $^{25}/_{32}$ |
| 5×6 and larger | 2 $^{25}/_{32}$ | |

(ii) Tomatoes of designated sizes may not be commingled unless they are over 2 $^{15}/_{32}$ inches in diameter and each container shall be marked to indicate the designated size.

(iii) Only numerical terms may be used to indicate the above listed size designations on containers of tomatoes, except when tomatoes are comingled the containers can be marked 6x6 & Lgr. or 5x6 & Lgr.

(iv) To allow for variations incident to proper sizing, not more than a total of ten (10) percent, by count, of the tomatoes in any lot may be smaller than the specified minimum diameter or larger than the maximum diameter.

(3) *Containers.* (i) Tomatoes shall be packed in containers of 20 or 25 pounds designated net weights and comply with the requirements of § 51.1863 of the U.S. tomato standards.

(ii) Each container shall be marked to indicate the designated net weight and must show the name and address of the shipper in letters at least one-fourth (¼) inch high.

(iii) If the container in which the tomatoes are packed is not clean and bright in appearance without marks, stains, or other evidence of previous use, the lid of such container shall be marked in a principal display area at least 2½ inches high and 4½ inches long with the words "USED BOX" in letters not less than 1¼ inches high and the name of the shipper and point of origin in letters not less than ⅜ inch high.

(4) *Inspection.* Tomatoes shall be inspected and certified pursuant to the provisions of § 966.60. Each handler who applies for inspection shall register with the committee pursuant to § 966.113. Handlers shall pay assessments as provided in § 966.42. Evidence of inspection must accompany truck shipments.

(b) *Special purpose shipments.* The requirements of paragraph (a) of this section shall not be applicable to shipments of tomatoes for canning, experimental purposes, relief, charity or export if the handler thereof complies with the safeguard requirements of paragraph (c) of this section. Shipments for canning are also exempt from the assessment requirements of this part.

(c) *Safeguards.* Each handler making shipments of tomatoes for canning, experimental purposes, relief, charity or export in accordance with paragraph (b) of this section shall:

(1) Apply to the committee and obtain a Certificate of Privilege to make such shipments.

(2) Prepare on forms furnished by the committee a report in quadruplicate on such shipments authorized in paragraph (b) of this section.

(3) Bill or consign each shipment directly to the designated applicable receiver.

(4) Forward one copy of such report to the committee office and two copies to the receiver for signing and returning one copy to the committee office. Failure of the handler or receiver to report such shipments by signing and returning the applicable report to the committee office within ten days after shipment may be cause for cancellation of such handler's certificate and/or receiver's eligibility to receive further shipments pursuant to such certificate. Upon cancellation of any such certificate, the handler may appeal to the committee for reconsideration.

(d) *Exemption.* (1) *For types.* The following types of tomatoes are exempt from these regulations: Elongated types commonly referred to as pear shaped or paste tomatoes and including but not limited to San Marzano, Red Top and Roma varieties; cerasiform type tomatoes commonly referred to as cherry tomatoes; hydroponic tomatoes; and greenhouse tomatoes.

(2) *For minimum quantity.* For purposes of this regulation each person subject thereto may handle up to but not to exceed 60 pounds of tomatoes per day without regard to the requirements of this regulation but this exemption shall not apply to any shipment or any portion thereof of over 60 pounds of tomatoes.

(3) *For special packed tomatoes.* Tomatoes which met the inspection requirements of paragraph (a)(4) which are resorted, regraded and repacked by a handler who has been designated as a "Certified Tomato Repacker" by the committee are exempt from the tomato grade classifications of paragraph (a)(1), the size classifications of paragraph (a)(2) except that the tomatoes shall be at least 2 $^{25}/_{32}$ inches in diameter and the container weight requirements of paragraph (a)(3).

(4) *For varieties.* Upon recommendation of the committee, varieties of tomatoes that are elongated or otherwise misshapen due to adverse growing conditions may be exempted by the Secretary from the provisions of paragraph (a)(2).

(e) *Definitions.* "Hydroponic tomatoes" means tomatoes grown in solution without soil; "greenhouse tomatoes" means tomatoes grown indoors. A "Certified Tomato Repacker" is a repacker of tomatoes in the regulated area who has the facilities for handling, regrading, resorting and repacking tomatoes into consumer size packages and has been certified as such by the committee. "U.S. tomato standards" means the revised United States Standards for Fresh Tomatoes (7 CFR 51.1855–51.1877), effective December 1, 1973, as amended, or variations thereof specified in this section. Other terms in this section shall have the same meaning as when used in Marketing Agreement No. 125, as amended, and this part, and the U.S. tomato standards.

(f) *Applicability to imports.* Under Section 8e of the act and Section 980.212 "Import regulations" (7 CFR 980.212) tomatoes imported during the effective period of this section shall be at least U.S. No. 3 grade and at least 2 $^{25}/_{32}$ inches in diameter. Not more than 10 percent, by count, in any lot may be smaller than the minimum specified diameter.

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

Dated: November 4, 1982.

**D. S. Kuryloski,**

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

[FR Doc. 82-30842 Filed 11-10-82; 8:45 am]

BILLING CODE 3410-02-M

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 39

### [Docket No. 82-NM-72-AD]

## Airworthiness Directives; Boeing Model 747 Series Airplanes

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

**ACTION:** Notice of public meeting on a proposed rule.

**SUMMARY:** A Notice of Proposed Rulemaking (NPRM) was published in FR Doc. 82-26857, appearing at page 43072 in the issue of September 30, 1982, proposing an amendment that would require revision to the limitations section in the FAA approved Boeing Model 747 Airplane Flight Manual (AFM) and installation on the pilots' forward panel of low engine fan rotor rpm $N_1$ warning indication for each engine. The revision to the AFM would clarify operation of the thermal anti-icing procedure, clarify the need to maintain the specified minimum $N_1$

during icing conditions, and expand the definition of icing conditions. Activation of the low $N_1$ indication would warn the flight crew of operation at a lower $N_1$ than required for icing conditions.

A request has been made by the Air Transport Association of America (ATA) to hold a meeting to provide public input to the proposed rule. The FAA concurs with this request, and accordingly, a notice of public meeting is given herein.

**DATES:** A public meeting is scheduled to be held on November 18, 1982. Comments must be received on or before December 3, 1982.

**ADDRESSES:** The meeting will be held in the Main Conference room of the FAA Building at 9010 East Marginal Way South, Boeing Field, Seattle, Washington. Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 82–NM–72–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

**FOR FURTHER INFORMATION CONTACT:** Kanji K. Patel, Propulsion Branch, ANM–140S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767–2520. Mailing Address: Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

### 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–72–Ad, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

### Notice of Public Meeting

Accordingly, the public is invited to meet and present views on the NPRM in Docket No. 82–NM–72–Ad (47 FR 43072) on November 18, 1982, at 1:30 P.M. in the Main Conference Room of the FAA Building at 9010 East Marginal Way South, Boeing Field, Seattle, Washington.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Section 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

**Note:** Since this action merely gives notice of a public meeting to receive comments on a Notice of Proposed Rulemaking and imposes no requirements on any person, it may be made effective in less than 30 days. It is neither a proposed nor final rule and, therefore, is not subject to Executive Order 12291, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (47 FR 11031; February 26, 1979).

Issued in Seattle, Washington on November 3, 1982.

**Charles R. Foster,**

*Director, Northwest Mountain Region.*

[FR Doc. 82–30927 Filed 11–10–82; 8:45 am]

BILLING CODE 4910–13–M

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## 14 CFR Parts 120, 121, 135; and SFAR 38

**[Docket No. 22480; Notice No. 82–13A]**

## Air Transportation Regulation

*Correction*

In FR Doc. 82–29852 appearing on page 47859 in the issue of Thursday, October 28, 1982, make the following correction:

On page 47859, middle column, under **Availability of Additional Copies of Notice**, in the fifth and sixth lines, "APA–800 Independence Ave." should have read "APA–430 800 Independence Ave."

BILLING CODE: 1505–01–M

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## National Highway Traffic Safety Administration

## 23 CFR Part 1209

**[NHTSA Docket No. 82–18; Notice 2]**

## Incentive Grant Criteria for Alcohol Traffic Safety Programs

**AGENCY:** National Highway Traffic Safety Administration (NHTSA).

**ACTION:** Advance notice of proposed rulemaking and notice of public hearings.

**SUMMARY:** This notice proposes criteria for determining effective programs to reduce traffic accidents resulting from persons driving while under the influence of alcohol. This effort is undertaken pursuant to Pub. L. 97–364, which provides for two categories of federal incentive grants, basic grants and supplemental grants, to states that implement effective programs to reduce drunk driving. This rulemaking will also set forth the means by which a State may certify to NHTSA facts necessary to establish grant eligibility, and the procedure by which NHTSA will award such grants. This notice announces two public hearings and invites submission of written comments to the public docket on this subject.

**DATES:** A public hearing will be held on December 13, 1982. All written comments must be received by December 17, 1982. NHTSA will issue an NPRM during the week of December 27, 1982, and hold a second hearing on or about January 10, 1983. The comment period on this NPRM will close on January 14, 1983. The agency will issue a final rule on February 1, 1983. The criteria for a basic grant will go into effect upon publication of the final rule. The criteria for a supplemental grant is scheduled to become effective on April 1, 1983.

**ADDRESSES:** The December 13 hearing will be held in Room 2230 of the Department of Transportation headquarters building, 400 Seventh Street, SW., Washington, D.C. The hearing schedule will be from 9:00 a.m. to 12:00 p.m. and from 1:30 p.m. to 5:00 p.m. The place of the January 10 hearing will be announced in the NPRM.

Written comments should refer to the docket number and the number of this notice and be submitted to: Docket Section, Room 5109, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. (Docket hours are 8:00 a.m. to 4:00 p.m.)

**FOR FURTHER INFORMATION CONTACT:** Mr. George Reagle, Associate Administrator for Traffic Safety Programs, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202–426–0837). To schedule a time for appearing at the December hearing contact: Marian Tomassoni or Joe Jeffrey, Office of Associate Administrator for Traffic Safety Programs, NHTSA, 400 Seventh Street, SW., Washington, D.C. 20590 (202–426–1634).

**SUPPLEMENTARY INFORMATION:** The National Highway Traffic Safety Administration has long stressed that one of the most effective means of reducing the overall number and severity of traffic accidents would be to remove the drunk driver from the nation's highways. During the past ten years over 250,000 highway deaths have been caused by alcohol-related crashes. Research indicates that in recent years the drunk driving problem has been growing as a factor in our national highway safety problem.

In April 1982, the President, recognizing that this problem demanded greater national attention, established the Presidential Commission on Drunk Driving to (1) heighten public awareness of the seriousness of the drunk driving problem; (2) persuade States and communities to attack the drunk driving

problem in a more organized and systematic manner, such as by eliminating bottlenecks in the arrest, trial and sentencing process that impair the effectiveness of many drunk driving laws; (3) encourage State and local officials and organizations to accept and use the latest techniques and methods to solve the problem; and (4) generate public support for increased enforcement of State and local drunk driving laws.

On October 1, 1982, Congress completed an intensive examination of the drunk driving problem and enacted legislation to provide $125 million in new highway safety funds over the next three years to States that adopt and implement stricter laws and more comprehensive programs against drunk driving.

The Act (23 U.S.C. 408), Pub. L. 97–364, establishes a two tier grant system as an incentive for States to implement effective programs to reduce the drunk driving problem. The first tier is a basic grant in the amount of 30 percent of each State's fiscal year 1983 apportionment under section 402 of the Highway Safety Act, 23 U.S.C. 402. A State is eligible for this basic grant if it meets four minimum criteria specified in the Act.

The second tier is a supplemental grant of up to an additional 20 percent of the amount apportioned to a State under the Highway Safety Act. A State is eligible for the supplemental grant if it qualifies for the basic grant and implements additional alcohol traffic safety programs to be specified by the Secretary of Transportation.

This notice initiates the rulemaking proceeding to establish and adopt the criteria by which a State will be considered eligible for the supplemental grant. This notice also proposes procedures by which a State may submit necessary facts to establish that it meets the criteria for both the basic and the supplemental grant and that it has maintained its level of spending from other sources for alcohol traffic safety programs at or above the average level of such spending for the past two fiscal years. Finally, this notice proposes a procedure for awarding section 408 grants to States. The Act directs the Secretary of Transportation to undertake this rulemaking. By Departmental Order, the authority of the Secretary is delegated to the Administrator of NHTSA, and NHTSA will be referred to hereinafter.

Because of the importance of these issues and the desire to allow the maximum input from the States, the agency has determined that an advance notice of proposed rulemaking is appropriate to ensure consideration of all alternatives and arguments in drafting final rulemaking. NHTSA includes herewith for public comment an advance notice of proposed rulemaking which would achieve each of the above goals. The agency wants to make it clear that this is an advance notice only and the final proposal may incorporate other criteria suggested by the comments received.

The Act directs the agency to publish a notice of rulemaking by November 1 and a final rule by February 1, 1983. To the extent that the regulation relates to the award of a basic grant, it is to become effective on the date of publication of the final rule in the **Federal Register.** To the extent that the regulation relates to the award of a supplemental grant, it is scheduled to become effective on April 1, 1983.

On November 1, 1982, the agency issued a notice detailing the schedule for this rulemaking. This schedule, adopted with the concurrence of the Congressional committees that drafted the statute, is as follows: ANPRM at this time; public hearing on December 13; proposed rule on or before December 31, 1982; public hearing on January 10, 1983; final rule on February 1, 1983; effective date for basic grants on publication of the final rules; and an effective date for the supplemental criteria of April 1, 1983.

The following is a brief description of the requirements set forth in the Act and a more detailed description of each additional proposal which NHTSA is considering.

### Basic Grant Criteria

The basic grant criteria are specified in the Act. The criteria which a State must satisfy in order to be eligible for a 30 percent basic grant are as follows:

1. The prompt suspension, for a period not less than ninety days in the case of a first offender and not less than one year in the case of any repeat offender, of the driver's license of any individual who a law enforcement officer has probable cause under State law to believe has committed an alcohol-related traffic offense, and (i) to whom is administered one or more chemical tests to determine whether the individual was intoxicated while operating the motor vehicle and who is determined, as a result of such tests, to be intoxicated, or (ii) who refuses to submit to such a test as proposed by the officer.

### Discussion

The committee report on Pub. L. 97–364, citing the problem of months passing between an arrest for drunk driving and subsequent administrative or judicial action to suspend the person's license, emphasized the need for prompt state action on license suspension. To ensure timely state action, the agency is proposing that the mandatory license suspension take place no later than 30 days after a person is arrested for drunk driving. NHTSA believes that a period of 30 days is sufficient time for a State to process a license suspension even when it is necessary to await the results of a blood or urine test. Those states which authorize the immediate suspension of driving privileges by physical confiscation of a license upon arrest would, of course, qualify.

The agency also is proposing to define a "repeat offender" as anyone convicted of driving while intoxicated or a similar alcohol-related traffic offense more than once in five years. Such a definition appears most consistent with Congress's directive, discussed below, that such persons be treated as repeat offenders for sentencing purposes. The agency solicits comments on alternative definitions of repeat offenders.

In addition, the agency believes that mandatory license suspension should apply to a refusal to take more than one chemical test, even if the driver consented to the first test. For example, the driver may have consented to one chemical test which produced a negative result. The law enforcement officer should then be able to compel the driver to submit to a second test, possibly with another type of chemical tester. Refusal to take this second test should result in mandatory suspension of the driver's license.

To demonstrate compliance with this criterion, States would be asked to provide NHTSA with a copy of the law or regulation implementing mandatory license suspension, information on the number of licenses suspended, the average length of suspension for first-time and repeat offenders and the average number of days between the offense and the sanctioning action.

2. A mandatory sentence, which shall not be subject to suspension or probation, or (i) imprisonment for not less than 48 consecutive hours, or (ii) not less than ten days of community service, of any person convicted of driving while intoxicated more than once in any five-year period.

*Discussion*

To demonstrate compliance with this requirement, States would be asked to provide NHTSA with copies of the existing legislation or regulations on the subject, and with information on the numbers of people convicted of DWI

more than once in any five year period and the average sentences for those persons.

3. Provide that any person with a blood alcohol concentration of 0.10 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated.

*Discussion*

The agency recognizes that some States do not have driving while intoxicated laws, but instead have laws which make driving with a BAC of 0.10 percent a crime in itself. The agency believes that Congress did not intend to require States to adopt a driving while intoxicated law, as such, if they already have an otherwise valid *per se* law that makes driving with a BAC of 0.10 percent a cirme. The agency, therefore, proposes to accept documentation of the existence of either type of *per se* law in satisfaction of this requirement. To demonstrate compliance with this requirement, States would be asked to submit a copy of the applicable law to the agency.

4. Provide for increased efforts or resources dedicated to the enforcement of alcohol-related traffic laws and increased efforts to inform the public of such enforcement.

*Discussion*

NHTSA is proposing that States demonstrate their level of alcohol-related traffic law enforcement efforts and resources by providing data reflecting evidence of the level of effort and resources expended in each of fiscal years 1981 and 1982. This could include, for example, the number of driving while intoxicated (DWI) arrests, the number of DWI convictions, the economic or other value of enforcement resources used to achieve that level of effort, or documentation of public information and education efforts conducted by state agencies. In reporting its conviction rate, a State might be asked also to provide the percentage of convictions based on the original charge, since wide discrepancies in this area, or extremely high conviction rates, could be indicators of structural deficiencies in the charging or prosecution process.

It would appear to be more difficult to quantify what types of data should be required to demonstrate that a State is making an increased effort to develop a public information program on drunk driving. The agency solicits comments on what specific criteria, such as the number of projects initiated and the amount of resources and money spent, might be usable to document increased levels of effort.

In the case of both increased enforcement efforts and increased public information efforts, the increases would be expected to be based on the level of a state's effort in fiscal year 1982 over 1981. States would then be asked to show how the level has increased, in terms of the criteria specified in the final rule, in subsequent years.

**Supplemental Grant Criteria**

The agency has tentatively concluded that among the criteria proposed for a supplemental grant, four appear, from existing data, to be either more significant or more demonstrable than the others. These are the statewide driver record system, the minimum drinking age of 21, the existence of comprehensive community-based alcohol safety programs in each major political subdivision of a State, and vehicle impoundment or confiscation of tags. Thus, the agency might propose that any State applying for a supplemental grant be asked to document implementation of these criteria. If State laws or constitutions make such implementation impossible, States are asked, at this time, to present that information.

With respect to the balance of the supplemental grant criteria, the agency notes that some disincentive to the adoption of supplemental criteria programs might unintentionally have been created under the Act and States might be reluctant to implement additional programs in the first year that they apply for a supplemental grant. It would be unfortunate and in the agency's view contrary to the intent of the program which has been created if any States were to delay consideration, adoption or implementation of a program in order to assure continued eligibility for further grants in subsequent years.

Accordingly, the agency might propose, and seeks public comment on the issue of, requesting a State to document whether or how it might plan to adopt or implement each of the remaining programs described below, in order to be eligible for a supplemental grant in future years.

The agency solicits comments on its tentative views on appropriate minimum criteria for supplemental grants.

The four possible criteria, which the agency has tentatively identified as more significant or more demonstrable than the other criteria, are based on the criteria that Congress suggested, in the Act, that the Department could include in the final supplemental criteria. Those criteria are discussed below.

1. Establishment and maintenance of a statewide driver recordkeeping system, from which repeat offenders may be identified and which is accessible in a prompt and timely manner to the courts and to the public.

*Discussion*

NHTSA believes that such a system should serve as the basis for sentencing persons convicted of drunk driving. Because they represent a clearly identifiable group, specific enforcement efforts can be aimed at repeat offenders. Without a Statewide driver record system, courts cannot determine who these individuals are and take the steps necessary to get them off the roads. Most current systems are not capable of readily identifying repeat offenders. Thus, appropriate sanctions are not applied, decreasing the deterrence impact of repeat offender laws.

By "readily accessible," the agency might propose that such a system be set up so that conviction information is actually recorded within a given time period, say 30 days, of a conviction or license sanction, or perhaps of the completion of the appeals process. In addition, the full driving history of the defendant should be available to prosecuting officials for case preparation, and to the courts or administrative tribunals for use in determining appropriate sentencing or sanctions. States might demonstrate compliance with this criterion by providing the agency with a description of their record system that discusses its availability to prosecutors, courts and the public and indicates the time required for entering drunk driving convictions onto the driver's record.

Such records should be accessible to the public, as well as the courts, because of the need for public awareness of the extent of the problem and the need for public support for stringent enforcement. However, the agency is requesting comments that specifically address how much of the Statewide driver record system should be so publicly available.

2. Setting of the minimum drinking age in each State at 21 years of age.

*Discussion*

Available data show a direct correlation between minimum drinking age and alcohol-related accidents in the 18-to-21 year old age group. In 1981, 25,000 persons died in alcohol-related highway accidents. Approximately 35 percent of these fatalities, 8,484 people, were between the ages of 16 and 24. This death toll of young Americans is grossly disproportionate to the population of this age group and can be accurately termed a national tragedy.

Raising the drinking age results both in a decrease in the number of accidents and a decrease in the number of fatalities. A NHTSA study using fatal accident data showed that in eight States (Illinois, Iowa, Maine, Massachusetts, Michigan, Minnesota, New Hampshire, and Tennessee) raising the legal drinking age produced an average annual reduction of 28 percent in nighttime fatal accidents involving 18-to-21-year-old drivers.

Studies have shown that an increase in the drinking age results in a decrease in alcohol-related accidents. For example, Michigan had a drinking age of 18 since January 1972, but raised the age back to 21 in December 1978. In the first 12 months after the age limit was raised, a study showed a statistically significant reduction of 31 percent in alcohol-related accidents among drivers aged 18–20. Other studies have shown that increasing the drinking age has a positive effect on the number of single vehicle night time male driver accidents, most of which involve drinking drivers. For example, a 1980 study in Illinois showed a 8.8 percent decline in single vehicle nighttime male driver accidents involving drivers 19 and 20 after the drinking age was raised.

In addition to the mere increase in drinking age, the effects on border communities in cases where different age limits prevail in neighboring States is demonstrably acute. The effectiveness of raising the age limit in one State is substantially affected if teenagers in bordering communities can easily go into another State with a lower age limit and obtain alcohol.

Based on the experience of the States that have raised their minimum legal drinking or purchasing age, the agency concludes that alcohol-related accidents in the 18-to-21-year old age group can be reduced by raising the minimum legal drinking age. NHTSA, therefore, is considering the establishment of a statewide legal drinking age of 21 years as one of the criteria for receiving a supplemental grant. This conforms to a recent strong recommendation of the National Transportation Safety Board. States would be expected to demonstrate compliance with this criteria by providing the agency with a copy of the law establishing 21 as the minimum drinking age.

3. Establishment in each major political subdivision of a State of locally coordinated alcohol traffic safety programs which are administered by local officials and are financially self-sufficient.

*Discussion*

NHTSA believes that major cities and heavily populated counties should establish and implement locally controlled alcohol traffic safety programs, to be operated on a city, county or regional basis, as appropriate. These jurisdictions are best able to determine what programs will be most effective within their boundaries. NHTSA believes that local participation and control of programs will have the greatest amount of public support and, therefore, the greatest impact on the drunk driving problem. States could demonstrate compliance with this criterion by providing a description of the number and types of programs, the percentage of the State's population convered by these programs, and a discussion of how they could become self-sufficient once the Federal incentive grant funding has ended.

Solving the drunk driver problem requires a coordinated effort by all levels of government and society. Drunk driving is, however, first and foremost a local problem. It is of national importance because it is a significant problem in every community. For long range success, the ultimate responsibility for solving this problem must be accepted at the local level. It is in the cities, towns and counties where attitudes toward drinking and driving are established and reinforced and where the tragic consequences of drunk driving are most acutely felt. It is also in these communities where the primary resources for solving the drunk driving program exists.

Every State and locality now has the basic elements of police, courts, treatment, and media to deal with the drunk driver problem. Unfortunately these elements often do not work as an integrated system. Creating a locally coordinated and managed countermeasure system to integrate the functions of all elements of the system will improve the effectiveness of the total system as well as that of its individual components.

Solving the drunk driver problem requires a substantial investment in local and State resources over a sustained period of time. With the general trend toward shrinking State and federal highway safety related funding, year to year maintenance of operating budgets for key agencies in the system is being threatened or reduced. However, alcohol traffic safety programs need not suffer from diminished funding. Studies have identified and some States and communities have found alternative sources of funding which can pay for sustained program operations. One of these prime resources is the drunk driver himself. NHTSA believes that making the DWI offenders who create the problem pay for the solution is the only sound fiscal policy. By redistributing the offender fines, court fees, education and treatment program tuition back to the State and local agencies to pay for the system, programs can be made financially self-sufficient and self-sustaining.

4. Impoundment of any vehicle operated on a State road by any individual whose driver's license is suspended or revoked for an alcohol-related driving offense.

*Discussion*

NHTSA recognizes that this criterion might result in the impoundment of a vehicle belonging to someone who was not directly involved in an alcohol-related driving offense. This could occur where an owner loaned an automobile while unaware that the recipient's license had been suspended or revoked, and could also affect the security interest held by institutions that loaned money for purchase of the vehicle. Although this criterion could create a burden in such cases, NHTSA believes that individuals should be able to take precautionary measures to ensure that drivers are not only responsible, but also legally qualified to drive.

The agency recognizes that physical impoundment of vehicles could create significant administrative and resource problems, and is seeking comments on alternative means to accomplish this same goal within the intent of the Act. These might include, for example, defining "impoundment" so as to include confiscating the vehicle license plates or tags, rather than the vehicle itself. The agency also invites comments on the minimum length of time of any such impoundment.

States could demonstrate compliance with this criterion by providing the agency with a copy of the law authorizing appropriate impoundment or license plate confiscation.

The Act also suggests three other supplemental grant criteria for consideration by the agency. Those three criteria are discussed below.

1. Grant of presentence screening authority to the courts.

*Discussion*

Presentence screenings would materially aid the courts in selecting the sanctions most appropriate for convicted drivers. Presentence screening could be implemented through the Statewide driver record system

proposed as one of the supplemental criteria. In most instances a preliminary screening should be able to be based upon BAC level at time of arrest, prior alcohol-related convictions and a self-administered questionnaire. A more in-depth diagnostic assessment could be done by health officials and the results made available to the courts in a timely manner. Although the screening would not be mandatory, NHTSA believes that the court should be granted the authority to order that such screenings be performed. States could demonstrate compliance with this criterion by submitting a copy of the law authorizing presentence screening and providing a brief description of the screening process.

2. Creation and operation of rehabilitation and treatment programs for those arrested and convicted of driving while intoxicated.

*Discussion*

A series of demonstration projects begun in 1976 to evaluate the effectiveness of the enforcement and treatment aspects of alcohol projects has shown that such countermeasures can be effective. One such treatment program conducted in Sacramento, California, for example, reduced the re-arrest rate for first offenders (social drinkers) by 14 percent and for multiple offenders by 41 percent at the end of one year and 24 percent after 2 years. The multiple offender program consisted of in-depth therapy and counselling for one year and two years probation. The basic conclusion of the report is that continuous, intensive treatment does create a deterrence to drunk driving when required in addition to the imposition of other sanctions. NHTSA believes that rehabilitation and treatment should be an integral part of any alcohol traffic safety program and that it should be a supplement to licensing and other sanctions.

The agency believes that if such a rehabilitation and treatment program is to be successfully implemented, a State must establish uniform standards and procedures for creating and operating the system. In addition, the program should address both the education of the social drinker and treatment of the problem drinker. Based on the California experience, the agency believes that the program for the problem drinker should be at least one year in length. Comments are solicited on these additional criteria for the treatment program.

States could demonstrate compliance with this criterion by providing the agency with information on the types and duration of their rehabilitation and treatment programs and a summary of their uniform standards and procedures for creating and operating their programs.

3. Consideration of and, where consistent with other provisions of State law and constitution the adoption of, recommendations that the Presidential Commission on Drunk Driving may issue during the period in which rules are being made to adopt supplementary grant criteria.

*Discussion*

Congress suggested that one possible criterion for a supplemental grant should be for States to consider the recommendations of the Presidential Commission on Drunk Driving. NHTSA supports the work of the Commission, in principle and with the full resources of the agency, and encourages States also to respond appropriately to its recommendations.

*Additional Criteria*

In addition to the criteria for supplemental grants suggested by the Congress for possible inclusion, the agency is also considering several other possible criteria. These criteria are based on the agency's expertise gained through research and domonstration programs and on criteria that are being considered by the Presidential Commission on Drunk Driving. These possible criteria are discussed below.

1. Designation of State alcohol highway safety program coordinator.

*Discussion*

The effective implementation of any drunk driver program requires the cooperation of numerous State and local governmental agencies. To ensure that all of the different elements of the program, such as recordkeeping, public information, enforcement, driver licensing, courts, education/prevention, and treatment, are fully coordinated, the agency believes that a single State official should be designated as responsible for coordination of the drunk driver program. States could demonstrate compliance with this criterion by identifying an official designated as State alcohol highway safety coordinator and the scope of his or her authority.

2. Prevention and long-term education programs.

*Discussion*

An important element of any comprehensive alcohol safety effort is a prevention and education program designed to educate the public about drunk driving and the actions that it can take to reduce the problem. Such programs can be effective if carried out in conjunction with increased enforcement. Such programs help build public support for increased action to reduce alcohol-related accidents, by creating a public awareness of the risks of excessive use of alcohol, the need to support the community institutions such as the police courts and treatment agencies that deal with the problem and the role that individuals, organizations and social networks can play in reducing the problem.

While general deterrence programs offer promise for some control of the present drinking driver population, for ultimate success, a societal norm would have to exist which unequivocably makes drunk driving socially unacceptable behavior. This obviously will require a long-term effort, but it goes hand-in-hand with the general deterrence concept. The primary focus in such an effort should be the pre-driver and young driver population. Through long-term prevention and education programs in schools and within our communities, responsible attitudes toward alcohol use and driving can be established.

States could demonstrate compliance with such a requirement by providing a brief description of their prevention and education programs and how they are related to increased enforcement of the drunk driving laws. In particular, a State could provide information on its youth programs.

3. Use of preliminary breath testing.

*Discussion*

At present, nineteen States are using a roadside preliminary breath test to screen suspected drunk drivers. Use of the preliminary berath test aids police officers in determining whether there is probable cause to make an arrest for driving while intoxicated. Research done by the agency has shown that the use of such pre-arrest screening devices are accepted by and useful to the police, and that preliminary breath test devices function accurately and dependably. The agency believes that wider use of preliminary breath tests can increase the effectiveness of any alcohol enforcement effort. States could demonstrate compliance with this criterion by providing the agency with a copy of the law authorizing use of preliminary breath testers.

4. Utilization of roadside checks to detect drunk drivers.

*Discussion*

Another effective countermeasure is the use of roadside checks as part of a comprehensive drunk driver enforcement program. A number of

communities have recently made effective use of roadside checks during the crucial late night hours on roads where many alcohol-related accidents occurred. The agency believes that the selective, prudent and reasonable use of roadside checks as a part of comprehensive enforcement program can serve not only to heighten public awareness of the drunk driving problem but also create an enhanced preception among potential drunk drivers that there is a high risk of detection. In addition, these roadside checks can assist in the enforcement of license suspension and revocation actions. States could demonstrate compliance with this criterion by providing information on how often they are using roadside checks and the purpose of those checks.

5. Arresting officer choice of chemical tests.

*Discussion*

At present, the suspected drunk driver may in fact specify which State-approved chemical test is to be used to determine if he or she is intoxicated. The agency believes that the preferred practice would be to leave the choice of tests to the arresting officer. In this way, the officer can use the device which is most readily available, or which seems most appropriate, thus reducing the amount of time required to obtain a valid test. (See also the discussion, in the section on the criteria for basic grants, on automatic sanctions arising from a refusal to accept more than one requested test.) States could demonstrate compliance with this criterion by providing a copy of the applicable law or regulation authorizing the arresting officer to make the choice of chemical tests.

6. Elimination of plea-bargaining.

*Discussion*

The implementation of a effective drunk driver control system can be effectively stymied by the discretionary use of plea-bargaining before or during the trial of the suspected drunk driver. It is understandably difficult to motivate police officers to continue sustained enforcement efforts if they see their cases repeatedly dismissed because the defendants have pleaded guilty to lesser offenses. Likewise, indiscriminate use of plea-bargaining can erode community support for a drunk driver control program, when the public sees that offenders are seldom convicted of driving while intoxicated.

The agency recognizes that balanced against these factors are the limited resources of the prosecution and the need for judicial economy. The agency therefore solicits comments on what limits might be placed on the use of plea bargaining. For example, might the requirement be considered that no plea bargaining be allowed in cases where the defendant's BAC was 0.15 percent or higher or where personal injury occurred? States could demonstrate compliance with such a criterion by providing the agency with a copy of a law or other regulation prohibiting the use of plea-bargaining in drunk driving cases.

7. Enactment or enhancement of dram shop laws.

*Discussion*

Several States currently have laws that make dispensers of liquor, such as liquor stores, bars or private citizens, liable for injuries that occur when they serve liquor to an obviously impaired driver and the driver is subsequently involved in an accident. The purpose of such laws, often referred to as dram shop laws, is to make store owners, bar tenders and private citizens more careful to whom they serve liquor. The potential threat of a substantial jury award resulting from a dram shop suit, charging that they served liquor to a drunk driver who seriously injured someone, can effectively motivate people to stop serving drivers who are obviously becoming intoxicated. States could demonstrate compliance with this criterion by providing a copy of a dram shop law.

8. Enactment of 0.05 percent BAC as presumptive evidence

*Discussion*

The enactment of laws that make 0.10 percent BAC as illegal per se is central to increasing the number of drunk driving arrests and convictions. However, many drivers that have a BAC in the 0.05 to 0.10 range are in fact significantly impaired and pose a danger to other drivers on the road. Enactment of a law that a 0.05 percent BAC is presumptive evidence of intoxication would assist police officers in making arrests and obtaining convictions under traditional driving while intoxicated statutes. States could demonstrate compliance with such a criterion by providing a copy of a law making a BAC of 0.05 percent presumptive evidence of driving while intoxicated

*Other Criteria*

The agency specifically invites comments on other criteria that should be adopted for a State to be eligible for a supplemental alcohol safety grant.

*Comment Guidelines*

As a guide to the preparation of both written and oral comments, NHTSA is requesting that each basic and supplemental criterion be addressed separately and that the following information be provided for each: (a) The expected impact of the program on reducing drunk driving, (b) the availability of methods to determine program effectiveness, (c) the opportunities for implementation, (d) the costs necessary to achieve implementation, (e) the costs necessary to maintain the specific program, and (f) the period of time required for the program to become self-sufficient.

**General Requirements**

The legislation specifies that to be eligible for a basic incentive grant of 30 percent of the amount apportioned to the State under 23 U.S.C. 402, a State must: (1) Comply with the four criteria set forth in the act, (2) use the funds granted under the Act only for the implementation and enforcement of alcohol traffic safety programs, and (3) maintain its aggregate expenditures from all other sources for alcohol traffic safety programs at or above the level of such expenditures in its two fiscal years preceding the date of enactment of the legislation. These requirements would be carried over into the proposed rule. NHTSA would propose to use the rule to clarify what it believes to be the intent of Congress with respect to two of these provisions.

The legislation specifies that the Secretary shall make grants to those States that have adopted and implemented effective programs and that the grants "may only be used by recipient States to implement and enforce such programs." While the language seems to imply that Section 408 funds can be spent only on programs enacted under that section of the Act, the section-by-section description of the Act makes it clear that other alcohol highway safety projects, eligible for funding under 23 U.S.C. 402, may also be funded with Section 408 funds.

The intent of the second provision, concerning the fiscal years to be used as base years, is not as easily resolved. The legislation provides that in order to be eligible for a basic grant, a State must maintain its aggregate level of funding from non-section 408 funds for existing alcohol traffic safety programs "at or above the average level of such expenditures in its two fiscal years preceding the date of enactment * * *." The purpose of this requirement is to ensure that States continue to maintain their prior level of expenditures for alcohol safety programs from section 402 and other monies. The new section 408 money would then serve to increase

their prior efforts, rather than replace money previously spent on alcohol safety and now diverted elsewhere.

Congress' use of the words "its * * * fiscal years" in this requirement appears to be clear reference to the State's fiscal year. The section-by-section anaysis of the Act refers only to the "average of total funds spent during the two years preceding," thus not shedding any light on Congress' intent. Since NHTSA has for some time required States to submit data for their 402 programs on the basis of the Federal fiscal year, NHTSA would prefer that the Federal fiscal years for 1980 and 1981 be used but recognizes that the use of a State's fiscal year will make little difference in determining average level of expenditures. The proposed regulation would therefore permit the States to select either Federal fiscal years 1981 and 1982 or State fiscal years 1981 and 1982 as the basis for determining the level of expenditures that must be maintained.

*Limitations*

The Act specifies that no State be permitted to receive a grant for more than three years in a row and limits the total amount of each State's grants to a fixed percentage of the cost of the State's alcohol traffic safety program adopted pursuant to the Act. The percentage is set at 75 for the first year a State is awarded a grant, 50 for the second year a State is awarded a grant, and 25 for the third year a State is awarded a grant. A State can satisfy its share of the section 408 program funds through use of its own non-408 alcohol traffic safety funds. A State could not use its share of Federal funds, such as its section 402 funds, for matching pruposes. These limitations have been incorporated into the proposed rule for clairity, but, as with the other statutory requirements, are not subject to change.

**Certification**

The Act states that in order to receive a grant, a State must enter into such agreements as the Secretary shall specify in order to ensure compliance with the statutory requirements. NHTSA is, therefore, proposing that in order to be eligible for a grant under Section 408, a State must submit to the agency an alcohol safety plan for implementing the necessary programs and a certification that it is complying with each of the requirements of this rule. States can meet the certification requirement by completing the Federal-Aid Agreement (Form HS–62), which is currently used by the States to certify compliance with other highway safety programs.

A State's alcohol safety plan should describe its schedule for implementing its programs to cover the period, one, two, or three years, in which it is potentially eligible for the alcohol safety grants. The plan must clearly set out the State's current level of activity on alcohol safety programs to demonstrate that the new programs will represent an increase in its current alcohol safety efforts as required by the Act. For each criterion it is implementing, a State would be asked to submit the evidence of compliance that is discussed in the basic and supplemental grant criteria section of the preamble. For example, to receive a basic grant, a State would, among other things, provide information on its levels of driving while intoxicated arrests and convictions, the number of driver licenses suspended, the number of days it took to suspend the licenses, and the level of effort in its alcohol safety information programs. States would update the plan as they apply for subsequent grants to demonstrate that they are maintaining their increased level of activity.

Much of the information required for the alcohol safety plan is already generated by the States as a part of their process for developing their section 402 Highway Safety Plans. A State could either submit the information required to comply for a section 408 incentive grant as part of the alcohol section of its Highway Safety Plan or submit it as a separate alcohol program plan. Comments are requested on the content and format for the alcohol program plan. Simultaneous with the issuance of a final rule, the agency will issue guidelines for the alcohol program plan.

A State should be prepared to show that its level of activities is increasing, such as by adding new programs, in each year that it receives a section 408 grant. The effectiveness of existing programs should rise each year.

**Award Procedures**

The legislation does not specify what procedure the agency must follow in awarding grants under the Act. NHTSA proposes to award grants as a State qualifies and its alcohol program is approved, using the procedural mechanism established for the 402 program. The agency would also propose, however, that alcohol program plans under the new 408 program would, in all cases, be referred to the Director of NHTSA's Office of Alcohol Countermeasures, at least in the first year of the program, to assure a more comprehensive overview of any start-up problems. The Associate Administrator for Traffic Safety Programs will, through the Regional Administrators, notify the States of approval or disapproval for a basic grant and, if applicable, for a supplemental grant. If the alcohol program plan is approved, NHTSA will execute the Federal Aid Agreement (Form HS–62) submitted by the State, thus authorizing the State to incur costs. Vouchers would be submitted directly to the appropriate NHTSA Regional Administrator and reimbursement would be made to States for authorized expenditures. The funding guidelines applicable to the section 402 Highway Safety Program (NHTSA Order 462–13, Supplement B) would also be used in the section 408 program to determine reimbursable expenditures. As with requests for reimbursement under section 402 programs, States should indicate on the vouchers what percentage of the funds expended are eligible for reimbursement under section 408.

NHTSA is proposing to make awards in the order in which qualifying applications are submitted. If the balance of available funds is insufficient to make a complete award to a State, NHTSA will propose that the entire balance of remaining funds be awarded. Time of submission will be determined by postmark for certifications delivered through the mail and by stamped receipt for certifications delivered in person.

The legislation specifies that the amount of any supplemental grant shall not exceed 20 percent of the amount apportioned to the State under 23 U.S.C. 402. NHTSA has tentatively concluded that the most fair method for determining the amount of the grant would be to reimburse each State that receives a supplemental grant for all its expenditures up to the maximum allowed by Congress. The agency is, however, receptive to other suggestions that commenters may have on the amount of the supplemental grant.

**Procedures for Commenting on Proposal**

Interested persons are invited to attend the public hearings and/or submit written comments on this proposal. It is requested but not required that 10 copies be submitted.

Anyone who wishes to make an oral statement at one of the public hearings should notify Marian Tomassoni or Joe Jeffrey at the address or telephone number listed at the beginning of this notice not later than seven days before each hearing. Oral statements should be limited to 10 minutes or less. Oral or written clarification on issues raised in the oral statements or in the docket submissions may also be requested by agency representatives conducting these hearings. As time permits, the formal

statements may be followed by an open discussion. Written comments to the public docket must be received by December 15, 1982.

The comment period established for this notice is necessarily short in order to meet the February 1, 1983 deadline set by Congress for completion of this rulemaking process. In order to expedite the submission of comments, simultaneous with the issuance of this notice NHTSA will mail copies of it to all Governors and Governors' Representatives for Highway Safety.

Comments should not exceed 15 pages in length. Necessary attachments may be added to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise manner.

All comments received before the close of business on December 17, 1982, the comment closing date, will be considered and will be available for examination in the docket at the above address before and after that date.

To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date. NHTSA will continue to file relevant material in the docket as it becomes available after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the docket should enclose, in the envelope with their comments, a self-addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

Copies of all written statements and comments will be placed in Docket 82–18; Notice 1 of the NHTSA Docket Section in Room 5109, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. A verbatim transcript of each public hearing will be prepared and placed in the NHTSA docket as soon as possible after the hearing.

Pursuant to the Paperwork Reduction Act, the agency will seek Office of Management and Budget approval for any new reporting or recordkeeping requirements adopted in the final rule.

The agency has determined that this rulemaking should be classified as significant under the Department's regulatory policies and procedures. The agency has further determined that when a notice of proposed rulemaking is issued, a regulatory evaluation will be required. However, the agency has been unable to prepare an evaluation at this time due to the uncertainty of which supplemental grant criteria will be established. The response to this advance notice will provide the necessary information. The agency has determined that since this rule will not have an annual impact of $100 million on the economy, it is not a major rule within the meaning of Executive Order 12291.

The Administrator hereby certifies that the requirements that will be established by this rulemaking action will not have a significant economic impact on a substantial number of small entities because the States will be the recipients of any funds awarded under the regulation and, therefore, preparation of an Initial Flexibility Analysis is not necessary.

**List of Subjects in 23 CFR Part 1209**

Highway safety programs, Alcohol programs.

(Sec. 101, Pub. L. 97–364; 96 Stat. 1738 (23 U.S.C. 408); delegations of authority at 49 CFR 1.48 and 1.50)

Issued on November 4, 1982.

**Diane K. Steed,**

*Acting Administrator.*

[FR Doc. 82-30798 Filed 11-5-82; 8:45 am]

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## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration, Labor.

### 29 CFR Part 1910

[Docket No. S-010]

### Servicing of Multi-Piece and Single Piece Rim Wheels

**AGENCY:** Occupational Safety and Health Administration, Labor.

**ACTION:** Proposed rule.

**SUMMARY:** In response to a petition from the National Wheel and Rim Association (NWRA) and Firestone Tire and Rubber Company, the Occupational Safety and Health Administration (OSHA) is proposing to amend the standard for servicing multi-piece rim wheels, 29 CFR 1910.177, by adding requirements for the safe servicing of single piece rim wheels used on trucks, trailers, buses and similar type vehicles. OSHA at present has no specific strandard that applies only to single piece rim wheels, but workers who do service single piece rim wheels are protected under OSHA's general duty clause. The amended standard, if adopted, would regulate the servicing of both single and multi-piece rim wheel.

This proposal includes requirements for the training of all tire servicing employees, establishing a safe practice procedure for servicing single piece rim wheels, using restraining devices or other means of securing the rim wheel during inflation and using only matching rim wheel components (tires and rims). The proposal also contains several minor amendments to the provisions currently applicable to multi-piece rim wheel servicing operations.

**DATE:** Written comments, objections and requests for hearings on this proposed rule must be postmarked by December 27, 1982.

**ADDRESS:** Comments and hearing requests should be sent to: Docket Officer, Docket No. S–010, Room S–6212, U.S. Department of Labor, Washington, D.C. 20210. (202) 523–7894.

**FOR FURTHER INFORMATION CONTACT:** Richard Sauger, U.S. Department of Labor/OSHA, Office of Mechanical Engineering Safety Standards, Room N3506, Washington, D.C. 20210, (202) 523–7213.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

*A. Standard on Multi-Piece Rim Wheels.* On January 29, 1980, OSHA issued a final standard on multi-piece rim wheels (45 FR 6706) after informal rulemaking under section 6(b) of the OSH Act. Multi-piece rim wheels consist to two or more detachable rim components, one of which is a side or locking ring designed to hold the tire on the rim base when the tire is inflated. These rim wheels are used on motor vehicles, such as trucks, trailers, buses and motor homes, for either on-highway or off-highway usage. The major hazard in servicing multi-piece rim wheels is the possibility of an employee being struck by a wheel component which has been thrown from an inflated rim wheel during an unintended explosive separation.

The standard for servicing multi-piece rim wheels includes requirements for training of all tire servicing employees, establishing a safe practice procedure for servicing multi-piece rim wheels, using restraining devices and using only compatible rim wheel components.

*B. Single-Piece Rim Wheels.* In contrast to multi-piece rim wheels, which are used with tube type tires in heavy duty applications, single piece wheels are used with tubeless, radial ply tires on trucks, trailers and buses for over-the-road haulage under moderate loads.

The use of tubeless, radial ply tires on trucks, trailers and buses necessitates the use of single piece wheels since the wheel forms a portion of the chamber which contains the pressurized air.

Single piece wheels are designed with one ledge side of the rim narrower than the other side to facilitate the installation of the tire on the rim. At present, between 15% and 20% of large vehicles such as trucks, trailers and buses are equipped with radial ply tires and single piece wheels. This percentage is expected to increase to 50% of all large rim wheels by 1990 (Exhibit 4).

Although radial ply technology was first introduced in the mid 1920's for vehicle tires, radial ply tubeless tires and single piece wheels for large vehicles were not utilized to any great extent until the early 1970's. This was due to the many problems which are inherent in the design of radial ply tires. The radial ply tire offers less sidewall support and less road carrying capability under severe service conditions than does the bias-ply tire and is more prone to failure from sidewall scuffing or unusual side forces such as hitting a curb. Other disincentives to the use of radial ply tires are that the initial cost of tires is higher, and the tubeless tire can not, on the average, be successfully recapped as many times as the tube type tire. Bias ply tires and multi-piece wheels are also easier to service at remote locations because they are designed for easy disassembly. However, because radial ply tires operate at cooler temperatures and last longer, the disadvantages of their use are partially overcome. Additionally, the radial ply tire offers less rolling resistance, thereby increasing the vehicle mileage per gallon of fuel. As the cost of fuel has increased, it has become more cost effective to use radial ply tires and more and more of the large vehicle users have begun to switch to the use of radial ply tubeless tires. This has resulted in a corresponding increase in the use of single piece wheels, since, as noted earlier, radial tires can only be used with single piece wheels.

Because of their limitations under conditions of severe use, single piece rim wheels are used almost exclusively on long distance, over-the-road vehicles where the loads imposed upon the rim wheels are termed moderate and the primary concern is good mileage. Vehicles which operate on rough terrain, at remote locations, or under heavy loading conditions, have continued to use the tube type tire and multi-piece wheel. Emergency vehicles, for the most part, also continue to use multi-piece rim wheels since vehicle reliability and serviceability under all conditions is essential.

*C. NHTSA Rulemaking on Multi-Piece Rim Wheels.* Prior to the OSHA rulemaking on multi-piece rim wheels, the National Highway Traffic Safety Administration (NHTSA) has issued an Advance Notice of Proposed Rulemaking (ANPRM) (44 FR 12072, March 5, 1979) ( Exhibit 8) announcing their intention to commence rulemaking on multi-piece rim wheels. NHTSA contemplated requiring certain performance levels for tire and rim component retention and/or banning the further production of multi-piece rims. The ANPRM was premised on the inherent hazards of multi-piece rims and noted favorably the relatively "safe" single piece rim as an alternative.

In a report prepared for NHTSA, South Coast Technology, Inc., of Dearborn, Michigan assessed the economic impact of phasing out the usage of certain types of multi-piece rim wheels (Exhibit 6). One of the conclusions reached in that study was that under certain conditions of usage (the operation of vehicles on rough terrain and with heavy loads) the single piece rim wheel may not prove as suitable as the multi-piece rim wheel. Using single piece rim wheels would increase the frequency of downtime and tire repair under these conditions.

In a notice published in the **Federal Register** on February 25, 1982 (47 FR 8232) (Exhibit 10), NHTSA terminated its rulemaking action on multi-piece rim wheels. In doing so, NHTSA acknowledged that the OSHA standard on servicing multi-piece rim wheels would provide protection to employees engaged in servicing operations. At the same time, however, NHTSA noted that there were unique hazards in the servicing of single piece rim wheels which had not previously been examined in depth. This finding is particularly noteworthy because, according to NHTSA, between 70 and 80% of new trucks intended for highway use will be manufactured with single piece rim wheels by 1990. The more widespread use of single piece rim wheels, combined with the new data available on the hazards involved in their servicing, provides a new impetus for OSHA to propose a revision to its standard to cover the servicing of single piece rim wheels.

## II. Hazards of Single Piece Rim Wheels

During the development of the OSHA standard on servicing multi-piece rim wheels, neither the petitioners, the Rubber Manufacturer's Association (RMA) and Firestone Tire and Rubber Company, nor OSHA seriously considered the need to regulate the servicing of single piece rim wheels. During the public meeting, limited testimony was presented regarding data which were then being collected on single piece rim wheel accidents (Docket S-005, Exhibit 5, Pages 23 and 27). Mr. Freivoyel of Firestone Tire and Rubber Company pointed out that those who proposed a ban on certain multi-piece rim wheels did not consider the safety implications of forcing conversion to single piece rims and tubeless tires. Mr. Besemer of Failure Analysis Associates (FaAA),[1] a firm hired by the National Wheel and Rim Association to determine the risks of servicing multi-piece rim wheels, stated their preliminary findings that the on-road accident picture for single piece rim wheels looked as serious as that for multi-piece rim wheel servicing. However, their data were limited to one manufacturer's experiences and could not be presumed to be conclusive. Further, the FaAA preliminary report did not examine accident data in tire servicing facilities and workplaces. For these reasons, and because of the limited period of industry usage of single piece rim wheels, the hazards of servicing single piece rim wheels has not been adequately documented, and thus were not fully recognized during the multi-piece rim wheel rulemaking.

Since promulgation of the OSHA standard for servicing multi-piece rim wheels, however, industry studies (Exhibit 3) have indicated an increasing number of accidents occurring during the servicing of single piece rim wheels. Based upon the data now available including that from four of the manufacturers of single piece wheels, OSHA has determined that the likelihood of accidents and injuries when servicing single piece rim wheels is comparable to that which existed for the servicing of multi-piece rim wheels before the OSHA multi-piece rim wheel servicing standard. In addition to these data, OSHA has reviewed selected product liability litigation records from cases involving injuries received during the servicing of single piece rim wheels. These records buttress the determination that employees who service single piece rim wheels are exposed to a significant risk of serious injury.

Although accidents involving single piece rim wheels may occur whenever a wheel with a pressurized tire is handled or used, the majority occur during the inflation process. The principal hazard encountered is that the contained, pressurized air may be suddenly

[1] *Note:* Although Failure Analysis Associates uses FAA as its official abbreviation, we are using FaAA here so as not to confuse it with the acronym of the Federal Aviation Administration.

released either by the bead slipping over the rim flange or by the bead breaking. These accidents can be caused by mismatching of the wheel and tire, by using damaged components, by failing to properly restrain the components, by welding or by mounting the tire on the wheel improperly. The resulting air blast is strong enough to hurl an employee, who is in close proximity to the rim wheel and positioned within the trajectory, violently across the workplace. The pressurized air, when released against a solid reflecting surface, can also propel the rim wheel itself across the workplace and into an employee. The force exerted on the rim flange of a single piece wheel by a pressurized tubeless tire is comparable to that of a tube type tire mounted on a multi-piece wheel (e.g., a 10.00×20 tire, when inflated to 105 psi creates a force in excess of 40,000 pounds against the rim flange).

As noted above, the force of the pressurized air released from a single piece rim wheel is comparable to that from a multi-piece rim wheel. The principal differences between accidents involving single piece rim wheels and those involving multi-piece rims, center around the ways in which the pressurized air in the tire is released. In multi-piece rim wheel accidents, the wheel components separate with violent force. The primary agents of employee injury in multi-piece rim wheel separations are the individual components of the rim, such as the lock rings, which are propelled toward the employee with explosive force by the pressurized air. In the single piece rim wheel accident, on the other hand, one of the primary agents of injury is the blast from the pressurized air itself. Employees have been seriously or fatally injured when they were thrown against walls, ceilings, gas pumps or other objects.

In addition, if the air blast is not released directly toward the employees but against a floor or wall, the rim wheel can be hurled across the workplace. Therefore, if the release of air occurs on the side of the wheel that is lying against a solid surface and the wheel is unrestrained, the entire rim wheel may become a projectile. An employee can be hit by the rim wheel if he is standing in the tradjectory when the air is released. In a test conducted by the NWRA (Exhibit 13) a single piece rim wheel with a weakened bead was pressurized to 110 psi, and the tire failure occurred on the side of the tire resting on the ground. The rim wheel (whose total weight was approximately 200 pounds) was thrown approximately 30 feet into the air by the force of the air thrust against the ground. Accident reports show that employees have been injured in similar situations when a tire was overinflated. When unrestrained rim wheels are thrown into the air, employees can also be injured by the rim wheels as they fall. The available data indicate that such accidents have actually occurred.

### III. Accident Data

Data collection regarding single piece rim wheel accidents presents similar problems to those OSHA experienced in documenting multi-piece rim wheel accidents. Accidents to employees engaged in the servicing of single piece rim wheels are often either not reported at all, or are classified under broad headings such as "falls" or "hit by sharp objects." Therefore, the data available to OSHA likely represent only a portion of the total injuries and fatalities.

The National Wheel and Rim Association (NWRA), in support of their petition, has submitted a report on single piece rim wheels which was prepared by FaAA (Exhibit 3). The report contains accident data which was gathered from several sources including NHTSA reports, manufacturers' files, the California State OSHA program (Cal OSHA), and consumer litigation against rim manufacturers. In this report, FaAA states that between 1970 and 1980 there were 112 accidents identified involving single piece rim wheels. Of that number, 15 accidents resulted in fatalities. Several accidents contained in the FaAA statistics were attributed to certain types of on-the-road tire failure such as blowouts (21 accidents) rather than servicing problems (91 accidents).

These statistics are incomplete as they may not include single piece rim wheel accidents whose causation is still the subject of continuing litigation. In addition, NWRA suggests that there are serveral factors which may have limited the number of single piece rim wheel servicing accidents in the past which may not be present in future years. Included among these factors is that the principal users of single piece rim wheels to date have been the larger trucking companies with better trained and supervised personnel, better equipment, and more precise adherence to established procedures in using that equipment. Additionally, because there have been some single piece rim wheel failures in marginal applications (e.g., large loads, and/or heavy service) many of these companies have limited their use of single piece rims to moderate loads and on-highway applications. Finally, since the average age of the single piece rim wheels is less than that for the average multi-piece rim wheels, those accidents which would occur due to wheel deterioration, have yet to occur. In NWRA's view, these elements will become less dominant as single piece rim wheel use increases, and the accident and injury rate can be expected to increase significantly if no OSHA standard is promulgated.

In addition to the report submitted by NWRA, OSHA has examined the records of 25 product liability personal injury suits involving single piece rim wheels which occur between 1971 and 1981. The sample of 25 case records contained information on:

1. The severity of typical injuries resulting from single piece rim servicing accidents;
2. The average age of the victim;
3. The training received by the victim; and
4. The level of experience of the victim.

These records do not provide a complete or exhaustive survey of single piece rim wheel servicing injuries. They do, however, provide a valuable source of information on those injuries and on the training and tire servicing experience of the injured persons.

With respect to injury severity, the sample contains reports of 5 deaths, 5 total disabilities, 4 permanent disabilities, 10 temporary disabilities, and 1 injury of unknown severity. Five injured workers were between the ages of 16 to 20 (2 deaths and 3 total disabilities), 9 were between the ages of 21 to 31 (of which, there were 1 death and 2 total disabilities), 2 were between the ages of 32 to 40, 6 were between the ages of 41 to 54 (of which, there were 2 deaths), and 3 ages were not reported.

Likewise, the relationships of experience and training of the victims were examined. Five of the victims were reported to have received some training on servicing single piece rims, 13 victims were reported as having received no such training and there was no report on whether or not the remaining 7 had received training. Examining these reports as to worker experience, 6 reported no prior experience, 9 reported less than 1 year of experience, 8 reported more than 1 year of experience, and 2 did not state a level of experience.

The available accident data indicates that a serious risk of injury exists for the worker who services single piece rim wheels, and that lack of training and experience in proper servicing procedures appears to be a significant factor in many single piece rim wheel servicing accidents.

## IV. Significant Risk

In *Industrial Union Department, AFL-CIO* vs. *Amercian Petroleum Institute,* et. al., 448 U.S. 607 (1980), the Supreme Court ruled that in promulgating standards under section 6(b) of the OSH Act, OSHA must determine that the hazard being addressed poses a significant risk to employees, and that the standard will significantly reduce or eliminate that risk.

The nature of the job and workplace exposes many individuals to the hazards of servicing single piece rim wheels. Because the work does not require skilled labor, a long period of service is not characteristic of the workforce. There is high employment turnover, and hence, a large number of workers will be exposed to the risk.

OSHA estimates that slightly over 300,000 employees are engaged in servicing single piece rim wheels. Many of these workers service single piece rim wheels infrequently and/or have not received any training on how to perform the servicing safely. As a result, they may not be fully aware of the inherent hazards of servicing these wheels. Because of the workers' relative inexperience, single piece rim wheels present hazards which may not be generaly recognized by the persons who service them. Further, many of these employees incorrectly assume that specific hazards are found only with multi-piece rims, and that single piece rims are safe.

With respect to the frequency of injury-producing accidents, the NWRA data indicate that there have been 91 servicing injuries between 1970 and 1980 (Exhibit 3). On a per rim wheel servicing basis, this is about one injury-producing accident per million single piece rim wheel servicings. This rate is about the same as the rate which existed in the servicing of multi-piece rim wheels before the promulgation of the multi-piece rim wheel servicing standard.

NWRA has suggested that the injury rate may be expected to increase as the use of single piece rim wheels becomes more prevalent. More single piece rim wheels will be serviced by persons who have never handled such rim wheels before, and/or who have never been trained in proper procedures. Further, as single piece rims are used over a longer period of time, more older single piece rims will be in use than at present. As these wheels deteriorate, they are expected to result in more accidents and injuries. (See III, Accident Data, above). OSHA believes that these factors are likely to result in higher injury rates in the future if a standard is not promulgated.

The technology of tire construction is such that tubeless tires require single piece rims. Due to the greater fuel efficiency of tubeless tires, truck and bus lines have been switching to these tires. This economic consideration will result in further increases in the number of single piece rim wheel servicings. The data available to OSHA indicate that the percentage of all large vehicles which use single piece rim wheels will increase from 20 percent in 1981 to about 50 percent in 1990. This translates to about 280 to 350 million single piece rim wheel servicings over that period of time (1981–90). Using these data and assuming that the rate of injury producing single piece rim wheel accidents does not change, OSHA estimates that if no standard is promulgated, there will be approximately 280 to 350 injury producing single piece rim wheel servicing accidents during the 10 year period of 1981 to 1990. OSHA has assumed no increase in the accident rate in determination of the benefits to be derived by adoption of this proposal. If, instead of remaining constant, the accident rate were to increase for the reasons cited by NWRA, the number of expected injuries would increase.

As previously mentioned, FaAA reported that there were 112 single piece rim wheel accidents which occurred between 1970 and 1979. These 112 accidents were categorized as having occurred either during maintenance operations (91) or during use (21). Of the 91 maintenance accidents, 15 (16.5%) resulted in a fatality while the remaining 76 (83.5%) resulted in an employee injury. Using the above percentages, the 280–350 accidents projected to occur between 1981 and 1990 will result in 56 to 70 fatalities and between 243 and 322 injuries.

Examination of the 25 litigation records made available to OSHA resulted in the following findings: There were 5 fatalities (20%), 5 accidents resulted in total disability (20%), 4 resulted in permanent partial disability (16%), 10 resulted in temporary disability (40%), and 1 was of unknown severity (4%). Obviously, 40% of those injured while servicing single piece rim wheels will never work again. Of the 10 who were only temporarily disabled, the average time out of work was 6 months. The single piece rim wheel servicing injuries reported in these litigation records were more severe than the average general industry occupational injuries, which involve an average of about 16 lost workdays (Exhibit 14).

OSHA recognizes that there are serious limitations on the use of the litigation data to develop projections of the severity of injuries in the industry. It is clear, for example, that accident data which have been developed from litigation records of manufacturers of single piece wheels, are likely to be skewed towards the more serious injuries. This is because it is the most serious injuries and fatalities that are the most likely to lead to products liability litigation.

However, OSHA has noted that the percentage of fatalities reported in the litigation data (20%) closely parallels the percentage reported in the NWRA data (16.5%). Moreover, both data sets are likely to exclude less serious injuries. Although there is not sufficient information to allow a detailed comparison of their respective data, OSHA has assumed that the injury mix is similar for each of the data bases. On that basis, then, OSHA has taken the percentages of fatalities, permanent and temporary disabilities found in the litigation data, and has projected these percentages onto an extrapolation of the NWRA data to determine the expected number of fatalities and the different types of injuries. This projection also assumes that the number of accidents reported by NWRA for the period from 1970 to 1980 is an accurate figure, and that the number of wheel servicings will increase from 20 percent in 1981 to 50 percent in 1990. Based upon these assumptions, OSHA has determined that if no standard is promulgated, 56–70 fatalities, 56–70 total disabilities, 56–67 permanent disabilities, and 137–188 temporary disabilities will occur during the 10 year period.

An analysis of the causes of the 91 injury producing accidents reported by NWRA indicates that approximately 90 percent of these accidents occurred while the tire was being inflated, nearly 5 percent occurred while the rim wheel was being moved, and about 5 percent occurred while the rim was being welded. The proposed standard contains the following provisions which, if followed, will prevent nearly all of these types of accidents in the future:

1. The worker must inflate the tire while the rim wheel is restrained, bolted on the vehicle or separated from him by a barrier, and must stay out of the trajectory of the potential explosion;

2. The worker must inspect both the tire and the rim in order to avoid mismatching them; and

3. The worker must never apply heat to a rim with an inflated tire.

The proposed standard also would require training to ensure that workers will learn the safe servicing procedures. OSHA anticipates that proper training will increase worker understanding of

the seriousness of the hazard and with that understanding will follow the likelihood that workers will comply with these procedures.

OSHA's conclusion is supported by several factors. A review of the injury producing accidents investigated by OSHA since promulgation of the multi-piece rim wheel standard indicates that there has been a 70 to 80 percent reduction in multi-piece rim wheel servicing injuries since the promulgation of that standard. Secondly, OSHA has been informed by NWRA that after the promulgation of the Cal OSHA standard, which covers both multi-piece and single piece rim wheels, the number of injuries in multi-piece rim wheel servicing fell about 70 to 80 percent (Exhibit 3). Likewise their number of single piece rim wheel servicing injuries fell from 1 per year between 1970 and 1975 to a total of 1 between 1976 and 1980. Thus, OSHA concludes that this proposed standard will prevent injuries when it is followed and that compliance from employer and employee is predictable.

Based on the available data, OSHA concludes that workers face a significant risk of serious injury or death when servicing large vehicle single piece rim wheels, and that promulgation of the proposed standard would significantly reduce that risk. For purposes of the regulatory analysis, OSHA assumed that the proposed regulation would prevent 75 percent of these injuries.

## V. Present Regulations

At present, there are are no specific OSHA standards that apply to the servicing of single piece rim wheels. Section 1910.177 currently applies only to the servicing of multi-piece rim wheels in general industry. The proposal would revise this section to include requirements for servicing of single piece rims. This proposal would not apply to servicing of single piece rim wheels by employers engaged in construction or agriculture because single piece rim wheels are not widely used at this time on off-the-road vehicles. Should a need for such regulation develop at a later date, similar rulemaking for those two industries would be undertaken at that time. OSHA at present has no specific only to the servicing of single piece rim wheels, but workers who do service single piece rim wheels are protected under OSHA's general duty clause.

## VI. Summary and Explanation

During the development of this proposal, the Office of Mechanical Engineering Safety Standards concluded that the employers and emplyees who service single piece rim wheels do not have sufficient recognition of either the hazards associated with the servicing of those wheels, or the proper procedures necessary to deal with these hazards. OSHA believes the proposed amendment would provide the necessary recognition, and protection against, the hazards of single piece rim wheel servicing.

The proposed amendment to the standard on servicing multi-piece rim wheels, 29 CFR 1910.177, would require employee training and the use of safe methods and procedures to protect employees while servicing single piece rim wheels. Following is a discussion of the requirements of this proposed amendment to the multi-piece rim wheel standard. Accordingly, OSHA invites public comments on the following as well as any other issues raised by this proposal.

1. *Scope.* The proposed amendment to § 1910.177 is intended for the protection of employees engaged in the repair or maintenance of single piece rim wheels used on trucks, buses and other large vehicles. This amendment would apply to general industry under Part 1910 of the OSHA standards, and to maritime employment in accordance with 29 CFR 1910.5(c)(2). This amendment would not apply to construction or agriculture.

Additionally, the scope of the proposed amendment is limited to large vehicle rim wheels such as those used on trucks, trailers and buses which normally have larger air capacities, operate at greater pressures and have greater static and dynamic forces than those used on automobiles. This standard would not cover the servicing of automobile and light-duty truck or van rim wheels utilizing automobile tires. (The automobile tubeless, radial ply tire typically uses a rim with a 13", 14" or 15" diameter and has a bead seat angle of 5°).

Although automobile tires are also mounted on single piece rims, they do not present the same servicing hazards as do larger truck and vehicle rims. This is because they are smaller and operate at a lower pressure. The smaller size of the automobile tire avoids the compression of a large volume of air, thereby minimizing the force of the air blast if the tire were to fail. The lower operating pressures (20–35 psi as opposed to 100–125 psi) minimize the force which the escaping air from an automobile tire can exert. Further, the sidewalls of an automobile tire are much more flexible than the larger truck tires and are much less susceptible to damage during servicing. This enables the servicer to seat the tire bead more easily, and allows him to do so at a lower pressure than is necessary for truck tires. OSHA has no evidence that any serious accidents or injuries have occurred as a result of an airblast while an automobile tire was being serviced. For these reasons, the proposal does not cover the servicing of automobile tires on single piece rims.

2. *Definitions.* The proposed definitions are stated in terms commonly used and generally recognized in the tire manufacturing and servicing industries.

A "single piece wheel" or "single piece rim" is defined as a vehicle wheel of rim consisting of one piece, which is designed to hold an inflated tire on the rim, having a diameter of 14.5 inches or more and a bead seat angle of 15°, or a diameter greater than 15.0 inches and a bead seat angle of 5° or more. This definition of a single piece wheel is intended to assure that the servicing of automobile and light duty truck or van rim wheels utilizing automobile tires is not included in the coverage of the standard.

A "barrier" is defined here as any structure capable of restraining a single piece rim wheel in the event of the sudden release of the contained air.

Additionally, the definitions of "wheel" or "rim," "installing a rim wheel," "mounting a tire," "rim wheel," "service area," and "trajectory," are proposed to be amended to conform to the accepted industry usage of those terms. OSHA is proposing minor amendments to assure that the standard is consistent with recognized terminology in the rim wheel servicing industries. In the present OSHA multi-piece rim wheel standard, a "wheel" is defined as the assembly including the tire, tube and rim components. The accepted industry usage of the term "wheel" is that it is the metal portion of the rim wheel which holds the assembly on the vehicle axle and provides the means to retain the inflated tire. A multi-piece wheel consists of the rim base and the side and/or locking ring. The complete assembly *including* the wheel and tire components is correctly termed a "rim wheel." Accordingly, other terms are redefined to be consistent with the proposed amended terms "wheel" and "rim wheel." Corresponding changes in terminology are proposed for various other paragraphs throughout the standard.

The definition of a "restraining device" is proposed to be amended to allow the use of equipment or machinery which was not specifically designed to be a restraining device, as long as that device is capable of restraining the rim

wheel components in the event of an explosive separation or the sudden release of the contained air. This changed would reflect OSHA's continuing efforts towards the use of performance language instead of detailed specifications wherever feasible. In this instance, OSHA believes that there is no need for a restraining device to be "specifically designed" as such (as required by the current standard), provided that it is capable of affording the necessary protection to the employee.

3. *Training.* The proposed training requirements for employees servicing single piece rim wheels are comparable to those currently required for employees servicing multi-piece rim wheels. The use of unsafe work practices by inadequately trained employees has been related to the occurrence of accidents in servicing single piece rim wheels in a manner similar to that documented for multi-piece rim wheel servicing.

The proposal would require all employees who service either single piece or multi-piece rim wheels to be adequately trained. The training must include but is not necessarily limited to instruction in proper procedures and techniques, the use of the correct equipment and tools in the proper manner, and recognition and avoidance of the other hazards associated with the servicing of rim wheels. Employees must also be able to demonstrate that they can service single piece rim wheels safely before the employer can allow them to do that job. It is OSHA's opinion that without proper and adequate training, the hazards of servicing rim wheels may only be learned literally by accident.

Interested persons, including those who know of specific training programs and materials and their effectiveness in reducing accidents associated with single piece rim wheel servicing, are encouraged to comment on the proposed training requirements.

4. *Tire Servicing Equipment.* One of the principal hazards in servicing single piece rim wheels is the risk of being hit by a rim wheel when air is suddenly released from the tire. When the pressurized contained air is released against a solid surface, the reaction can propel the rim wheel across the workplace. If not properly restrained, the rim wheel can become airborne and cause serious injury by striking an employee.

The most critical period during the servicing of a rim wheel is when the tire is being inflated. After reviewing accident reports and witnessing tests performed by the petitioner, OSHA has determined that a requirement that single piece rim wheels be contained within a restraining device, be positioned behind a barrier or be mounted on the vehicle during inflation, is both feasible and necessary for employee protection.

A satisfactory barrier or restraining device must be capable of restraining a rim wheel when that rim wheel separates or suddenly releases its air at 150 percent of the recommended tire pressure. This will prevent the employee from being injured when the air is suddenly released, even if the tire is overinflated. The 150 percent requirement is the same as that currently required for restraining devices for multi-piece rim wheels.

For the purpose of this standard, a barrier could be a wall, a fence or any other structure which is between the employee and the single piece rim wheel when the tire is being inflated, that meets the strength requirements noted above. Such a structure would prevent the rim wheel from being hurled at the employee.

OSHA is interested in learning whether there are other restraining methods, positions or procedures available which will provide an equivalent degree of employee safety to those specified in the proposal. OSHA is also interested in knowing whether existing equipment currently used in single piece rim wheel servicing can provide the degree of protection required by the proposal. If such equipment would need to be redesigned or modified to provide comparable safety, OSHA solicits information on what changes would be necessary for particular pieces of equipment.

5. *Wheel Component Acceptability.* Paragraph (e) of § 1910.177 is proposed to be amended to indicate that whereas the components of multi-piece rim wheels must be compatible, the tire and wheel of a single piece rim wheel must also be compatible. One of the problems identified by NWRA in their report is tire/wheel mismatching. Several accidents were reported as being the result of an employee inflating a tire over its recommended pressure in an attempt to install a tire with a smaller bead diameter on a wheel with a larger bead seat area diameter, such as a 16 inch tire being installed on a 16½ inch wheel.

The current standard provides for the use of NHTSA's matching and servicing charts for multi-piece rim wheels. OSHA is considering whether similar charts are necessary for single piece rim wheels. In that regard, OSHA is contemplating whether the present charts should be revised or supplemented by OSHA to cover the servicing of both single piece and multi-piece rim wheels.

OSHA requests that interested persons provide data and information regarding the advisability of adopting a requirement for single piece rim wheel charts and, if so, what should be considered for inclusion in such charts, together with suggestions as to format and methods of distribution.

In their petition, the NWRA recommended that OSHA reconsider its current requirements, contained in paragraph (d)(1)(iv) of the multi-piece rim wheel standard, that inspection and recertification of a restraining device following an explosive separation within the device be performed by the manufacturer or by a professional engineer. NWRA contends that a reasonable person, given the criteria for discontinuing the use of a damaged restraining device, can make the determination as to whether a restraining device is serviceable. OSHA promulgated this rule to assure that decisions regarding the serviceability of possibly damaged restraining devices would be made by persons with adequate training and competency. Based on the record of the rulemaking on multi-piece rim wheels, it was determined that such a requirement was necessary. However, OSHA invites comments on whether the requirements for inspection and recertification of a restraining device by the manufacturer or a professional engineer following an explosive separation is necessary or desirable. Further, OSHA solicits information as to whether other persons should be authorized to perform such inspections and recertifications, and what training and/or experience are necessary for these operations.

6. *Safe Operating Procedures—Multi-Piece Rim Wheels.* Paragraph (f)(9) of § 1910.177 presenting prohibits any use of heat to rework, weld or braze multi-piece rim wheels. A new provision is being proposed which would allow the application of heat to a multi-piece rim wheel only to ease the removal of the lug nuts, and only after the tire has been deflated. Whereas welding or brazing can cause the wheel to exhibit undesirable metallurgical properties, heating the lug nuts to facilitate their removal does not entail the direct application of as much heat for as long a period of time to the wheel. Additionally, since an explosive separation of a rim wheel is the sudden release of the contained pressurized air, OSHA is proposing to allow the use of heat only to facilitate the removal of the lug nuts after the tire is deflated, while retaining the prohibition on welding,

brazing or otherwise applying heat to the wheel. The use of heat except to facilitate the removal of lug nuts, would also be prohibited when servicing single piece rim wheels.

*7. Safe Operating Procedures—Single Piece Rim Wheels.* The proposed amended standard contains procedures which must be carried out to insure that single piece rim wheels are serviced safely. The failure to use accepted, safe procedures was a major cause of the reported accidents studied by OSHA. First, the proposal requires that tires be completely deflated by removal of the valve core before demounting. Unless the valve core is removed, there is no assurance that there is no residual air pressure in the tire which would cause the tire sidewalls to flex during demounting the tire. Second, in order to avoid breaking the bead, mounting and demounting must be done on the narrow ledge side of the rim and remounting must be done only after application of rubber lubricant to the mating surfaces of the bead and rim.

As a tire is inflated, it assumes a rounder, larger profile. The increase in the width of the tire may put a greater stress on the shaft of the hold down cone of a tire changing machine than it was designed to take if the rim wheel is fully inflated while restrained on the tire changing machine. This can cause failure of the hold down cone shaft. Therefore, the proposal would also require that the tire not be inflated to more than 10 psi while restrained on a tire changing machine. The 10 psi limitation would also eliminate the potential for the rim wheel being thrown from the tire-changing machine if the bead were to break on the side of the tire in contact with the tire changing machine. The proposal would also restrict the use of bead expanders to tire inflation of less than 10 psig, and require the bead expander's removal before installation of the valve core. Inflation of a tire to more than 10 psi while the tire is restrained by a bead expander can cause the bead expander to rupture and be thrown across the workplace, possibly striking and injuring an employee.

Once the beads are seated, the proposal requires that tires be inflated only when contained within a restraining device, when positioned behind a barrier or, when bolted on the vehicle. In the event of an explosive separation, any one of these methods will assure that the rim wheel will not be hurled through the workplace. Whichever method of restraint is utilized, the employee must remain out of the trajectory when inflating a tire. Adherence to this requirement will prevent the employee from being struck by the blast of air or by the wheel itself if an explosive separation occurs.

The proposal prohibits an employee from placing or leaning a rim wheel against a solid surface such as a bed or table of a tire changing machine during inflation. It also required that the rim wheel not be positioned so that there is any flat solid surface within 1 foot of the sidewall of the tire and within the trajectory. It is also requires that a barrier not contain a solid surface within 1 foot of the sidewall of the tire and within the trajectory. However, when a restraining device is used, hold down components of the restraining device may be placed within 1 foot of the sidewall. These restrictions will prevent the rim wheel from being hurled across the workplace in the event the tire bead either fails or slips off the rim on the side of the rim wheel which is facing the solid surface (see paragraph II above).

The proposed amendment to the standard also requires that a tire not be inflated above its recommended pressure. If the beads are not fully seated by the time the tire is fully pressurized, the rim wheel must be disassembled and a determination and correction of the cause undertaken before reassembly and reinflation. Prohibiting the use of excessive pressures will assure that the tire is not subjected to excessive stresses for which it was not designed.

## VII. Regulatory Impact Assessment

In accordance with Executive Order No. 12291 (46 FR 13193, February 17, 1981), OSHA has assessed the potential economic impact of this proposal. Based on Executive Order criteria, OSHA has determined that this proposal is not a "major" action which would necessitate further economic impact evaluation and the preparation of a Regulatory Impact Analysis.

OSHA's determination that the proposal will not have a major impact is based primarily upon three studies. The first study is a June 1978 report by Centaur Management Consultants, Inc. for OSHA entitled "Economic Impact Statement/Assessment for Multi-piece Rim Assemblies." (Docket S–005, Exhibit 2–33). The second study is a March 1981 report by Dr. Roger L. McCarthy and Mr. James P. Finnegan of Failure Analysis Associates for the National Wheel and Rim Association entitled, "Large Vehicle Wheel Servicing: Reduction of Risk Through Implementation of an OSHA Standard Governing Multi-piece and single Piece Rims," (Docket S–010, Exhibit 3). The third study is a March 1981 report by Dr. Thomas Gale Moore of the Hoover Institute for the NWRA entitled "An Economic Evaluation of Proposed OSHA Single Piece Rim Standard" (Docket S–101, Exhibit 4).

Since most, if not all, facilities which will service single piece rims currently service multi-piece rims, OSHA concludes that the promulgation of a single piece rim wheel servicing standard will result in no significant additional capital costs. The equipment which must currently be provided for compliance with the multi-piece rim wheel servicing standard will also meet the equipment requirements for single piece rim wheel servicing.

OSHA estimates that the total number of large vehicle rim wheels serviced will be approximately constant over the next ten years. OSHA expects that the percentage of single piece rim wheels serviced will increase as the percentage of multi-piece rim wheels serviced decreases. As a result, equipment currently used to service multi-piece rim wheels will be shifted to servicing single piece rim wheels and no additional equipment will need to be purchased in order to comply with the single piece rim wheel servicing standard.

However, there will be intial and continuing training costs imposed by the employee training requirements of the proposal. These costs, in 1981 dollars, are estimated to be, at most $2.515 million in the first year and about $0.908 million (growing at a yearly rate of 1.6%) in each succeeding year. This maximum cost is calculated under the conservative assumption that all employees (including supervisors) will require training at overtime wages during the first year that the standard is effective. The estimate also assumes a 50 percent turnover rate for nonsupervisory employees and a 33 percent turnover rate for supervisors in subsequent years. As a result, employers will be required to train a new nonsupervisory employee every year, and a supervisor every two years. Assuming 15 minutes of training, the present value (discounted to 1981 by 10%) of this training cost is estimated at $8.13 million over the 1981 to 1990 period. As noted above, OSHA believes that this is an upper bound estimate of the training cost involved.

In addition, the proposal will have some negative effects on productivity because it will require that tires on single piece rims be inflated at a distance from the employee. This cost is estimated to be, at most, $750,000 in 1981 increasing to $2.05 million in 1990. Like the training costs, the productivity impacts are conservatively calculated because they assume that no employees

currently follow this safe servicing procedure, and allow for no positive productivity offsets, such as fewer days lost from work, etc. Over the 10 year period 1981 to 1990, the present value (discounted to 1981 by 10%) of this "worst case" cost estimate is $8.35 million in 1981 dollars.

This places the present value of the total costs, assuming the 10% discount rate over the 10 year period 1981–1990 at $16.47 million in 1981 dollars. This amounts to approximately $16 per facility per year.

OSHA has also examined the likely effects which the proposal will have on the prices charged for servicing large vehicle tires, employment, critical materials, and market structure. The rate at which employers charge from multi-piece rims and tube type tires to the more fuel efficient single piece rims and radial truck tires may also be affected. No significant impacts on any of those areas are expected to result from compliance with the proposal.

The population at risk is approximately 322,000 persons who are employed in 102,000 workplaces in ten industry segments. As discussed earlier in the section entitled, "Significant Risk," these workers will benefit from a safer workplace as a result of the standard.

The major benefit of compliance with this proposal is a significant reduction in the numbers of fatalities, and total and permanent disabilities, which are the result of accident which occurred during the servicing of single piece rim wheels. As previously noted, at least 91 injury-causing accidents involving the servicing of single piece rim wheels occurred between 1970 and 1980. The current injury rate in single piece rim wheel servicing of one in every million tire changes is about the same as the injury rate which existed in multi-piece rim wheel servicing before the promulgation of the OSHA standard governing the servicing of multi-piece rim wheels.

The percentage of vehicles which utilize single piece rim wheels is expected to increase from 20 percent in 1980 to about 50 percent in 1990. This increase is largely due to the greater fuel efficiency of radial tires which require a single piece rim. Assuming this increased use, if the current accident rate does not change and if no standard is promulgated, OSHA estimates that there will be approximately 280 to 350 accidents, 56 ot 70 fatalities, 56 to 70 total disabilities, 50–67 permanent disabilities, and 137–188 temporary disabilities over the 10 year period of 1981 to 1990.

OSHA's analysis of the available accident data indicates that the provisions of the proposed standard, if followed, would have prevented nearly all of the reported accidents. In addition, OSHA has concluded that compliance with the proposal will involve minimal costs to employers and that the promulgation of the standard will result in high levels of compliance. Accordingly, a corresponding large reduction in the number of deaths and injuries should follow. For purposes of the analysis, we assumed a 75 percent reduction.

The ideal measure of the benefits of the proposed standard is the dollar amount that society would be "willing to pay" to prevent these accidents. Depending upon the methodology used, OSHA estimated that this willingness-to-pay estimate would be between $40.70 million and $72.05 million.

As another method of estimating the benefits of adoption of the proposal, OSHA examined the estimated lifetime earnings loss due to a death or injury, the costs of long-term care for the totally disabled, and the medical costs of treating the injuries. These costs would be saved through implementation of the proposed standard. Using the available injury data, OSHA estimated the present value in 1981 of the preventable economic losses to workers for the 10 year period 1981 to 1990 to be between $21.71 and $31.72 million. These are highly conservative figures because the estimate of foregone wages was based upon the assumption that the injured workers would otherwise have remained repairmen and would not have advanced to higher income jobs. The estimated monetary benefits of the standard also do not include hospital care costs or followup treatment for permanent or temporary disabilities. They also do not include intangible benefits like the social value of the worker's life, or the value of the prevented pain and suffering. In addition, they do not include any potential secondary benefits from the reduction of on-the-road truck accidents caused by rim wheel failures due to improper servicing of single piece rim wheels.

Other indirect monetary effects, including reduced liability insurance premiums, reduced workers compensation insurance payments, and fewer product liability suits can be expected through compliance with this standard.

On this basis, OSHA concludes that this standard will reduce the number of worker deaths and disabilities, provide net benefits to society, and will not adversely affect any sector of the economy.

The regulatory assessment is available for inspection and copying at the U.S. Department of Labor Building, OSHA Docket Office, Room S–6212, 200 Constitution Avenue, N.W., Washington, D.C. 20210. OSHA invites comments concerning the conclusions reached in the Economic Impact Assessment.

**VIII. Regulatory Flexibility Certification**

In accordance with the Regulatory Flexibility Act of 1980 (Pub. L. 96–353, 94 Stat. 1164 (5 U.S.C. 601 et seq.)), OSHA has assessed the potential economic impact of this proposal on small entities and examined some of the alternatives to it. Based on this assessment, OSHA hereby certifies that the proposal will not have a significant economic effect on a substantial number of small entities.

For purposes of this Regulatory Flexibility Certification, OSHA, defines a small tire servicing entity as one which employs fewer than 20 people. OSHA invites public comment concerning this definition.

The Centaur study (Docket S–005, Exhibit 2) indicates that nearly all of the garages and service stations which service large vehicle tires for the general public are included in this definition of small business and that this proposal may affect as many as 100,000 small firms. However, even using the "worst case" basis for estimating the cost of compliance, the promulgation of this proposal would cost the typical small garage (one supervisor and two employees) about $32.50 the first year and between $13 and $16 per year each succeeding year. The sources of these costs are the required employee training and the increase in tire servicing time. There are some very small economies of scale in training. However, the fact that firms must train new employees as they are hired largely precludes the stockpiling of employees until many are collected and then training them all at the same time. This is especially true in this industry which is characterized by high labor turnover. Consequently, large employers will not garner any significant economies of scale in training and these costs will be largely proportional to the number of employees trained. Similarly, the increased time needed to service each rim wheel is independent of the number of rim wheels serviced. As the smaller firm would service fewer rim wheels, OSHA believes that the minimal cost of compliance will not significantly affect small entities and will not create any

competitive disadvantages for small entities.

The complete regulatory flexibility assessement is available for inspection and copying at the U.S. Department of Labor Building, OSHA Docket Office, Room S–6212, 200 Constitution Avenue, N.W., Washington, D.C. 20210. OSHA invites comments concerning the conclusions reached in the regulatory flexibility assessment.

### IX. Public Participation

Interested persons are invited to submit written data, views, and arguments with respect to this proposal. The comments must be postmarked on or before December 27, 1982, and submitted in quadruplicate to the Docket Officer, Docket No. S–010, U.S. Department of Labor, 3rd Street and Constitution Avenue, N.W., Room S–6212, Washington, D.C. 20210. Written submissions must clearly identify the provisions of the proposal which are addressed and the position taken with respect to each issue.

The data, views, and arguments that are submitted will be available for public inspection and copying at the above address. All timely written submissions received will be made a part of the record of this proceeding.

Pursuant to 29 CFR 1911.11(b) and (c), interested persons may, in addition to filing written submissions as provided above, file objections to the proposal and request an informal public hearing with respect thereto in accordance with the following conditions:

1. The objections must include the name and address of the objector;
2. The objections must be postmarked on or before December 27, 1982, and submitted to the Docket Office at the above address;
3. The objections must specify with particularity the provisions of the proposed rule to which objection is taken, and must state the grounds therefore;
4. Each objection must be separately stated and numbered; and
5. The objections must be accompanied by a detailed summary of the evidence proposed to be adduced at the requested hearing.

### X. List of Subjects in 29 CFR Part 1910

Occupational safety and health, Protective equipment, Safety, Signs and symbols.

### Authority

This document was prepared under the direction of Thorne G. Auchter, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, Third Street and Constitution Avenue, N.W., Washington, D.C. 20210.

Accordingly, pursuant to section 6(b) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655), Secretary of Labor's Order No. 8–76 (41 FR 25059), and 29 CFR Part 1911, it is proposed to amend § 1910.177 of 29 CFR as set forth below.

Signed at Washington, D.C., this 8th day of November 1982.

**Thorne G. Auchter,**

*Assistant Secretary of Labor.*

## PART 1910—[AMENDED]

It is proposed to amend § 1910.177 by revising the title to read, "Servicing multi-piece and single piece rim wheels;" by revising paragraphs (a), (b), (c)(1), (c)(1)(i), (c)(1)(ii), (c)(2), (c)(2)(ii), (c)(2)(iii), (c)(2)(iv), (c)(2)(v), (c)(2)(vi), (c)(2)(vii), (c)(3), (d)(2), (d)(3), (d)(4), (d)(5), (e), introductory text of (f), (f)(2), (f)(3), and (f)(4), and by adding new paragraphs (c)(2)(viii), (d)(6), (d)(7), (f)(11) and (g), to read as follows:

### § 1910.177 Servicing multi-piece and single piece rim wheels.

(a) *Scope.* This section applies to the servicing of multi-piece and single piece rim wheels used on vehicles such as trucks, trailers, buses and off-road machines. It does not apply to rim-wheels used on automobiles and light duty trucks or vans utilizing automobile tires. The following provisions apply to the servicing of both single piece rim wheels and multi-piece rim wheels unless designated otherwise.

(b) *Definitions.* "Barrier" means a fence, wall or other structure placed between a single piece rim wheel and an employee, to contain the rim wheel components in the event of the sudden release of the contained air of the rim wheel.

"Charts" means the United States Department of Transportation, National Highway Traffic Safety Administration (NHTSA) publications entitled "Safety Precautions for Mounting and Demounting Tube-Tupe Truck/Bus Tires" and "Multi-Piece Rim/Wheel Matching Chart," or any other publications containing, at a minimum, the same instructions, safety precautions and other information contained on those charts that are applicable to the types of multi-piece rim wheels being serviced.

"Installing a rim wheel" means the transfer and attachment of an assembled rim wheel onto a vehicle axle hub. "Removing" means the opposite of installing.

"Mounting a tire" means the assembly or putting together of the rim and tire components to form a rim wheel, including inflation. "Demounting" means the opposite of mounting.

"Multi-piece wheel" or "multi-piece rim" means a vehicle wheel or rim consisting of two or more parts, one of which is a side or locking ring designed to hold the tire on the wheel by interlocking components when the tube is inflated, regardless of the sizes of the component parts.

"Restraining device" means an apparatus such as a cage, rack, assemblage of bars and other components or other machinery or equipment that will constrain all rim wheel components during an explosive separation of a multi-piece rim wheel, or during the sudden release of the contained air of a single piece rim wheel.

"Rim manual" means a publication containing instructions from the manufacturer or other qualified organization for correct mounting, demounting, maintenance, and safety precautions peculiar to the type of wheel being serviced.

"Rim wheel" means an assemblage of tire, tube and liner (where appropriate), and rim or wheel components.

"Service" or "servicing" means the mounting and demounting of rim wheels, and related activities such as inflating, deflating, installing, removing, maintaining, handling or storing of rim wheels, including inflating and deflating of rim wheels installed on vehicles.

"Service area" means that part of an employer's premises used for the servicing of rim wheels, or any other place where an employee services rim wheels.

"Single piece wheel" or "single piece rim" means a vehicle wheel or rim consisting of one part, designed to hold the tire on the rim when the tire is inflated, with a diameter of 14.5 inches or more and a bead seat angle of 15°, or a diameter greater than 15.0 inches and a bead seat angle of 5°.

"Trajectory" means any potential path or route that a rim wheel component may travel during an explosive separation, or an area at which an airblast from a wheel may be released. The trajectory may deviate from paths which are perpendicular to the assembled position of the rim wheel at the time of separation or explosion. (See Appendix A for examples of trajectories).

"Wheel" or "rim" means that portion of a rim wheel which provides the method of attachment of the assembly to the axle of the vehicle and also provides the means to contain the inflated portion

of the assemby (i.e., the tire and/or tube).

(c) *Employee training.* (1) The employer shall provide a program to train and instruct all employees who service multi-piece or single piece rim wheels in the hazards involved in servicing those rim wheels and the safety procedures to be followed.

(i) The employer shall assure that no employee services any rim wheel unlesss the employee has been trained and instructed in correct procedures of servicing the type of wheel being serviced, and the safe operating procedures described in paragraphs (f) and (g) of this section.

(ii) Information to be used in the training program shall include, at a minimum, the applicable data contained in the charts and the contents of this standard.

* * * * *

(2) The employer shall assure that each employee demonstrates and maintains his ability to service rim wheels safely, including performance of the following tasks: * * *

(ii) Inspection of the rim wheel components;

(iii) Mounting of tires (including inflation within a restraining device or other safeguard required by this section).

(iv) Use of the restraining device, barrier, and other equipment required by this section;

(v) Handling of rim wheels;

(vi) Inflation of the tire when a rim wheel is mounted on the vehicle;

(vii) An understanding of the necessity of standing outside the trajectory both during inflation of the tire and during inspection of the tire following inflation; and

(viii) Installation and removal of rim wheels.

(3) The employer shall evaluate each employee's ability to perform these tasks and to service rim wheels safely and shall provide additional training as necessary to assure that each employee maintains his proficiency.

(d) *Tire servicing equipment.* (1) The employer shall furnish a restraining device for servicing multi-piece rim wheels.

(2) For servicing of single piece rim wheels, the employer shall provide a restraining device or a barrier, except where the rim wheel is bolted to the vehicle during inflation.

(3) Restraining devices and barriers shall comply with the following requirements:

(i) Each restraining device or barrier shall have the capacity to withstand the maximum force that would be transferred to it during an explosive rim wheel separation occurring at 150 percent of maximum tire specification pressure for the type wheel being serviced.

(ii) Restraining devices and barriers shall be capable of preventing the rim wheel components from being thrown outside or beyond the device or barrier for any rim wheel position within the device.

(iii) A restraining device or barrier shall not contain a solid flat surface against which the rim wheel can lie or lean during inflation, such as the bed or table of a tire changing machine.

(iv) Restraining devices and barriers shall be visually inspected prior to each day's use and after any explosion or explosive separation of the rim wheel components. Any restraining device or barrier exhibiting damage such as the following defects shall be immediately removed from service:

(A) Cracks at welds;

(B) Cracked or broken components;

(C) Bent or sprung components caused by mishandling, abuse, tire explosion or rim wheel separation;

(D) Pitting of components due to excessive corrosion; or

(E) Other structural damage which would decrease its effectiveness.

(v) Restraining devices or barriers removed from service in accordance with paragraph (d)(3)(iv) of this section shall not be returned to service until they are inspected, repaired, if necessary, and are certified either by the manufacturer or by a Registered Professional Engineer as meeting the strength requirements of paragraph (d)(3)(i) of this section.

(4) The employer shall assure that a hose assembly consisting of the following components be used for inflating rim wheels:

(i) A clip on chuck;

(ii) A sufficient length of hose to allow the employee to stand outside the trajectory; and

(iii) An in-line valve with a pressure gauge or a presettable regulator.

(5) Current charts shall be available in the service area.

(6) A current rim manual containing instructions for the types of wheels being serviced shall be available in the service area.

(7) The employer shall assure that only tools recommended in the rim manual for the type of wheel being serviced are used to service rim wheels.

(e) *Wheel component acceptability.* (1) Multi-piece wheel components shall not be interchanged except as provided in the charts, or in the applicable rim manual.

(2) Multi-piece wheel components and single piece wheels shall be inspected prior to assembly. Any wheel which is bent out of shape, pitted from corrosion, broken or cracked shall not be used and shall be rendered unusable and discarded; damaged or leaky valves shall be replaced.

(3) Rim flanges, rim gutters, rings, bead seating surfaces and the bead areas of tires shall be free of any dirt, surface rust, scale or loose or flaked rubber build-up prior to mounting and inflation.

(4) The size and type of both the tire and the wheel shall be checked for compatibility prior to assembly of the rim wheel.

(f) *Safe operating procedure—multi-piece rim wheels.* The employer shall establish a safe operating procedure for servicing multi-piece rim wheels and shall assure that employees are instructed in and follow that procedure. The procedure shall include at least the following elements: * * *

(2) Tires shall be completely deflated by removing the valve core, before a rim wheel is removed from the axle in either of the following situations: * * *

(3) Rubber lubricant shall be applied to bead and rim mating surfaces during assembly of the rim wheel and inflation of the tire.

(4) Tires shall be inflated only when contained by a restraining device, except that when the rim wheel is on a vehicle, tires that are underinflated but have more than 80% of the recommended pressure, may be inflated while the rim wheel is on the vehicle if remote control inflation equipment is used and no employees are in the trajectory, and except as provided in paragraph (f)(5) of this section.

* * * * *

(11) No heat shall be applied to a multi-piece rim with a tire mounted on it, except that, after the tire is completely deflated, the lug nuts may be heated briefly to facilitate their removal.

(g) *Safe operating procedure—single piece rim wheels.* The employer shall establish a safe operating procedure for servicing single piece rim wheels and shall assure that employees are instructed in and follow that procedure. The procedure shall include at least the following elements:

(1) Tires shall be completely deflated by removal of the valve core before demounting.

(2) Mounting and demounting of the tire shall be done only from the narrow ledge side of the wheel. Care shall be taken to avoid damage to tire beads while mounting tires on wheels. Tires

shall be mounted only on compatible wheels of matching bead diameter.

(3) Rubber lubricant shall be applied to bead and wheel mating surfaces before assembly of the rim wheel and inflation of the tire.

(4) If a tire changing machine is used, the tire may be inflated to no more than 10 psig (.7031 kg/cm $^2$) to seat the bead while the rim wheel is restrained on the tire changing machine.

(5) If a bead expander is used to seat the beads, it shall be removed before the valve core is installed and before the tire is inflated to more than 10 psig (.7031 kg/cm $^2$).

(6) Tires may be inflated above 10 psig (.7031 kg/cm $^2$) only when contained within a restraining device, positioned behind a barrier, or bolted on the vehicle with the lug nuts fully tightened.

(7) Employees shall not place a rim wheel so that any flat solid surface is in the trajectory and within one foot of the sidewall.

(i) Rim wheels shall not be placed with their sidewalls closer than one foot from solid barriers.

(ii) When a restraining device is used, hold down components of the restraining device may be placed within one foot of the sidewall.

(8) Tires shall not be inflated to more than their recommended operating pressure.

(9) Employees shall stay out of the trajectory when inflating a tire.

(10) If the tire beads are not fully seated by the time the tire is inflated to its recommended pressure, the tire shall be deflated and the rim wheel disassembled. The wheel and tire shall be rechecked for compatibility, relubricated, repositioned and then reinflated in accordance with paragraphs (g)(4), (5), (6) and (7) of this section.

(11) No heat shall be applied to a single piece wheel when a tire is mounted on it, except that after the tire is completely deflated, the lug nuts may be briefly heated to facilitate their removal.

(12) Cracked, broken, bent, or otherwise damaged wheels shall not be reworked, welded, brazed, or otherwise heated except as provided in paragraph (g)(11) of this section.

* * * * *

(Sec. 6, 84 Stat. 1593 (29 U.S.C. 655); Secretary of Labor's Order No. 8-76 (41 FR 25059), 29 CFR Part 1911)

[FR Doc. 82-31117 Filed 11-10-82; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

### 33 CFR Part 117

[CGD3-82-015]

## Drawbridge Operation Regulations; Hackensack River, New Jersey

**AGENCY:** Coast Guard, DOT.

**ACTION:** Proposed rule.

**SUMMARY:** At the request of the New Jersey Department of Transportation, the Coast Guard will consider changing the regulations governing the Route 46 (Gregory Ave.) drawbridge at Little Ferry, Bergen County, New Jersey to provide that the draw span need not open unless six months advance notice is given. This proposal is being made because no requests have been made to open the draw since 1976. This action should relieve the bridge owner of the burden of maintaining the machinery and of having a person available to open the draw, and should still provide for the reasonable needs of navigation.

**DATE:** Comments must be received on or before December 27, 1982.

**ADDRESS:** Comments should be submitted to and are available for examination from 9 a.m. to 3 p.m., Monday through Friday, except holidays, at the office of the Commander (oan-br), Third Coast Guard District, Bldg. 135A, Governors Island, New York 10004. Comments may also be hand delivered to this address.

**FOR FURTHER INFORMATION CONTACT:** William C. Heming, Bridge Administrator, Third Coast Guard District, Governors Island, New York, (212) 668-7994.

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

The Commander, Third Coast Guard District, will evaluate all communications received and determine a final course of action on this proposal. The proposed regulations may be changed in light of comments received.

### Drafting Information

The principal persons involved in drafting this proposal are: Richard A. Gomez, Project Manager and LCDR Frank E. Couper, Project Attorney, Third Coast Guard District, Aids to Navigation Branch and Legal Office, respectively.

### Discussion of the Proposed Regulations

The Route 46 Drawbridge provides acess across the Hackensack River for vehicular traffic traveling between Little Ferry and Ridgefield Park, New Jersey. This drawbridge provides a vertical clearance of 35± feet above mean high water while in the closed position. In 1964, the bridge owner was authorized to operate the draw on a six hour advance notice basis. Since then there has been a decrease in requests for openings, and since 1976 no requests have been made. No economic evaluation has been prepared because of the minimal economic impact. This determination is based on the fact that no openings have been requested for approximately 6 years and the bridge owner has operated the bridge on 6 hours advance notice for over 17 years. The proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these proposed regulations are considered not to be significant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). An economic evaluation has not been conducted. In accordance with section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is certified that this rule, if promulgated, would not have a significant econimic impact on a substantial number of small entities, because there are none above the drawbridge which will be impacted as a result of this rule.

### List of Subjects in 33 CFR Part 117

Bridges.

## PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is proposed to be amended by revising § 117.200 (a)(4)(vi) to read as follows:

**§ 117.200 Newark Bay, Passaic and Hackensack Rivers, N.J., and their navigable tributaries; bridges.**

(a) * * *

(4) * * *

(vi) State Route 46 bridge, Little Ferry, mile 14.0, Hackensack River. The draw shall open on signal if at least six months advance notice is given.

* * * * *

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

Dated: August 9, 1982.

**W. E. Caldwell,**

*Vice Admiral. U.S. Coast Guard, Commander, Third Coast Guard District.*

[FR Doc 82-31109 Filed 11-10-82; 8:45 am]

BILLING CODE 4910-14-M

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**33 CFR Part 117**

**[CCGD3-82-20]**

## Drawbridge Operation Regulations; Passaic River, New Jersey

**AGENCY:** Coast Guard, DOT.

**ACTION:** Proposed rule.

**SUMMARY:** At the request of Consolidated Rail Corporation (CONRAIL), the Coast Guard will consider changing the special regulations governing the Lyndhurst Drawbridge over the Passaic River, mile 11.7 at Lyndhurst, NJ. The proposed changes are that the bridge be closed to marine traffic from 4 p.m. to 7 a.m. and that six hours advance notice be given at all other times. This proposal is being considered because of the limited number of requests for bridge openings. This action would relieve the bridge owner of the burden of having a person constantly available to open the draw and should still provide for the reasonable needs of navigation.

**DATE:** Comments must be received on or before December 27, 1982.

**ADDRESS:** Comments should be submitted to and will be available for examination from 9:00 a.m. to 3:00 p.m., Monday through Friday, except holidays, at the office of the Commander (oan-br), Third Coast Guard District, Bldg. 135A, Governors Island, New York 10004. Comments may also be hand-delivered to this address.

**FOR FURTHER INFORMATION CONTACT:** William C. Heming, Bridge Administrator, Third Coast Guard District, Governors Island, New York, 10004, (212)668–7994.

**SUPPLEMENTARY INFORMATION:** Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data and arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or for any recommended change in the proposal.

Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Third Coast Guard District will evaluate all communications received and will determine a final course of action on this proposal. The proposed regulations may be changed in the light of comments received.

### Drafting Information

The principal persons drafting this proposal are: Ernest J. Feemster, Project Manager, and LCDR Frank E. Couper, Project Attorney, Third Coast Guard District Aids to Navigation Branch and Legal Office, respectively.

### Discussion of the Proposed Regulations

Special regulations now require at least six hours notice for bridge openings between 12 midnight and 8 a.m. CONRAIL has requested that six hours notice be given between 7 a.m. and 4 p.m., and that the bridge not be required to open from 4 p.m. to 7 a.m.

The Coast Guard is considering this proposal because of the limited number of requests for openings during 1978, 1979, and 1980 (high of 34 openings in 1979). Bridge logs for 1981 were not available at the time of this investigation.

A draft economic evaluation has not been prepared because of minimal economic impact. Most vessels requiring openings are commercial and it appears that these vessels can schedule movements to coincide with the proposed regulations without undue disruption of their operations. If this is not found to be true, the proposal will either be changed or denied.

These proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80). As explained above, an economic evaluation has not been conducted. In accordance with section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is certified that these rules, if promulgated, would not have a significant economic impact on a substantial number of small entities. This opinion is based upon the limited number of openings presently being requested.

### List of Subjects in 33 CFR Part 117

Bridges.

## PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by revising § 117.200(a)(4)(iii) to read as follows:

**§ 117.200 Newark Bay, Passaic and Hackensack Rivers, N.J., and their navigable tributaries; bridges**

(a) * * *

(4) * * *

(iii) Conrail Bridge (Lyndhurst), mile 11.7, Passaic River. The draw shall open on signal between 7 a.m. and 4 p.m. if at least six hours advance notice is given. The draw shall not be required to open at any other time.

* * * * *

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

Dated: August 9, 1982.

**W. E. Caldwell,**

*Vice Admiral, U.S. Coast Guard, Commander, Third Guard District.*

[FR Doc. 82-31110 Filed 11-10-82; 8:45 am]

BILLING CODE 4910-14-M

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**46 CFR Part 67**

**[CGD 82-105]**

## Documentation of Vessels

**AGENCY:** Coast Guard, DOT.

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** On June 24, 1982, in response to the Vessel Documentation Act of 1980 (Pub. L. 96–594), the Coast Guard published in the **Federal Register** a final rule (47 FR 27490) which extensively revised and simplified the regulations controlling documentation procedures, effective July 1, 1982. In the supplementary information published with that final rule, the Coast Guard identified two potential problem areas which might require further rulemaking and stated that further rulemaking to deal with these issues would be initiated. The two problem areas are: (1) Potential difficulty in determining when a vessel built using some foreign materials should be considered built in the United States, and (2) the definition of the term "controlling interest" for purposes of documentation of a vessel owned by a partnership. The first of these was the subject of an Advance Notice of Proposed Rulemaking published on October 14, 1982 (47 FR 45888). This Advance Notice of Proposed Rulemaking (ANPRM) covers the other issue, definition of the term "controlling interest" in relation to a partnership. Input from members of the public is solicited concerning the need for further rulemaking and suggestions as to the form which any regulations

necessary to define the term should take.

**DATE:** Comments must be received on or before January 11, 1983.

**ADDRESSES:** Comments should be submitted to Commandant (G–CMC/24), (CGD 82–105), U.S. Coast Guard, Washington, D.C. 20593. Comments may be delivered and will be available for inspection or copying at the Marine Safety Council (G–CMC/24), room 4402, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593, (202) 426–1477 between the hours of 7 a.m. and 5 p.m. Monday through Friday, except holidays.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Phyllis D. Carnilla (Project Manager) or Lieutenant Robert R. Meeks (Staff Attorney), Office of Merchant Marine Safety, Room 1312, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593, (202) 426–1492, or (202) 426–1493. Normal office hours are between 7 a.m. and 5 p.m. Monday through Friday, except holidays.

**SUPPLEMENTARY INFORMATION:**

### Background

The regulations governing documentation of vessels contained in Parts 66, 67, and 68 of Title 46, Code of Federal Regulations, were extensively revised in a final rule published on June 24, 1982. That rulemaking project was undertaken primarily to simplify documentation procedures and was in implementation of the Vessel Documentation Act (Pub. L. 96–594). While that rulemaking project was pending, the Vessel Documentation Act was amended by section 10 of the Coast Guard Authorization Act of 1982 (Pub. L. 97–136). The amendment changed the eligibility criteria for documentation of vessels owned by partnerships. Whereas the Vessel Documentation Act had required that all members be citizens of the United States in order for a vessel owned by the partnership to be eligible for documentation, after the amendment the eligibility criteria are that all general partners be citizens of the United States and the controlling interest in the partnership be owned by citizens of the United States. Although the final rule published on June 24, 1982 was amended to comport with the new statutory language, no attempt was made to define the term "controlling interest" as used in the partnership context. However, the Coast Guard included in the supplementary information published with the final rule a commitment that a rulemaking to deal with the definitional problem would be initiated as soon as feasible. This Advance Notice of Proposed Rulemaking honors that commitment. In addition, concurrently with this Advance Notice of Proposed Rulemaking, the Coast Guard and the Maritime Administration are publishing a joint Advance Notice of Proposed Rulemaking to solicit comments on whether the standards which the Coast Guard devises with respect to controlling interest for partnerships under the Vessel Documentation Act should also apply to 46 U.S.C. 802.

### Comments Invited

This ANPRM is being issued under the Coast Guard's policy for early public participation in rulemaking proceedings. Interested persons are invited to participate in these preliminary rulemaking procedures 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 above. All communications received on or before the closing date for comments will be considered by the Coast Guard before taking further rulemaking action. Persons wishing the Coast Guard to acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard or envelope.

### Discussion

a. A change in the statute establishing eligibility criteria for documentation of a vessel owned by a partnership has made it necessary for the Coast Guard to consider for the first time the meaning to be assigned to the term "controlling interest" in the partnership context. The legislative history of the statutory change is very limited and provides little guidance as to what test should be used in deciding whether the controlling interest in a partnership is owned by citizens of the United States for purposes of documenting a vessel. This is particularly distressing for those in the public sector trying to assess the potential for obtaining documentation for vessels to be owned by sophisticated limited partnerships with significant contributions to capital by noncitizens. The Coast Guard does not believe that all uncertainties about all possible partnership arrangements can be resolved by rulemaking. However, it seems reasonable to expect that much of the uncertainty generated by the change in statutory language could be removed by developing and promulgating a definition of "controlling interest" to be applied to partnerships applying for documentation of their vessels. For that reason, the Coast Guard is interested in suggestions and comments concerning the following:

1. Should the Coast Guard promulgate a regulation defining "controlling interest" for use in connection with documentation of vessels owned by a partnership?

2. If a definition of "controlling interest" is promulgated, what factors or tests should be included for use by the Coast Guard in deciding whether the controlling interest in a partnership is owned by citizens of the United States? For example, issues which have been identified by the Coast Guard in connection with specific documentation inquiries since the statute changed are:

(a) Should the Coast Guard apply a test to partnerships to ascertain "controlling interest" which is the same as, or parallels, the provisions of 46 U.S.C. 802?

(b) If "controlling interest" is taken to mean "more than 50 percent," to what should the 50 percent be applied?

(c) Should the test be relative power of control, regardless of relative equity capital contributions?

(d) Can the relative number of citizen partners be used as a satisfactory test of "control by citizens of the United States"?

(e) Does it affect controlling interest for documentation purposes if certain partners can be stripped of their control or equity in the partnership?

(f) Should the idea that, in the final analysis, ultimate control rests with the sources of revenue in partnership ventures be the basis for the Coast Guard's assessments?

(g) Should eligibility for vessel documentation be affected by the fact that none of the partners has an address in the United States? This is not an exhaustive list of points which have already been raised by interested parties, but it is representative of points which the Coast Guard has been urged to consider. Public comments are needed as to these and other potential factors and tests.

3. What evidence should the Coast Guard require a partnership to furnish in order to establish that the controlling

interest is owned by citizens of the United States?

4. Any potential adverse impacts on members of the public which may occur if the Coast Guard adopts some particular definition of the term "controlling interest" in the partnership context.

b. After reviewing the comments, the Coast Guard will decide whether to proceed further. If it decides to do so, the Coast Guard will issue a notice of proposed rulemaking, proposing definite changes to the existing regulations.

**List of Subjects in 46 CFR Part 67**

Vessels, Documentation.

Dated: November 3, 1982.

**Clyde T. Lusk, Jr.,**

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

[FR Doc. 82-31105 Filed 11-10-82; 8:45 am]

BILLING CODE 4910-14-M

# Notices

Federal Register
Vol. 47, No. 219
Friday, November 12, 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 Governmental Processes; Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Governmental Processes of the Administrative Conference of the United States, to be held at 9:00 a.m. on Wednesday, November 17, 1982, at the Office of the General Counsel, Department of the Treasury, 15th Street and Pennsylvania Avenue, N.W., Room 3000, Washington, D.C.

The Committee will meet to discuss the Conference's projects on the use of the Freedom of Information Act as a discovery tool and on discipline of attorneys practicing before federal agencies.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should, if possible, notify the Office of the Chairman of the Administrative Conference prior to the meeting. The Committee Chairman, if she 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 concerning this meeting contact David M. Pritzker, Office of the Chairman, Administrative Conference of the United States, 2120 L Street, N.W., Suite 500, Washington, D.C. 20037. (Telephone 202–254–7065.) Minutes of the meeting will be available on request.

Dated: November 10, 1982.

**Richard K. Berg,**

*General Counsel.*

[FR Doc 82–31206 Filed 11–10–82; 8:45 am]

BILLING CODE 6110–01–M

## DEPARTMENT OF AGRICULTURE

### Forest Service

### Gila National Forest Grazing Advisory Board; Meeting

The Gila National Forest Grazing Advisory Board will meet at 10:00 a.m., December 17, 1982 in the large conference room, Federal Building, 2610 North Silver Street, Silver City, New Mexico.

The agenda for the meeting is:

1. Election of Officers.
2. Review Program for Range Betterment Funds.
3. Review Allotment Management Plans.

The meeting will be open to the public.

Dated: November 4, 1982.

**Kenneth C. Scoggin,**

*Forest Supervisor.*

[FR Doc. 82–31022 Filed 11–10–82; 8:45 am]

BILLING CODE 3410–11–M

### Montana; Kootenai National Forest, Ten Lakes Montana Wilderness Study Area Report Hearing Announcement

**AGENCY:** Forest Service, USDA.

**ACTION:** Public hearing notice: Public hearings will be held as follows:

January 17, 1983—Eureka, Montana, Eureka Grade School Auditorium, from 2–5 p.m. and 7–9 p.m.

January 18, 1983—Libby, Montana, Venture Motor Inn, West Highway 2, from 2–5 p.m. and 7–9 p.m.

January 19, 1983—Kalispell, Montana, Outlaw Inn, Highway 93, from 2–5 p.m. and 7–9 p.m.

**SUMMARY:** Public hearings will be held concerning the Ten Lakes Montana Wilderness Study Area. Hearings will be held in three northwestern Montana cities in mid-January 1983.

**ADDRESSES:** Request for further information should be addressed to: Forest Supervisor, Kootenai National Forest, P.O. Box AS, Libby, MT 59923.

**Tom Coston,**

*Regional Forester.*

[FR Doc. 82–31016 Filed 11–10–82; 8:45 am]

BILLING CODE 3410–11–M

### Soil Conservation Service

### Currituck County Schools, RC&D Measure, North Carolina; Finding of No Significant Impact

**AGENCY:** Soil Conservation Service, USDA.

**ACTION:** Notice of a finding of no significant impact.

**SUMMARY:** Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Currituck County Schools RC&D Measure, Currituck County, North Carolina.

**FOR FURTHER INFORMATION CONTACT:** Mr. Coy A. Garrett, State Conservationist, Soil Conservation Service, Room 544, Federal Building, 310 New Bern Avenue, Raleigh, North Carolina 27611, Telephone (919) 755–4210.

**SUPPLEMENTARY INFORMATION:** The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Coy A. Garrett, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for reducing flooding and for improving drainage on three school grounds. The planned works of improvement include installing catch basins, pipes and sub-surface drainage tubing. Grading and shaping will be done to improve surface drainage and to eliminate ponding. All disturbed areas will be seeded with adapted permanent vegetation.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on

file and may be reviewed by contacting Mr. Coy A. Garrett.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: November 1, 1982.

**Coy A. Garrett,**

*State Conservationist.*

[FR Doc. 82–31023 Filed 11–10–82; 8:45 am]

BILLING CODE 3410–16–M

## Pasquotank County Schools, RC&D Measure, North Carolina; Finding of No Significant Impact

**AGENCY:** Soil Conservation Service, USDA.

**ACTION:** Notice of a finding of no significant impact.

**SUMMARY:** Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Pasquotank County Schools RC&D Measure, Pasquotank County, North Carolina.

**FOR FURTHER INFORMATION CONTACT:** Mr. Coy A. Garrett, State Conservationist, Soil Conservation Service, Room 544, Federal Building, 310 New Bern Avenue, Raleigh, North Carolina 27611, Telephone (919) 755–4210.

**SUPPLEMENTARY INFORMATION:** The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Coy A. Garrett, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for reducing flooding and for improving drainage on three school grounds. The planned works of improvement include installing catch basins, pipes and subsurface drainage tubing. Grading and shaping will be done to improve surface drainage and to eliminate ponding. All disturbed areas will be seeded with adapted permanent vegetation.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Coy A. Garrett.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: November 1, 1982.

**Coy A. Garrett,**

*State Conservationist.*

[FR Doc. 82–31024 Filed 11–10–82; 8:45 am]

BILLING CODE 3410–16–M

## Spadra Creek Watershed, Arkansas; Intent To Deauthorize Federal Funding

**AGENCY:** Soil Conservation Service, USDA.

**ACTION:** Notice of intent to deauthorize Federal funding.

**SUMMARY:** Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83–566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation Service gives notice of the intent to deauthorize Federal funding for the Spadra Creek Watershed Project, Johnson County, Arkansas.

**FOR FURTHER INFORMATION CONTACT:** Jack C. Davis, State Conservationist, Soil Conservation Service, P.O. Box 2323, Little Rock, Arkansas 72203, telephone 501–378–5445.

**SUPPLEMENTARY INFORMATION:** A determination has been made by Jack C. Davis, that the proposed works of improvement for the Spadra Creek project will not be installed. The sponsoring local organizations have concurred in this determination and agree that Federal funding should be deauthorized for the project. Information regarding this deauthorization may be obtained from Jack C. Davis, State Conservationist, at the above address and telephone number.

No administrative action on implementation of the proposed deauthorization will be taken until 60 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: November 4, 1982.

**Jack C. Davis,**

*State Conservationist.*

[FR Doc. 82–31015 Filed 11–10–82; 8:45 am]

BILLING CODE 3410–16–M

## Custer County Roadside Critical Area Treatment RC&D Measure, Idaho; Finding of No Significant Impact

**AGENCY:** Soil Conservation Service, USDA.

**ACTION:** Notice of finding of no significant impact.

**FOR FURTHER INFORMATION CONTACT:** Amos I. Garrison, Jr., State Conservationist, Soil Conservation Service, Room 345, 304 North Eighth, Boise, Idaho 83702, telephone (208) 334–1601.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an Environmental Impact Statement is not being prepared for the Custer County Roadside Critical Area Treatment RC&D Measure, Custer County, Idaho.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Amos I. Garrison, Jr., State Conservationist, has determined that the preparation and review of an Environmental Impact Statement are not needed for this project.

Custer County Roadside Critical Area Treatment RC&D Measure will control erosion and sediment damage of seven critically eroding sites along county roads. Planned treatments include constructing highway dividers with a containment area and shaping cut slopes on five sites—two of which will require resetting a power pole at the expense of the sponsor; and two streambank protection sites; one using gaboins, the other riprap. The streambank protection

sites will protect anadromous fish spawning areas in the Salmon River. Construction will be timed as to not interfere with spawning. A 404 permit is required for this project.

The Notice of Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Amos I. Garrison, Jr. The FONSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the address on the first page.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: September 2, 1982.

**Amos I. Garrison, Jr.,**

*State Conservationist.*

[FR Doc. 82-31019 Filed 11-10-82; 8:45 am]

BILLING CODE 3410-16-M

## ARMS CONTROL AND DISARMAMENT AGENCY

### General Advisory Committee; Amended Meeting Notice

The meeting of the General Advisory Committee on Arms Control and Disarmament scheduled for November 15 and 16, 1982 has been changed to November 18 and 19, 1982 in order to provide an opportunity for the Committee to meet with senior Executive Branch officials during its morning session on the second day of the meeting, a change which is in the national interest. There are no other changes to the announcement of this meeting which appeared in the **Federal Register** of October 29, 1982 (47 FR 49051). Notice of this change could not be published at least 15 days before the date of the meeting because the possibility of arranging such a schedule occurred too late to permit such notice.

**John E. Grassle,**

*Committee Management Officer.*

[FR Doc. 82-31230 Filed 11-10-82; 11:19 am]

BILLING CODE 6820-32-M

## ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

### Meeting

**AGENCY:** Architectural and Transportation Barriers Compliance Board.

**ACTION:** Notice of meeting.

**SUMMARY:** The Architectural and Transportation Barriers Compliance Board (ATBCB) has scheduled a meeting to be held from 10:00 a.m. to 5:00 p.m., Tuesday, November 16, 1982, to take place in the Main Hall of the Disabled American Veterans (DAV) National Service and Legislative Headquarters, 807 Maine Avenue, S.W., Washington, D.C. 20024. Items to be considered are as follows: ATBCB Authorities and Delegations, and Revisions to ATBCB Statement of Organization and Procedures; affirmation of the implementation of Appendix D of the U.S. Courts Design Guide for providing an appropriate level of accessibility in courtrooms. Also to be discussed are: proposed transfer of ATBCB administrative support services from Department of Education to GSA; consideration of proposal for information and technical services for the ATBCB; approval of ATBCB Annual Report for FY 1982.

**DATE:** November 16, 1982—10:00 a.m.–5:00 p.m.

**ADDRESS:** Main Hall, Disabled American Veterans (DAV) National Service and Legislative Headquarters, 807 Maine Avenue, S.W., Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** Larry Allison, Director of Public Information (202) 245–1591 (voice or TDD).

Committee meetings of the ATBCB will be held on Monday, November 15, 1982, in the Hubert Humphrey Building. Contact Larry Allison, Director of Public Information (202) 245–1591 (voice or TDD), for further information.

**Wm. Bradford Reynolds,**

*Chairperson.*

[FR Doc. 82-31036 Filed 11-10-82; 8:45 am]

BILLING CODE 4000-07-M

## COMMISSION ON CIVIL RIGHTS

### Connecticut Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Connecticut Advisory Committee to the Commission will convene at 7:00 p.m. and will end at 9:00 p.m., on November 30, 1982, at the Lord Cromwell Inn, Exit 21, Interstate 91, Cromwell, Connecticut. The purpose of this meeting is to discuss program ideas for fiscal year 1983.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Richard Brown, 151 Farmington Avenue, Hartford CT 06156, (203) 273–6389; or the New England Regional Office, 55 Summer Street, 8th Floor, Boston MA 02110; (617) 223–4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 8, 1982.

**John I. Binkley,**

*Advisory Committee Management Officer.*

[FR Doc. 82-31038 Filed 11-10-82; 8:45 am]

BILLING CODE 6335-01-M

### Georgia Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of that Georgia Advisory Committee to the Commission will convene at 3:30 p.m. and will end at 6:00 p.m., on November 30, 1982, at the Marriott Downtown, the Whitehall Room, Courtland Street and International Boulevard, Atlanta, Georgia 30303. The purpose of this meeting is to receive the chairperson's report on the National Chairpersons' Conference, and discuss program planning for FY 83.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Clayton Sinclair, Jr., 301 Equitable Building, 100 Peachtree Street, Atlanta GA 30303, (404) 681–0797; or the Southern Regional Office, Citizens Trust Bank Building, 75 Piedmont Avenue, N.E., Atlanta GA 30303, (404) 242–4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 8, 1982.

**John I. Binkley,**

*Advisory Committee Management Officer.*

[FR Doc. 82-31040 Filed 11-10-82; 8:45 am]

BILLING CODE 6335-01-M

### New Hampshire Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations

of the U.S. Commission on Civil Rights, that a news conference of the New Hampshire Advisory Committee to the Commission will convene at 10:00 a.m. and will end at 12 noon, on December 9, 1982, the Norris Cotton Federal Building, Third Floor, 275 Chestnut Street, Manchester, New Hampshire 03103. The purpose of this news conference is to release the report on Bilingual Education in Manchester.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Andrew T. Stewart, Moose Mountain, Enfield, New Hampshire 03748, (603) 523–4882; or the New England Regional Office, 55 Summer Street, 8th Floor, Boston MA 02110, (617) 223–4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 8, 1982.

**John I. Binkley,**

*Advisory Committee Management Officer.*

[FR Doc. 82–31038 Filed 11–10–82; 8:45 am]

BILLING CODE 6335–01–M

### North Carolina Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the North Carolina Advisory Committee to the Commission will convene at 1:00 p.m., and will end at 4:00 p.m., on December 3, 1982, at the Holiday Inn Downtown, 425 North Church Street, Rocky Mount, North Carolina 27801. The purpose of this meeting is to receive chairperson's report on the National State Advisory Committee Chairpersons Conference, and a discussion on program planning.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Dr. Tommie Young, 4303 King Arthur Place, Greensboro, North Carolina 27405, (919) 379–7803; or the Southern Regional Office, Citizens Trust Bank Building, 75 Piedmont Avenue, N.E., Atlanta GA 30303, (404) 242–4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 8, 1982.

**John I. Binkley,**

*Advisory Committee Management Officer.*

[FR Doc. 82–31041 Filed 11–10–82; 8:45 am]

BILLING CODE 6335–01–M

### Virginia Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Virginia Advisory Committee to the Commission will convene at 1:00 p.m. and will end at 5:00 p.m., on December 1, 1982, at City Hall, Richmond Human Rights Commission, 900 E. Broad Street, Conference Room, Richmond VA 23219. The purpose of this meeting is to plan activities for 1983–84.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Rev. Curtis W. Harris, 209 Terminal Street, Hopewell, VA 23860, (804) 458–7404; or the Mid-Atlantic Regional Office, 2120 L Street, N.W., Washington, D.C. 20037, (202) 254–6717.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 8, 1982.

**John I. Binkley,**

*Advisory Committee Management Officer*

[FR Doc. 82–31037 Filed 11–10–82; 8:45 am]

BILLING CODE 6335–01–M

## DEPARTMENT OF COMMERCE

### Bureau of the Census

### Annual Wholesale Trade Survey; Consideration

Notice is hereby given that the Bureau of the Census is planning to conduct in 1983 the Annual Wholesale Trade Survey. This survey will be conducted under title 13, United States Code, sections 182, 224, and 225 and will provide data for 1982 covering year-end inventories and annual sales of firms engaged in wholesale trade. This survey is the only continuing source available on a comparable classification and timely basis for use as a benchmark for developing estimates of wholesale trade. Such a survey, if conducted, shall begin not earlier than December 31, 1982.

Information and recommendations received by the Bureau of the Census indicate that the data will have significant application to the needs of the public, the distributive trades, and governmental agencies, and that the data are not publicly available from nongovernmental or other governmental sources.

Reports will be required only from a selected sample of merchant wholesale firms operating in the United States, with probability of selection based on sales size. The sample will provide, with measurable reliability, statistics on the subjects specified above.

Copies of the proposed forms and a description of the collection methods are available upon request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of this proposed survey will receive consideration if submitted in writing to the Director, Bureau of the Census, on or before December 17, 1982.

Dated: November 8, 1982.

**Bruce Chapman,**

*Director, Bureau of the Census.*

[FR Doc. 82–30995 Filed 11–10–82; 8:45 am]

BILLING CODE 3510–07–M

## International Trade Administration

**[A–461–008]**

### Titanium Sponge From the U.S.S.R.; Preliminary Results of Administrative Review of Antidumping Finding

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice of preliminary results of administrative review of antidumping finding.

**SUMMARY:** The Department of Commerce has conducted an administrative review of the antidumping finding on titanium sponge from the U.S.S.R. The review covers the one known exporter of this merchandise to the United States and the period August 1, 1980 through July 31, 1981. The review, based on the best information available, indicates the existence of no dumping margins for the period.

As a result of the review, the Department has preliminarily determined not to assess dumping duties on entries with purchase dates during the period of review nor to require cash deposits of estimated antidumping duties.

Interested parties are invited to comment on these preliminary results.

**EFFECTIVE DATE:** November 12, 1982.

**FOR FURTHER INFORMATION CONTACT:** Dennis U. Askey or David R. Chapman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377–2923.

**SUPPLEMENTARY INFORMATION:**

#### Background

On March 16, 1982, the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 11306) the final results of its last

administrative review of the antidumping finding on titanium sponge from the U.S.S.R. (33 FR 12138, August 28, 1968) and announced its intent to conduct the next administrative review by the end of August 1982. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

**Scope of the Review**

Imports covered by the review are shipments of titanium sponge, which is used in the manufacture of aerospace vehicles and is currently classifiable under item number 629.1420 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of only one exporter of titanium sponge from the U.S.S.R. to the United States, Techsnabexport. The review covers the period August 1, 1980 through July 31, 1981.

Since the U.S.S.R. is a state-controlled-economy country, the Department in the past used the provisions in section 773(c) of the Tariff Act, or section 205(c) of the Antidumping Act of 1921, to establish foreign market value. The foreign market values were based on prices in a non-state-controlled-economy country (Japan). For the current review, the Japanese Titanium Metals Association declined to provide Japanese home market pricing data. We also were unable to gather such data from the only other known firm exporting titanium sponge to the United States market, a firm in the United Kingdom, or from domestic producers of titanium sponge. Therefore, we are establishing the assessment and estimated antidumping duty cash deposit rates based on the best information available, which is the most recent rate calculated for the company.

**Preliminary Results of the Review**

As a result of our review, we preliminarily determine that no dumping margins exist for the period.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 30 days after the date of publication or the first workday thereafter. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall instruct the Customs Service not to assess dumping duties on entries made with purchase dates during the period of review. The Department will issue assessment instructions directly to the Customs Service.

Further, the Department shall not require a cash deposit of estimated antidumping duties, as provided for in § 353.48(b) of the Commerce Regulations, on any shipments of titanium sponge from the U.S.S.R. entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This deposit requirement shall remain in effect until publication of the final results of the next adminstrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: November 5, 1982.

**Judy Hippler Bello,**

*Acting Deputy Assistant Secretary for Import Administration.*

[FR Doc. 82-31033 Filed 11-10-82; 8:45 am]

BILLING CODE 3510-25-M

## National Bureau of Standards

### National Voluntary Laboratory Accreditation Program; National Laboratory Accreditation advisory Committee; Open Meeting

**AGENCY:** National Bureau of Standards, Commerce.

**ACTION:** Notice of open meeting.

**SUMMARY:** The National Voluntary Laboratory Accreditation Program (NVLAP) National Laboratory Accreditation Advisory Committee (NLACC) was established on August 3, 1982, to advise and make recommendations to the Director, of the National Bureau of Standards (NBS) on various issues to improve and simplify the operating procedures of NVLAP and to assess the impact of international accreditation activities on the program.

**TIME AND PLACE:** The NLACC will hold a meeting on Firday, December 3, 1982, from 9 a.m. to 5 p.m. at the National Bureau of Standards, Administration Building, Lecture Room B, Gaithersburg, MD, which will be open to the public.

**AGENDA:** Issues to be discussed at the meeting include:

1. Consideration of NVLAP accreditation criteria relative to other accreditation criteria (i.e., ISO Guide 25);
2. Simplification of operating procedures;
3. Review of bilateral agreements;
4. Review and evaluation of program goals for FY 83;
5. Implications of freedom of information regarding proficiency data;
6. Questions concerning conflicts of interest of assesors;
7. Consideration of the cost for laboratories in more than one LAP; and
8. Programmatic alternatives to reduce NVLAP operating costs.

**PUBLIC PARTICIPATION:** The meeting will be open to public participation; with time allowed for oral comments or questions.

**FOR FURTHER INFORMATION CONTACT:** Wiley Hall, Committee Control Officer, or John Locke, Manager, Laboratory Accreditation, Office of Product Standards Policy (OPSP), NBS, TECH B141, Washington, DC 20234, phone (301) 921-3431.

Dated: November 5, 1982.

**Ernest Ambler,**

*Director, National Bureau of Standards.*

[FR Doc. 82-31029 Filed 11-10-82; 8:45 am]

BILLING CODE 3510-13-M

## National Oceanic and Atmospheric Administration

### National Marine Fisheries Service; Notice of Modification of Permit

On October 5, 1982, Notice was published in the **Federal Register** (47 FR 43996) that a Permit had been issued to Dr. Albert Erickson, University of Washington, Seattle, Washington. The Permit is modified as follows:

Section A is modified by adding the following: "A-4. An unlimited number of specimens of the pinniped species authorized above may be taken by harassment during the conduct of population censusing as described in the documents submitted in modification."

This modification is effective on the date of publication of this notice in the **Federal Register.**

The Permit as modified, and documentation pertaining to the modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way, N.E., BIN C15700, Seattle, Washington 98115.

Dated: November 4, 1982.

**Richard B. Roe,**

*Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.*

[FR Doc. 82-31088 Filed 11-10-82; 8:45 am]

BILLING CODE 3510-22-M

### Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant: Mr. Richard Flyer (P310), 5484 Reservoir Road, Apartment B39, San Diego, California 92120.

2. Type of Permit: Scientific Research.

3. Name and Number of Animals: Long-finned pilot whales (*Globicephala melaena*)—Up to 400.

4. Type of Take: Potential harassment while observing, photographing, and recording in order to correlate sounds emitted with behavioral activities.

5. Location of Activity: Santa Catalina Island, California.

6. Period of Activity: 2 years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: November 5, 1982.

**R. B. Brumsted,**

*Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.*

[FR Doc. 82-31089 Filed 11-10-82; 8:45 am]

BILLING CODE 3510-22-M

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Amending the Exempt Certification Mechanism Concerning Certain Cotton Textile Products From Pakistan

November 8, 1982.

**AGENCY:** Committee for the Implementation of Textile Agreements.

**ACTION:** Amending the exempt certification procedure concerning "handmade products of the cottage industry made from handloomed fabrics" and "Pakistan Items," also known as "traditional folklore handicraft textile products" to specify that these cotton textile products must be "cut, sewn, or otherwise fabricated by hand in the cottage industry" in order to qualify for exemption from the bilateral agreement.

**SUMMARY:** The Bilateral Cotton Textile Agreement of March 9 and 11, 1982 between the Governments of the United States and Pakistan provides that exports of "handmade products of the cottage industry made from handloomed fabrics" and "Pakistan Items" that are "uniquely and historically traditional Pakistan products," be "cut, sewn, or otherwise fabricated by hand in the cottage industry" in order to be exempt from the levels of restraint established under the agreement, when properly certified by the Government of Pakistan prior to exportation.

**EFFECTIVE DATE:** January 1, 1983.

**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 May 30, 1973 and January 18, 1974, letters dated May 16, 1973 and January 15, 1974 were published in the **Federal Register** (38 FR 14184) and (39 FR 2293), respectively, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established exempt certification procedures for handmade products made from handloomed fabrics and traditional Pakistan Items.

The letter published below from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, in accordance with the provisions of the bilateral agreement, amends the directives of May 17, 1973 and January 15, 1974 to provide that handmade products of the cottage industry made from handloomed fabrics and Pakistan Items, in order to qualify for exemption from the levels of restraint established under the agreement, must be cut, sewn, and otherwise fabricated by hand in cottages, units of the cottage industry. The current list of Pakistan Items is published as an enclosure to that letter.

**Paul T. O'Day,**

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

November 8, 1982.

Committee for the Implementation of Textile Agreements,

*Commissioner of Customs, Department of the Treasury, Washington, D.C. 20229.*

Dear Mr. Commissioner: This letter amends, but does not cancel, the letters of May 16, 1973 and January 15, 1974 to provide that handmade products of the cottage industry made from handloomed fabrics and Pakistan Items, as indicated on the enclosed list, must be cut, sewn, or otherwise fabricated by hand in the cottage industry of Pakistan, in order to qualify for exemption from the levels of restraint established under the terms of the Bilateral Cotton Textile Agreement of March 9 and 11, 1982, between the Governments of the United States and Pakistan.

Additional items may be added to the list by mutual agreement between the two governments. You will be notified of any additions by further letter.

This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

### List of Pakistan Items

1. Shisha Embroidered Dresses—A traditional mirror embroidery on plain, printed or striped material, worn by the people of Sind and Baluchistan. Short, medium, or long in length according to the areas from which they came.

2. Dastkari Kurta and/or Gharara—A Kurta is a type of halter blouse worn with the Gharara. A Gharara is a traditional form of the pajama worn by ladies of the Moghul courts. Each leg of the Gharara measures about one yard across the bottom opening. Both made of cotton material with multi-colored embroidery and with drawstrings at the top and waist, in the tradition of the Moghul Kings.

3. Multani Kurat—Crochet worked shorts or long tunic worn by the peasants in Panjab. Crocheted work

located at the neck and front and has triangular inserts at the armpits.

4. Embroidered Kurta—Type of shirt or loose tunic worn throughout Pakistan over loose trousers. Is embroidered in different colors. Adapted from Angarkha by King Ahmad Shah Abdali. Worn short or long and has triangular inserts at the armpits.

5. Multani Choli—(If in part of set) Fitted blouse worn with either a Lungi (i.e., a scarf) of Sair in Punjab and Sind. Choli is embroidered in different colors or hand printed, tied either in front or back.

6. Rilli Kurta—Kurta of heavy fabric with patchworked decorations appliqued by hand, worn by the women of Sind.

7. Burga—Loose tunic or dress with hood attached worn by ladies when going out of the house. Worn as outer covering and often gaily embroidered or hand printed.

8. Quetta Jackets—Loose vest worn over Kurta by men and women. Made either of printed material or of embroidered material with mirrors on plain colors.

9. Ghagra—Ankle length, loose fitting skirt with drawstrings around the waist or hooks worn with either a fitted or loose choli, with traditional colors embroidered or hand printed. Worn in the Tharparkar area of Sind.

10. Batwa—(Drawstring pouches, bags, purses and string bags). Accessories for all Pakistani dressed for carrying betel nuts and other personal things. Gaily printed or hand embroidered or with mirrors, or made with colored string.

11. Shindi Julaba—Very loose ankle length garment in handloom or hand-blocked material with a hood attached, with tie string a V opening in neck and side slits at lower part extending to lower hem. Worm with or without hood in the villages of Sind and can also be embroidered.

12. Izarban—Cotton belt in multi-colored continous lengths of unwoven threads.

13. Baluchi Kameez—Embroidered top worn by the women of Baluchistan over Shalwar or Turkish trousers. Flared tunic with extra wide sleeves tapering to a buttoned cuff.

14. Cotton Embroidered Kaftan in the traditional embroidery of Multan, Makran, Derz Ghazi Khan and Nuchki. Long, loose fitting dresses with embroidery around top and botton with side slits of about 18 inches to the lower hem.

15. Cholistan Kurta—Colorful striped, heavy, unbleached fabric worn by the camel drivers of the Cholistan Desert with stand up collar band and sleeves made into the body or the garment.

16. Chilaf—Embroidered decorative tubular case open at both ends with drawstring enclosures.

17. Dupatta—(If in part of a set) Long scarf about 4 feet or more long and three feet or more wide of thin cotton fabric with colorful design worn by women to cover the head.

18. Cimmerband—Antique and embroidered wide belts worn about the waist, with heavy mirrored embroidery.

[FR Doc. 82-31032 Filed 11-10-82; 8:45 am]

BILLING CODE 3510-25-M

## COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

### Procurement List 1982; Additions

**AGENCY:** Committee for Purchase from the Blind and Other Severely Handicapped.

**ACTION:** Additions to procurement list.

**SUMMARY:** This action adds to Procurement List 1982 commodities to be produced by and services to be provided by workshops for the blind and other severely handicapped.

**EFFECTIVE DATE:** November 12, 1982.

**ADDRESS:** Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

**FOR FURTHER INFORMATION CONTACT:** C. W. Fletcher (703) 557-1145.

**SUPPLEMENTARY INFORMATION:** On May 21, 1982, June 25, 1982, and July 23, 1982, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (47 FR 22141, 47 FR 27596, and 47 FR 31915) of proposed additions to Procurement List 1982, November 12, 1981 (46 FR 55740).

After consideration of the revelant matter presented, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following commodities and services are hereby added to Procurement List 1982.

**Class 6532**

Gown, Patient Examining, 6532-00-421-7828

*U.S. Postal Service Item*

Lead Seal with Cord Attachment, P.S. Item No. 0815

*SIC 7369*

Commissary Shelf Stocking, Naval Station, Norfolk, Virginia.

Commissary Shelf Stocking, Naval Air Station, Oceana, Virginia Beach, Virginia.

**C. W. Fletcher,**

*Executive Director.*

[FR Doc. 82-31081 Filed 11-10-82; 8:45 am]

BILLING CODE 6820-33-M

### Procurement List 1982; Proposed Additions and Deletion

**AGENCY:** Committee for Purchase from the Blind and Other Severely Handicapped.

**ACTION:** Proposed additions to and deletion from procurement list.

**SUMMARY:** The Committee has received proposals to add to and delete from Procurement List 1982 services to be provided by and a commodity to be produced by workshops for the blind and other severely handicapped.

**COMMENTS MUST BE RECEIVED ON OR BEFORE:** December 15, 1982.

**ADDRESS:** Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

**FOR FURTHER INFORMATION CONTACT:** C. W. Fletcher, (703) 557-1145.

**SUPPLEMENTARY INFORMATION:** This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

### Additions

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the services listed below from workshops for the blind or other severely handicapped.

*SIC 7349*

Janitorial Service, Federal Building, 4th and F Streets, Anchorage, Alaska

Janitorial Service, Federal Building and U.S. Courthouse, 550 W. Fort Street, Boise, Idaho

*SIC 7359*

Custodial Service, Gerald R. Ford Federal Building and U.S. Courthouse, 110 Michigan Avenue, NW., Grand Rapids, Michigan

Janitorial Service, U.S. Courthouse, 920 Riverside Avenue, Spokane, Washington

*SIC 7369*

Commissary Shelf Stocking, Naval Air Station, Point Mugu, California
Commissary Shelf Stocking, Rough and Ready Isle, Stockton, California
Commissary Shelf Stocking, U.S. Naval Air Station, Branch Commissary Store, Patuxent River, Maryland
Commissary Shelf Stocking, Naval Construction Battalion Center, Gulfport, Mississippi
Commissary Shelf Stocking, Naval Air Station, Fallon, Nevada
Commissary Shelf Stocking, Navy Commissary, Scotia, New York

**Deletion**

It is proposed to delete the following commodity from Procurement List 1982, November 12, 1981 (46 FR 55740):

*Class 8465*

Cover, Water Canteen, Nylon, 8465–00–860–0256

**C. W. Fletcher,**

*Executive Director.*

[FR Doc. 82–31082 Filed 11–10–82; 8:45 am]

BILLING CODE 6820–33–M

## DEPARTMENT OF DEFENSE

### Corps of Engineers, Department of the Army

### Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Beach Erosion Control Study of Pinellas County, Florida

**AGENCY:** U.S. Army Corps of Engineers, DOD.

**ACTION:** Notice of intent to prepare a draft environmental impact statement.

**SUMMARY:** The Jacksonville District, U.S. Army Corps of Engineers, is studying erosion control and hurricane protection measures for the Gulf of Mexico shoreline of Pinellas County, Florida. The following alternative ations, not all implementable by the Federal government, are under consideration:

**Non-structural**

No action
Rezoning of beach area
Modification of building codes
Construction setback line
Moratorium on construction
Flood insurance
Evacuation planning
Establish a no-growth program
Relocation of structures
Flood proofing of structures
Condemnation of land and structures
Various combinations of above

**Structural**

Remove detrimental structures
Beach revetment
Beach fill with periodic nourishment
Beach fill with periodic nourishment stabilized by offshore breakwaters
Beach nourishment with maintenance material from nearby passes and inlets
Beach fill with periodic nourishment stabilized by groins
Seawalls
Stabilization of beaches and dunes by vegetation
Various combinations of above

The scoping will include the issuance of a scoping letter describing the study and requesting comments from affected Federal, State, and local agencies. Issues to be analyzed in the DEIS will be determined during scoping. No cooperating agencies are involved. In accordance with the Fish and Wildlife Coordination Act, participation in the planning process has been initiated with the U.S. Fish and Wildlife Service (FWS) and participation will also be solicited from the U.S. National Marine Fisheries Service (NMFS) and the State of Florida. Consultation will be accomplished in accordance with Section 7 of the Endangered Species Act and the Archeological and Historic Preservation Act. If a selected plan involves discharge of material into waters of the United States, the discharge will be specified by application of the criteria of Section 404(b), Federal Water Pollution Control Act.

A scoping meeting is not contemplated. The DEIS will be made available to the public in March 1983.

Questions concerning the proposed action and DEIS should be addressed to: Mr. Jedfrey M. Carlton, Environmental Studies Section, U.S. Army Corps of Engineers, Jacksonville District, P.O. Box 4970, Jacksonville, FL 32232, Telephone: (904) 791–2202.

Dated: November 3, 1982.

**Alfred B. Devereaux, Jr.,**

*Colonel, Corps of Engineers, District Engineer.*

[FR Doc. 82–31018 Filed 11–10–82; 8:45 am]

BILLING CODE 3710–92–M

### Defense Nuclear Agency (DNA)

### Defense Nuclear Agency SES Bonuses

**AGENCY:** Defense Nuclear Agency.

**ACTION:** Notice of Defense Nuclear Agency Senior Executive (SES) Agency Bonuses.

**SUMMARY:** The Defense Nuclear plans to grant SES performance awards on or about 19 November 1982

**FOR FURTHER INFORMATION CONTACT:** J. David Woodend, Chief, Civilian Personnel Management Division (MPCV), Defense Nuclear Agency, Washington, DC 20305, (202) 325–7591/92/93.

**M. S. Healy,**

*OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 82–31052 Filed 11–10–82; 8:45 am]

BILLING CODE 3810–01–M

### Office of the Secretary

### Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

**EXTENSION**

*Contractor Cost Data Reporting System*

The CCDR system provides uniform procedures for collecting contractor cost and related data needed to satisfy cost estimating data requirements of the DoD. It assists DoD in (1) preparing cost estimates for weapon system acquisitions reviewed by the Defense Systems Acquisition Review Council (DSARC), (2) developing independent Government cost estimates in support of cost/effectiveness studies, budgeting to most likely costs, and contract negotiations, and (3) tracking actual versus contractor negotiated costs.

Major aerospace firms: 1200 responses; 12000 hours

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DoD Clearance Officer, OASD(C), IRMS, IRAD, Room 1A658, Pentagon, Washington, D.C. 20301, telephone (202) 697–1195.

A copy of the information collection proposal may be obtained from G. W. Asher, OD(PA&E), Room 2D278,

Pentagon, Washington, D.C. 20301, telephone (202) 697–0317.

M. S. Healy,

*OSD Federal Register Liaison Officer, Department of Defense.*

November 8, 1982.

[FR Doc. 82-31051 Filed 11-10-82; 8:45 am]

BILLING CODE 3810-01-M

## DEPARTMENT OF EDUCATION

### National Advisory Council on Indian Education; Cancellation of Meeting

**AGENCY:** National Advisory Council on Indian Education.

**ACTION:** Cancellation of meeting.

**SUMMARY:** Notice is hereby given of the cancellation of the full Council meeting of the National Advisory Council on Indian Education, November 18–20, 1982, in New Orleans, Louisiana, as published in the **Federal Register** on Tuesday, October 26, 1982, Volume 47, No. 207, Page 47460.

Dated at Washington, D.C., November 4, 1982.

Michael P. Doss,

*Executive Director, National Advisory Council on Indian Education.*

[FR Doc. 82-31042 Filed 11-10-82; 8:45 am]

BILLING CODE 4000-01-M

## DEPARTMENT OF ENERGY

### Energy Information Administration

### Agency Forms Under Review by the Office of Management and Budget

**AGENCY:** Energy Information Administration, DOE.

**ACTION:** Notice of submission of request for clearance to the Office of Management and Budget.

**SUMMARY:** Under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), Department of Energy (DOE) notices of proposed collections under review will be published in the **Federal Register** on the Thursday of the week following their submission to the Office of Management and Budget (OMB). Following this notice is a list of the DOE proposals sent to OMB for approval since October 28, 1982.

Each entry contains the following information and is listed by the DOE sponsoring office: (1) The form number; (2) Form title; (3) Type of request, e.g., new, revision, or extension; (4) Frequency of collection; (5) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (6) Type of respondent; (7) An estimate of the number of respondents; (8) Annual respondent burden, i.e., an estimate of the total number of hours needed to fill out the form; and (9) A brief abstract describing the proposed collection.

**DATES:** Last Notice published Thursday, November 4, 1982.

**FOR FURTHER INFORMATION CONTACT:**

John Gross, Director, Forms Clearance and Burden Control Division, Energy Information Administration, M.S. 1H–023, Forrestal Building, 1000 Independence Avenue NW., Washington, D.C. 20585, (202) 252–2308

Jefferson B. Hill, Department of Energy Desk Officer, Office of Management and Budget, 726 Jackson Place NW., Washington, D.C. 20503, (202) 395–7340

Vartkes Broussalian, Federal Energy Regulatory Commission Desk Officer, Office of Management and Budget, 726 Jackson Place NW., Washington, D.C. 20503, (202) 395–3087.

**SUPPLEMENTARY INFORMATION:** Copies of proposed collections and supporting documents may be obtained from Mr. Gross. Comments and questions about the items on this list should be directed to the OMB reviewer; comments should also be provided Mr. Gross. If you anticipate commenting on a form, but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB reviewer of your intent as early as possible.

Issued in Washington, D.C., November 4, 1982.

Yvonne M. Bishop,

*Director, Statistical Standards, Energy Information Administration.*

DOE Forms Under Review by OMB

| (1) Form No | (2) Form Title | (3) Type of request | (4) Response frequency | (5) Response obligation | (6) Respondent description | (7) Estimated No. of respondents | (8) Annual respondent burden | (9) Abstract |
|---|---|---|---|---|---|---|---|---|
| EIA–1 | Weekly Coal Monitoring Report—General Industries and Blast Furnaces. | Rev | Weekly | Mandatory | Manufacturing plants. | 565 | 1 (Standby) | EIA–1 will track coal stocks and cosumption in the manufacturing sector during supply disruptions. The data, in conjunction with the EIA–4 and EIA–20, provide input for supply forecasts and are used to inform the public, industry and government agencies of aggregated coal consumption and inventories. |
| EIA–4 | Weekly Coal Monitoring Report—Coke Plants. | Rev | Weekly | Mandatory | Coke producers | 54 | 1 (Standby) | EIA–4 tracks coal and coke stocks, reciepts and consumption at coke plants during supply disruptions. The data, in conjunction with the EIA–1 and EIA–20, provide input for supply forecasts and are used to inform the public, industry and government agencies of aggregated coal consumption and inventories. |
| EIA–20 | Weekly Telephone Survey of Coal Burning Electric Utilities. | Rev | Weekly | Mandatory | Electric utilities | 222 | 1 (Standby) | EIA–20 tracks coal stocks, receipts, consumption and electricity generation at electric utilities during supply disruptions. The data, in conjunction with the EIA–1 and EIA–4, provide input for supply forecasts and are used to inform the public, industry and government agencies of aggregated coal consumption and inventories. |

[FR Doc. 82-30868 Filed 11-10-82; 8:45 am]

BILLING CODE 6450-01-M

## Economic Regulatory Administration

### Mustang Fuel Corp.; Proposed Consent Order

**AGENCY:** Economic Regulatory Administration, Energy.

**ACTION:** Notice of proposed Consent Order and opportunity for comment.

**SUMMARY:** The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order with Mustang Fuel Corporation (Mustang) and provides an opportunity for public comment on the terms and conditions of the proposed Consent Order.

**DATE:** Comments by December 13, 1982.

**ADDRESS:** Send comments to: David H. Jackson, Director, Kansas City Office, Economic Regulatory Administration, 324 East 11th Street, Kansas City, Missouri 64106–2466.

**FOR FURTHER INFORMATION CONTACT:** David H. Jackson, Director, Kansas City Office, Economic Regulatory Administration, 324 East 11th Street, Kansas City, Missouri 64106–2466; telephone number (816) 374–2092. Copies of the Consent Order may be obtained free of charge by writing or calling this office.

**SUPPLEMENTARY INFORMATION:** On November 3, 1982, the ERA executed a proposed Consent Order with Mustang Fuel Corporation of Oklahoma City, Oklahoma. Under 10 CFR 205.199J(b), a proposed Consent Order which involves the sum of $500,000 or more, excluding interest and penalties, becomes effective no sooner than thirty days after publication of a notice in the **Federal Register** requesting comments concerning the proposed Consent Order. Although the DOE has signed and tentatively accepted the proposed Consent Order, the DOE may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate a modification of the Consent Order, or issue the Consent Order as signed.

#### I. The Consent Order

Mustang, with its home office located in Oklahoma City, Oklahoma, is a firm engaged in the production and sale of natural gas liquids (NGL) and natural gas liquid products (NGLP) through its subsidiary Mustang Gas Products Company, and was subject to the Mandatory Petroleum Allocation and Price Regulations at 10 CFR Parts 210, 211, 212 during the period covered by this Consent Order. To resolve certain potential civil liability arising out of the Mandatory Petroleum Allocation and Price Regulations and related regulations, 10 CFR Parts 205, 210, 211, and 212, in connection with Mustang's transactions involving NGL and NGLP during the period September 1, 1973 through January 27, 1981, the DOE and Mustang have entered into a Consent Order, the significant terms of which are as follows:

A. This Consent Order encompasses all sales of NGL and NGLP during the period September 1, 1973 through January 27, 1981 by Mustang, including sales by Mustang Gas Products Company, which operated a natural gas processing plant near Calumet, Oklahoma.

B. As result of its audit, ERA alleged that Mustang sold NGL and NGLP at prices in excess of the maximum lawful selling prices, in violation of 6 CFR 150.355 and 150.358 and 10 CFR 212.82, 212.83, 212.143 and 212.163. Mustang disputed these allegations.

C. Execution of the Consent Order constitutes neither an admission by Mustang nor a finding by DOE of any violation by Mustang of any statute or regulation.

#### II. Refunds and Civil Penalty

Under this Consent Order, Mustang will pay the sum of $4,600,000, which includes interest, to DOE on or before December 15, 1982. DOE will determine the appropriate disposition of the refund by a later time. Upon full satisfaction of the terms and conditions of this Consent Order, the DOE releases Mustang from any civil claims that the DOE may have arising out of the matters covered by the Consent Order.

#### III. Submission of Written Comments

Interested persons are invited to submit written comments concerning the terms and conditions of this Consent Order to the address given above. Comments should be identified on the outside of the envelope and on the documents submitted with the designation "Comment on Mustang Consent Order." The DOE will consider all comments it receives by 4:30 p.m., local time, on December 13, 1982. Any information or data considered confidential by the person submitting it must be identified as such in accordance with the procedure in 10 CFR 205.9(f).

Issued in Kansas City on the 4th day of November 1982.

**David H. Jackson,**

*Director, Kansas City Office, Economic Regulatory Administration.*

[FR Doc. 82-31215 Filed 11-10-82; 10:13 am]

BILLING CODE 6450-01-M

## Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: November 5, 1982.

| JD NO | JA DKT | API NO | D | SEC(1) | SEC(2) | WELL NAME | FIELD NAME | PROD | PURCHASER |
|---|---|---|---|---|---|---|---|---|---|
| ********** COLORADO OIL & GAS COMMISSION ********** | | | | | | | | | |
| -AMOCO PRODUCTION CO | | | | RECEIVED: | 10/13/82 | JA: CO | | | |
| 8302684 | 82-12 | 0501306021 | | 103 | | BAILEY UNIT #1 | WILDCAT | 30.0 | PANHANDLE EASTERN |
| 8302685 | 82-11 | 0512310084 | | 103 | | CHAMPLIN 246 AMOCO "A" #1 | WATTENBERG | 100.0 | PANHANDLE EASTERN |
| 8302686 | 82-13 | 0500506415 | | 103 | | PRITCHETTE-GREEN #1 | POLLEN | 20.0 | COLORADO INTERSTA |
| 8302687 | 82-14 | 0512310178 | | 103 | | THOMAS F QUINN GAS UNIT #2 | WATTENBERG | 40.0 | PANHANDLE EASTERN |
| 8302688 | 82-15 | 0512309742 | | 103 | | UPRR 43 PAN AM "P" #1 | WATTENBERG | 75.0 | PANHANDLE EASTERN |
| 8302689 | 82-16 | 0512309763 | | 103 | | UPRR 43 PAN AM "X" #1 | WATTENBERG | 75.0 | PANHANDLE EASTERN |
| 8302690 | 82-17 | 0512310165 | | 103 | | UPRR 53 PAN AM "F" #2 | WATTENBERG | 75.0 | PANHANDLE EASTERN |
| -BELLWETHER EXPLORATION CO | | | | RECEIVED: | 10/13/82 | JA: CO | | | |
| 8302661 | 81-923 | 0512310342 | | 102-4 | | JOHN FORD #1 | WILDCAT | 1500.0 | PANTERA ENERGY CO |
| -BOW VALLEY PETROLEUM INC | | | | RECEIVED: | 10/13/82 | JA: CO | | | |
| 8302810 | 82-647 | 0507708121 | | 108 | | MILHOLLAND 30-3 | PLATEAU CREEK | 15.7 | ROCKY MOUNTAIN NA |
| 8302811 | 82-646 | 0507708288 | | 108 | | REED 20-3 | PLATEAU CREEK | 16.0 | ROCKY MOUNTAIN NA |
| -BYRON OIL INDUSTRIES INC | | | | RECEIVED: | 10/13/82 | JA: CO | | | |
| 8302692 | 81-926 | 0500107701 | | 103 | | BYRON-JEAN EHLER #1 | SPINDLE FIELD WATTENB | 1.7 | INTERNORTH INC |
| 8302693 | 81-925 | 0512310102 | | 103 | | BYRON-JEAN JACOBUCCI #5 | SPINDLE | 2.0 | INTERNORTH INC |
| 8302694 | 81-924 | 0500107670 | | 103 | | BYRON-MARK MCELWAIN #13 | SPINDLE FIELD WATTENB | 2.1 | INTERNORTH INC |
| 8302695 | 81-963 | 0500107755 | | 103 | | BYRON-MARK MCELWAIN #14 | SPINDLE FIELD | 5.8 | INTERNORTH INC |
| 8302696 | 81-962 | 0500107722 | | 103 | | BYRON-NORTH COLORADO BLVD #5 | SPINDLE FIELD WATTENB | 10.6 | INTERNORTH INC |
| -CENTENNIAL PETROLEUM INC | | | | RECEIVED: | 10/13/82 | JA: CO | | | |
| 8302747 | 81-957 | 0512310396 | | 107-TF | | BARNES 2-34 | WILDCAT | 100.0 | |
| -CHAMPLIN PETROLEUM COMPANY | | | | RECEIVED: | 10/13/82 | JA: CO | | | |
| 8302697 | 82-5 | 0500107942 | | 103 | | ATWATER 14-1 #2 | RADAR | 38.0 | COLORADO INTERSTA |
| 8302698 | 82-6 | 0500107985 | | 103 | | CARLSON 41-33 #4 | RADAR | 228.0 | PANHANDLE EASTERN |
| -COORS ENERGY CO | | | | RECEIVED: | 10/13/82 | JA: CO | | | |
| 8302748 | 82-37 | 0507708394 | | 107-TF | | CURRIER 4-21 | PLATEAU | 189.8 | INTER NORTH INC |
| 8302751 | 81-1001 | 0507708254 | | 107-TF | | NICHOLS #1-22CM | CHALK MOUNTAIN FEDERA | 758.5 | INTER NORTH INC |
| 8302755 | 81-998 | 0507708332 | | 107-TF | | NICHOLS #2-26CM | CHALK MOUNTAIN FEDERA | 312.1 | INTER NORTH INC |
| 8302749 | 81-997 | 0507708333 | | 107-TF | | NICHOLS 1-14CM | CHALK MOUNTAIN FEDERA | 73.0 | INTER NORTH INC |
| 8302750 | 81-1000 | 0507708338 | | 107-TF | | NICHOLS 1-15 CM | CHALK MOUNTAIN FEDERA | 93.4 | INTER NORTH INC |
| 8302752 | 81-1003 | 0507708831 | | 107-TF | | NICHOLS 1-23CM | CHALK MOUNTAIN FEDERA | 222.0 | INTER NORTH INC |
| 8302753 | 81-993 | 0507708445 | | 107-TF | | NICHOLS 1-29 | PLATEAU | 428.1 | INTERNORTH INC |
| 8302754 | 82-38 | 0507708331 | | 107-TF | | NICHOLS 2-5 | PLATEAU FIELD SEC 5 T | 20.1 | INTER NORTH INC |
| 8302756 | 81-999 | 0507708353 | | 107-TF | | WOLVERTON 1-13 | PLATEAU | 698.2 | INTER NORTH INC |
| -EMPIRE DRILLING CO | | | | RECEIVED: | 10/13/82 | JA: CO | | | |
| 8302666 | 81-873 | 0500107418 | | 102-2 | | HILTON #2 | ZENITH | 0.0 | VESSELS GAS PROCE |
| 8302668 | 81-916 | 0500107420 | | 102-2 | | HILTON #4 | ZENITH | 0.0 | VESSELS GAS PROCE |
| 8302667 | 81-874 | 0500107539 | | 102-2 | | HILTON 3-X | ZENITH | 0.0 | VESSELS GAS PROCE |
| 8302669 | 81-875 | 0500107435 | | 102-2 | | LUNDGREN #1 | ZENITH | 0.0 | VESSELS GAS PROCE |
| 8302670 | 81-876 | 0500107436 | | 102-2 | | LUNDGREN #2 | ZENITH | 0.0 | VESSELS GAS PROCE |
| -EMPIRE OIL & GAS CO | | | | RECEIVED: | 10/13/82 | JA: CO | | | |

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| JD NO | JA DKT | API NO | D | SEC(1) | SEC(2) | WELL NAME | FIELD NAME | PROD | PURCHASER |
|---|---|---|---|---|---|---|---|---|---|
| 8302665 | 81-917 | 0500107540 | | 102-2 | | HILTON I-J | ZENITH | 0.0 | VESSELS GAS PROCE |
| -ENERGY OIL INC | | | | RECEIVED: | 10/13/82 | JA: CO | | | |
| 8302699 | 82-2 | 0512310417 | | 103 | | PRATT #1 | WILDCAT | 45.0 | PANHANDLE EASTERN |
| -EXCEL ENERGY CORP | | | | RECEIVED: | 10/13/82 | JA: CO | | | |
| 8302757 | 82-23 | 0512310378 | | 107-TF | | JEPSEN #2 | WATTENBERG | 0.0 | PANHANDLE EASTERN |
| 8302758 | 82-22 | 0512310422 | | 107-TF | | SCHLAGEL #2 | WATTENBERG | 0.0 | PANHANDLE EASTERN |
| -FUEL RESOURCES DEVELOPMENT CO | | | | RECEIVED: | 10/13/82 | JA: CO | | | |
| 8302671 | 81-859 | 0507708402 | | 102-2 | | COLORADO LAND #1 | PLATEAU | 44.0 | NORTHWEST PIPELIN |
| 8302759 | 81-866 | 0507708402 | | 107-TF | | COLORADO LAND #1 | PLATEAU | 44.0 | NORTHWEST PIPELIN |
| 8302760 | 82-33 | 0504506338 | | 103 | | YOUNG 11-14 | SOUTH CANYON | 62.0 | WESTERN SLOPE GAS |
| 8302761 | 82-34 | 0504506346 | | 103 | | YOUNG 24-12 | SOUTH CANYON | 67.0 | WESTERN SLOPE GAS |
| -H L WILLETT | | | | RECEIVED: | 10/13/82 | JA: CO | | | |
| 8302746 | 81-991 | 0512310374 | | 103 | | STANLEY OLSON #1 | WATTENBERG | 250.0 | PANHANDLE EASTERN |
| 8302808 | 81-990 | 0512310374 | | 107-TF | | STANLEY OLSON #1 | WATTENBERG | 250.0 | PANHANDLE EASTERN |
| -J-W OPERATING COMPANY | | | | RECEIVED: | 10/13/82 | JA: CO | | | |
| 8302769 | 81-973 | 0512506597 | | 107-TF | | CONRAD #2-30 | ECKLEY | 333.0 | KANSAS-NEBRASKA N |
| 8302771 | 81-975 | 0512506337 | | 107-TF | | F LETT #2 | ROCK CREEK | 162.0 | KANSAS-NEBRASKA N |
| 8302772 | 81-976 | 0512506454 | | 107-TF | | F LETT #3 | ROCK CREEK | 135.0 | KANSAS-NEBRASKA N |
| 8302767 | 81-971 | 0512506596 | | 107-TF | | H CHAPMAN #1-33 | WILDCAT (UNNAMED) | 225.0 | KANSAS-NEBRASKA N |
| 8302768 | 81-972 | 0512506499 | | 107-TF | | H CHAPMAN #1-34 | WILDCAT | 72.0 | KANSAS-NEBRASKA N |
| 8302773 | 81-977 | 0512506589 | | 107-TF | | H SALVADOR #1-17 | ROCK CREEK | 185.0 | CITIES SERVICE GA |
| 8302761 | 81-965 | 0512506547 | | 107-TF | | J BROPHY #6-34 | WILDCAT | 397.0 | KANSAS-NEBRASKA N |
| 8302760 | 81-964 | 0512506535 | | 107-TF | | MYRTLE AKEY #1-25 | WILDCAT | 111.0 | CITIES SERVICE GA |
| 8302770 | 81-974 | 0512506598 | | 107-TF | | R KORF #3-25 | ROCK CREEK | 46.0 | CITIES SERVICE GA |
| 8302774 | 81-978 | 0512506610 | | 107-TF | | SCHMIDT #1-18 | ROCK CREEK | 69.0 | KANSAS-NEBRASKA N |
| 8302762 | 81-967 | 0512506485 | | 107-TF | | T BROPHY #21 | OLD BALDY | 169.0 | KANSAS-NEBRASKA N |
| 8302763 | 81-968 | 0512506486 | | 107-TF | | T BROPHY #22 | OLD BALDY | 30.0 | KANSAS-NEBRASKA N |
| 8302764 | 81-969 | 0512506453 | | 107-TF | | T BROPHY #24 | OLD BALDY | 367.0 | KANSAS-NEBRASKA N |
| 8302765 | 81-970 | 0512506427 | | 107-TF | | T BROPHY #25 | ROCK CREEK | 146.0 | KANSAS-NEBRASKA N |
| 8302766 | 81-966 | 0512506338 | | 107-TF | | T E BROPHY #19 | WILDCAT | 60.0 | CITIES SERVICE GA |
| 8302775 | 81-979 | 0512506403 | | 107-TF | | U S A #4 | WILDCAT | 112.0 | KANSAS-NEBRASKA N |
| 8302776 | 81-980 | 0512506484 | | 107-TF | | WHITE STAR FARMS #1-19 | WAVERLY | 211.0 | KANSAS-NEBRASKA N |
| -KANSAS-NEBRASKA NATURAL GAS CO INC | | | | RECEIVED: | 10/13/82 | JA: CO | | | |
| 8302812 | 82-537 | 0512506099 | | 108 | | ECKBERG 1-15 | BEECHER ISLAND | 21.0 | KANSAS-NEBRASKA N |
| -LADD PETROLEUM CORPORATION | | | | RECEIVED: | 10/13/82 | JA: CO | | | |
| 8302813 | 82-636 | 0506706266 | | 108 | | EAST TIFFANY #2-17 | IGNACIO BLANCO | 10.0 | NORTHWEST PIPELIN |
| -LEXINGTON GAS & MARINE INC | | | | RECEIVED: | 10/13/82 | JA: CO | | | |
| 8302672 | 81-825 | 0500906281 | | 102-2 | | TATE #1-10 | WALSH | 40.0 | COLORADO INTERSTA |
| -MACEY & MERSHON OIL INC | | | | RECEIVED: | 10/13/82 | JA: CO | | | |
| 8302702 | 81-961 | 0512310405 | | 103 | | LUHMAN #1 | WATTENBERG | 100.0 | COLORADO INTERSTA |
| -MARTIN EXPLORATION MGMT CORP | | | | RECEIVED: | 10/13/82 | JA: CO | | | |
| 8302777 | 82-7 | 0513006073 | | 107-TF | | IANNACITO #1-6 | WILDCAT | 12.8 | PANHANDLE EASTERN |
| 8302778 | 81-472 | 0501306038 | | 107-TF | | LYNCH #1 | WILDCAT | 90.0 | PANHANDLE EASTERN |
| 8302779 | 82-8 | 0501306077 | | 107-TF | | OSBORNE #1 | BOULDER VALLEY | 82.1 | PANHANDLE EASTERN |
| -MICHIGAN WISCONSIN PIPE LINE CO | | | | RECEIVED: | 10/13/82 | JA: CO | | | |
| 8302703 | 81-877 | 0500906324 | | 103 | | ACKLEY 1-4 | WALSH | 167.0 | |
| 8302704 | 81-878 | 0500906327 | | 103 | | GRIFFIN #1-10 | WALSH | 73.0 | |
| -MIDLANDS GAS CORPORATION | | | | RECEIVED: | 10/13/82 | JA: CO | | | |
| 8302673 | 82-9 | 0512506550 | | 102-2 | | PAPPENHEIM 1-7X | REPUBLICAN | 53.0 | KANSAS-NEBRASKA N |
| -NATIONAL COOP REFINERY ASSOC | | | | RECEIVED: | 10/13/82 | JA: CO | | | |
| 8302705 | 81-831 | 0506706549 | | 103 | | TERRELL #1-15 | IGNACIO BLANCO | 250.0 | EL PASO NATURAL G |
| -NATOMAS NORTH AMERICA INC | | | | RECEIVED: | 10/13/82 | JA: CO | | | |
| 8302781 | 81-911 | 0506767558 | | 107-TF | | GEARHART 1-31 | IGNACIO | 959.0 | NORTHWEST PIPE LI |

| JD NO | JA DKT | API NO | D | SEC(1) | SEC(2) | WELL NAME | FIELD NAME | PROD | PURCHASER |
|---|---|---|---|---|---|---|---|---|---|
| 8302782 | 81-912 | 0506706546 | | 107-TF | | GEARHART 1-32 | IGNACIO | 604.0 | NORTHWEST PIPELIN |
| -NIELSON ENTERPRISES INC | | | | RECEIVED: | 10/13/82 | JA: CO | | | |
| 8302736 | 81-838 | 0512310229 | | 103 | | FIELDS #2 | WATTENBERG | 200.0 | PANHANDLE EASTERN |
| 8302737 | 81-837 | 0512310228 | | 103 | | OLANDER #2 | WATTENBERG | 280.0 | PANHANDLE EASTERN |
| -NIOBRARA ILLUMINATING GAS ASSOCIATE | | | | RECEIVED: | 10/13/82 | JA: CO | | | |
| 8302783 | 82-43 | 0512109710 | | 107-TF | | ALLEN #3 | DE NOVA | 36.5 | NATURAL GAS PIPEL |
| 8302784 | 82-42 | 0512109732 | | 107-TF | | PRICE #7 | DE NOVA | 54.8 | NATURAL GAS PIPEL |
| 8302785 | 82-44 | 0512109731 | | 107-TF | | STATE #3 | DE NOVA | 47.5 | NATURAL GAS PIPEL |
| -NORTHWEST EXPLORATION COMPANY | | | | RECEIVED: | 10/13/82 | JA: CO | | | |
| 8302788 | 82-117 | 0504506233 | | 107-TF | | CLOUGH #13 | RULISON MESAVERDE | 75.0 | NORTHWEST PIPELIN |
| 8302786 | 82-119 | 0504506207 | | 107-TF | | CLOUGH #3 | RULISON MESAVERDE | 292.0 | NORTHWEST PIPELIN |
| 8302787 | 82-118 | 0504506249 | | 107-TF | | CLOUGH #7 | RULISON MESAVERDE | 90.0 | NORTHWEST PIPELIN |
| 8302708 | 82-196 | 0504506384 | | 103 | | CLOUGH 128 | RULISON WASATCH | 19.2 | NORTHWEST PIPELIN |
| 8302789 | 82-116 | 0504506252 | | 107-TF | | CLOUGH 18 | RULISON MESAVERDE | 105.0 | NORTHWEST PIPELIN |
| 8302790 | 82-115 | 0504506231 | | 107-TF | | CLOUGH 20 | RULISON MESAVERDE | 180.0 | NORTHWEST PIPELIN |
| 8302791 | 82-113 | 0504506209 | | 107-TF | | GOLDING #4 | RULISON MESAVERDE | 0.0 | NORTHWEST PIPELIN |
| 8302792 | 82-112 | 0504506208 | | 107-TF | | LANGSTAFF #1 | RULISON MESAVERDE | 0.0 | NORTHWEST PIPELIN |
| 8302664 | 82-86 | 0512310308 | | 102-4 | | LUNDOCK #1 | COUNTY LINE "D" SAND | 22.0 | PANTERA ENERGY CO |
| 8302709 | 82-85 | 0512310308 | | 103 | | LUNDOCK1 | COUNTY LINE "D" SAND | 22.0 | PANTERA ENERGY CO |
| 8302793 | 82-111 | 0504506251 | | 107-TF | | MCNARY #6 | RULISON MESAVERDE | 88.0 | NORTHWEST PIPELIN |
| 8302794 | 82-114 | 0504506216 | | 107-TF | | RULISON #8 | RULISON MESAVERDE | 25.0 | NORTHWEST PIPELIN |
| -R R BANEY OPERATING | | | | RECEIVED: | 10/13/82 | JA: CO | | | |
| 8302691 | 81-760 | 0500106007 | | 103 | | BRUCHEZ C-1 | IRONDALE | 0.4 | VESSELS OIL & GAS |
| -ROCK OIL CORP | | | | RECEIVED: | 10/13/82 | JA: CO | | | |
| 8302710 | 81-918 | 0500107877 | | 103 | | BRANDON GEORGE #2 | RADAR | 40.0 | COLORADO INTERSTA |
| 8302711 | 81-919 | 0500107955 | | 103 | | BRANDON GEORGE #3 | RADAR | 20.0 | COLORADO INTERSTA |
| -SAMSON OIL COMPANY | | | | RECEIVED: | 10/13/82 | JA: CO | | | |
| 8302712 | 81-950 | 0500906330 | | 103 | | BOTKIN #1-29 | VILAS | 11.0 | COLORADO INTERSTA |
| 8302713 | 81-932 | 0500906322 | | 103 | | LOFLIN 1-8 | VILAS | 100.0 | COLORADO INTERSTA |
| 8302714 | 81-933 | 0500906335 | | 103 | | MATTHEWS 1-30 | VILAS | 18.0 | COLORADO INTERSTA |
| -SANDLIN OIL CORP | | | | RECEIVED: | 10/13/82 | JA: CO | | | |
| 8302715 | 81-956 | 0500506476 | | 103 | | NEIRA #1 | DEADEYE | 27.4 | SUN GAS CO |
| -SHEPLER & THOMAS INC | | | | RECEIVED: | 10/13/82 | JA: CO | | | |
| 8302716 | 81-922 | 0512109728 | | 103 | | STRAND #1 | OTIS | 90.0 | KANSAS-NEBRASKA N |
| -SKYLINE OIL COMPANY | | | | RECEIVED: | 10/13/82 | JA: CO | | | |
| 8302717 | 81-891 | 0507708285 | | 103 | | SKYLINE HITTLE-DUCRAY #2 | PLATEAU | 146.0 | |
| -SOHIO PETROLEUM CO | | | | RECEIVED: | 10/13/82 | JA: CO | | | |
| 8302718 | 82-27 | 0503906392 | | 103 | | MILLER 6-7 | COMANCHE CREEK | 32.1 | SUN GAS CO |
| 8302719 | 82-26 | 0503906387 | | 103 | | MILLER 6-9 | COMANCHE CREEK | 28.1 | SUN GAS CO |
| -ST MICHAEL EXPLORATION CO | | | | RECEIVED: | 10/13/82 | JA: CO | | | |
| 8302674 | 82-79 | 0512310135 | | 102-2 | | GRACE-WISE #19-1 | SEVEN CROSS HILL | 297.5 | INTER NORTH INC |
| 8302720 | 82-56 | 0512310483 | | 103 | | SPINNER #26-1 | SOUTH GREASEWOOD EXTE | 73.0 | PANTERA ENERGY CO |
| -STELBAR OIL CORP INC | | | | RECEIVED: | 10/13/82 | JA: CO | | | |
| 8302797 | 82-101 | 0512109725 | | 107-TF | | AXSOM #1-23 | WHITE EAGLE | 60.0 | NATURAL GAS PIPEL |
| 8302798 | 81-896 | 0512506409 | | 107-TF | | CLARKE-JOSH #1-3 | WILDCAT | 60.0 | CITIES SERVICE GA |
| 8302799 | 81-898 | 0512506341 | | 107-TF | | FOUR QUARTER LAND #1-10 | OLD BALDY AREA | 50.0 | CITIES SERVICE GA |
| 8302800 | 81-894 | 0512506343 | | 107-TF | | FOUR QUARTER LAND #1-15 | WILDCAT | 50.0 | CITIES SERVICE GA |
| 8302801 | 81-895 | 0512506344 | | 107-TF | | FOUR QUARTER LAND #2-15 | OLD BALDY AREA | 50.0 | CITIES SERVICE GA |
| 8302802 | 82-102 | 0512109745 | | 107-TF | | MAGGARD #1-10 | WHITE EAGLE | 30.0 | NATURAL GAS PIPEL |
| 8302803 | 82-104 | 0512109682 | | 107-TF | | MATHIES #2-19 | UNNAMED | 80.0 | NATURAL GAS PIPEL |
| 8302804 | 81-893 | 0512506333 | | 107-TF | | MONK #1-9 | WILDCAT | 30.0 | CITIES SERVICE GA |
| 8302805 | 81-897 | 0512506340 | | 107-TF | | PAULI #1-7 | WAVERLY AREA | 35.0 | CITIES SERVICE GA |
| 8302806 | 82-103 | 0512109747 | | 107-TF | | PRICE #3-7 | DENOVA | 50.0 | NATURAL GAS PIPEL |

| JD NO | JA DKT | API NO | D | SEC(1) | SEC(2) | WELL NAME | FIELD NAME | PROD | PURCHASER |
|---|---|---|---|---|---|---|---|---|---|
| -SUNDANCE OIL CO | | | | RECEIVED: | 10/13/82 | JA: CO | | | |
| 8302675 | 81-930 | 0508707578 | | 102-2 | | MORRISON #1-13X | UNNAMED | 270.0 | |
| 8302676 | 81-929 | 0512310269 | | 102-2 | | NICKERSON #1-8 | UNNAMED | 437.0 | INTER NORTH INC |
| 8302677 | 81-928 | 0512310217 | | 102-2 | | SCHMEECKLE #1-15 | UNNAMED | 646.0 | INTER NORTH INC |
| -TETON ENERGY CO INC | | | | RECEIVED: | 10/13/82 | JA: CO | | | |
| 8302814 | 82-640 | 0507708106 | | 108 | | KATHLYN YOUNG 1-15 | PLATEAU | 116.0 | NORTHWEST PIPELIN |
| -TEXAS AMERICAN OIL CORP | | | | RECEIVED: | 10/13/82 | JA: CO | | | |
| 8302721 | 81-935 | 0500107704 | | 103 | | JEAN EHLER "B" #1 | SPINDLE | 29.2 | PANHANDLE EASTERN |
| 8302730 | 81-944 | 0500107647 | | 103 | | JOHN EHLER #10 | SPINDLE | 21.9 | PANHANDLE EASTERN |
| 8302731 | 81-945 | 0500107648 | | 103 | | JOHN EHLER #11 | SPINDLE | 29.2 | PANHANDLE EASTERN |
| 8302732 | 81-946 | 0500107658 | | 103 | | JOHN EHLER #12 | SPINDLE | 14.6 | PANHANDLE EASTERN |
| 8302733 | 81-947 | 0500107659 | | 103 | | JOHN EHLER #13 | SPINDLE | 9.1 | PANHANDLE EASTERN |
| 8302734 | 81-948 | 0500107660 | | 103 | | JOHN EHLER #14 | SPINDLE | 25.6 | PANHANDLE EASTERN |
| 8302735 | 81-949 | 0500107678 | | 103 | | JOHN EHLER #15 | SPINDLE | 31.0 | PANHANDLE EASTERN |
| 8302722 | 81-936 | 0500107369 | | 103 | | JOHN EHLER #2 | SPINDLE | 1.9 | PANHANDLE EASTERN |
| 8302723 | 81-937 | 0500107370 | | 103 | | JOHN EHLER #3 | SPINDLE | 1.6 | PANHANDLE EASTERN |
| 8302724 | 81-938 | 0500107481 | | 103 | | JOHN EHLER #4 | SPINDLE | 9.1 | PANHANDLE EASTERN |
| 8302725 | 81-939 | 0500107489 | | 103 | | JOHN EHLER #5 | SPINDLE | 14.6 | PANHANDLE EASTERN |
| 8302726 | 81-940 | 0500107490 | | 103 | | JOHN EHLER #6 | SPINDLE | 11.7 | PANHANDLE EASTERN |
| 8302727 | 81-941 | 0500107493 | | 103 | | JOHN EHLER #7 | SPINDLE | 5.5 | PANHANDLE EASTERN |
| 8302728 | 81-942 | 0500107494 | | 103 | | JOHN EHLER #8 | SPINDLE | 14.6 | PANHANDLE EASTERN |
| 8302729 | 81-943 | 0500107646 | | 103 | | JOHN EHLER #9 | SPINDLE | 5.8 | PANHANDLE EASTERN |
| 8302736 | 81-881 | 0500107470 | | 103 | | STATE OF COLORADO "YB" #2 | SPINDLE (SUSSEX) | 9.0 | PANHANDLE EASTERN |
| 8302737 | 81-882 | 0500107479 | | 103 | | STATE OF COLORADO "YB" #3 | SPINDLE (SUSSEX) | 2.9 | PANHANDLE EASTERN |
| 8302738 | 81-883 | 0500107513 | | 103 | | STATE OF COLORADO "YB" #4 | SPINDLE (SUSSEX) | 5.5 | PANHANDLE EASTERN |
| 8302739 | 81-884 | 0500107514 | | 103 | | STATE OF COLORADO "YB" #5 | SPINDLE (SUSSEX) | 3.7 | PANHANDLE EASTERN |
| 8302740 | 81-885 | 0500107515 | | 103 | | STATE OF COLORADO "YB" #6 | SPINDLE (SUSSEX) | 14.6 | PANHANDLE EASTERN |
| 8302741 | 81-886 | 0500107679 | | 103 | | STATE OF COLORADO "YB" #7 | SPINDLE-TERRY SANDSTO | 19.3 | PANHANDLE EASTERN |
| 8302742 | 81-887 | 0500107680 | | 103 | | STATE OF COLORADO "YB" #8 | SPINDLE TERRY SANDSTO | 3.5 | PANHANDLE EASTERN |
| -THE SAND HILLS SOCIETY | | | | RECEIVED: | 10/13/82 | JA: CO | | | |
| 8302795 | 82-40 | 0512109713 | | 107-TF | | STRICKLER #1 | LONG KNIFE | 23.7 | NATURAL GAS PIPEL |
| 8302796 | 82-41 | 0512109712 | | 107-TF | | YOUNG #1-34 | DAPPER | 23.7 | NATURAL GAS PIPEL |
| -THOMAS B BURNS | | | | RECEIVED: | 10/13/82 | JA: CO | | | |
| 8302662 | 81-803 | 0507500000 | | 102-4 | | DALKE #1 | CAULDRON | 72.0 | KANSAS NEBRASKA N |
| 8302663 | 81-804 | 0507508901 | | 102-4 | | DALKE #2 | CAULDRON | 36.0 | KANSAS NEBRASKA N |
| -TXO PRODUCTION CORP | | | | RECEIVED: | 10/13/82 | JA: CO | | | |
| 8302678 | 82-32 | 0500906233 | | 102-2 | | FARMER "A" #1 | WALSH | 21.0 | |
| 8302679 | 81-834 | 0500906334 | | 102-2 | | FORGEY "A" #1 | STONINGTON | 73.0 | NUECES CO |
| 8302680 | 82-31 | 0509906165 | | 102-2 | | HOFFMAN "G" #1 | UN-NAMED | 254.0 | |
| 8302743 | 82-30 | 0500107984 | | 103 | | HOWLAND #2 | DEER TRAIL | 33.8 | KOCH HYDROCARBON |
| 8302744 | 81-836 | 0512310334 | | 103 | | MYERS "F" #1 | SOONER | 33.0 | KANSAS-NEBRASKA P |
| 8302681 | 82-28 | 0506106294 | | 102-2 | | SHOTTON #1 | WILDCAT | 222.0 | |
| 8302682 | 82-29 | 0509906146 | | 102-2 | | STAKER "A" #1 | WILDCAT | 242.0 | |
| 8302683 | 81-835 | 0500906339 | | 102-2 | | TATE "A" #1 | WALSH | 0.0 | NUECES CO |
| -VESSELS OIL & GAS COMPANY | | | | RECEIVED: | 10/13/82 | JA: CO | | | |
| 8302807 | 82-18 | 0512310439 | | 107-TF | | BEEBE DRAW CATTLE CO "B" UNIT #1 | WATTENBERG | 255.0 | PANHANDLE EASTERN |
| 8302745 | 82-10 | 0512310443 | | 103 | | HARKIS #3 | WATTENBERG | 292.0 | PANHANDLE EASTERN |
| -WILLIAM H MCELWAIN | | | | RECEIVED: | 10/13/82 | JA: CO | | | |
| 8302780 | 81-994 | 0512506648 | | 107-PE | | MCELWAIN #1 | SHOUT | 60.0 | CITIES SERVICE GA |
| -X O EXPLORATION INC | | | | RECEIVED: | 10/13/82 | JA: CO | | | |
| 8302809 | 82-25 | 0512310289 | | 107-TF | | DACOTA WARNER GAS UNIT #1 | WATTENBERG-"J" SANDST | 150.0 | PANHANDLE EASTERN |

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KENTUCKY DEPARTMENT OF MINES & MINERALS

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| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| -EMPIRE OIL & GAS CO INC | | | | RECEIVED: | 10/15/82 | JA: KY | | | |

| JD NO | JA DKT | API NO | D | SEC(1) | SEC(2) | WELL NAME | FIELD NAME | PROD | PURCHASER |
|---|---|---|---|---|---|---|---|---|---|
| 8302880 | 502871 | 1618300000 | | 108 | | HERB LEWIS #1 | ADABURG | 5.4 | ORBIT GAS CO |
| 8302884 | 502875 | 1618300000 | | 108 | | J J TURNER #4 | ADABURG | 2.0 | ORBIT GAS CO |
| 8302882 | 502873 | 1618300000 | | 108 | | MIKE JOHNSON #1 | ADABURG | 1.2 | ORBIT GAS CO |
| 8302883 | 502874 | 1618300000 | | 108 | | OLEN ROGERS #1 | ADABURG | 6.2 | ORBIT GAS CO |
| 8302881 | 502872 | 1618300000 | | 108 | | ROGERS HEIRS #2 | ADABURG | 4.9 | ORBIT GAS CO |
| -INLAND GAS CO INC | | | | RECEIVED: | 10/15/82 | JA: KY | | | |
| 8302911 | 502902 | 1611900000 | | 107-DV | | AMBURGEY HEIRS #374 | BIG SANDY | 4.6 | |
| 8302895 | 502886 | 1611900000 | | 107-DV | | BATES HEIRS #327 | BIG SANDY | 4.2 | |
| 8302893 | 502884 | 1611900000 | | 107-DV | | BOOTEN BATES #323 | BIG SANDY | 13.5 | |
| 8302906 | 502897 | 1611900000 | | 107-DV | | CANNIE HALL #354 | BIG SANDY | 6.2 | |
| 8302891 | 502882 | 1611900000 | | 107-DV | | D H TOLLIVER #315 | BIG SANDY | 1.7 | |
| 8302899 | 502890 | 1613300000 | | 107-DV | | DR R D COLLINS #515 | BIG SANDY | 7.6 | |
| 8302901 | 502892 | 1611900000 | | 107-DV | | EVANS OIL & GAS TRUST #519 | BIG SANDY | 4.3 | |
| 8302902 | 502893 | 1611900000 | | 107-DV | | EVANS OIL & GAS TRUST #521 | BIG SANDY | 3.5 | |
| 8302898 | 502889 | 1613300000 | | 107-DV | | HATTIE MORGAN #506 | BIG SANDY | 3.8 | |
| 8302907 | 502898 | 1611900000 | | 107-DV | | HILLARD HALL #355 | BIG SANDY | 2.0 | |
| 8302894 | 502885 | 1615300000 | | 107-DV | | J J HOWARD HEIRS #325 | BIG SANDY | 3.5 | |
| 8302910 | 502901 | 1615300000 | | 107-DV | | J J HOWARD HEIRS #373 | BIG SANDY | 6.4 | |
| 8302905 | 502896 | 1611900000 | | 107-DV | | KIT HONEYCUTT #337 | BIG SANDY | 3.0 | |
| 8302892 | 502883 | 1611900000 | | 107-DV | | KY-W VA GAS CO #319 | BIG SANDY | 7.9 | |
| 8302896 | 502887 | 1611900000 | | 107-DV | | KY-W VA GAS CO #334 | BIG SANDY | 13.7 | |
| 8302900 | 502891 | 1613300000 | | 107-DV | | LEONARD COLLINS #518 | BIG SANDY | 1.3 | |
| 8302909 | 502900 | 1611900000 | | 107-DV | | LINDSEY AMBURGEY #372 | BIG SANDY | 5.8 | |
| 8302908 | 502899 | 1611900000 | | 107-DV | | ROBERT L ADAMS #370 | BIG SANDY | 5.7 | |
| 8302912 | 502903 | 1611900000 | | 107-DV | | ROBERT L ADAMS #375 | BIG SANDY | 5.7 | |
| 8302915 | 502906 | 1611900000 | | 107-DV | | T A MARTIN #407 | BIG SANDY | 7.6 | |
| 8302897 | 502888 | 1611900000 | | 107-DV | | TINA BACK #511 | BIG SANDY | 2.1 | |
| 8302913 | 502904 | 1611900000 | | 107-DV | | VERDA FUGATE #377 | BIG SANDY | 11.6 | |
| 8302903 | 502894 | 1611900000 | | 107-DV | | W A COMBS HEIRS #523 | BIG SANDY | 7.5 | |
| 8302904 | 502895 | 1611900000 | | 107-DV | | W A COMBS HEIRS #525 | BIG SANDY | 7.5 | |
| 8302914 | 502905 | 1611900000 | | 107-DV | | W J AMBURGEY #385 | BIG SANDY | 3.6 | |
| -KEPCO INC | | | | RECEIVED: | 10/15/82 | JA: KY | | | |
| 8302889 | 502880 | 1611900000 | | 107-DV | | ARIO CORP #KP1 | KENTUCKY EAST | 4.4 | KENTUCKY WEST VIR |
| 8302890 | 502881 | 1611900000 | | 103 | | ARIO CORP #KP1 | KENTUCKY EAST | 4.4 | KENTUCKY WEST VIR |
| 8302888 | 502879 | 1619300000 | | 107-DV | | ELMER ELDRIDGE #KL33 | KENTUCKY EAST | 61.5 | KENTUCKY WEST VIR |
| 8302887 | 502878 | 1611900000 | | 107-DV | | WILLIAM CASEBOLT #KF354 | KENTUCKY EAST | 23.1 | KENTUCKY WEST VIR |
| -SOUTHEASTERN GAS COMPANY | | | | RECEIVED: | 10/15/82 | JA: KY | | | |
| 8302885 | 502876 | 1607100000 | | 108 | | JAMES HATCHER #D-81 | | 4.4 | COLUMBIA GAS TRAN |
| 8302886 | 502877 | 1607100000 | | 108 | | JAMES HATCHER #D-83 | | 3.2 | COLUMBIA GAS TRAN |
| ********** | | | | | | | | | |
| LOUISIANA OFFICE OF CONSERVATION | | | | | | | | | |
| ********** | | | | | | | | | |
| -PETRUS OPERATING CO INC | | | | RECEIVED: | 10/12/82 | JA: LA | | | |
| 8302878 | 82-2339 | 1700121086 | | 107-DP | | PLATTSMIER HULIN CO INC #1 | PERRY POINT 7339 | 0.0 | TENNESSE GAS PIPE |
| -SHELL OIL CO | | | | RECEIVED: | 10/12/82 | JA: LA | | | |
| 8302879 | 82-155 | 1772120343 | | 102-4 | | MP 69 SL 1355 #40 | MAIN PASS BLOCK 69 FI | 50.0 | TENNESSEE GAS PIP |
| ********** | | | | | | | | | |
| OKLAHOMA CORPORATION COMMISSION | | | | | | | | | |
| ********** | | | | | | | | | |
| -AN-SON CORPORATION | | | | RECEIVED: | 10/08/82 | JA: OK | | | |
| 8302839 | 16454 | 3508720665 | | 103 | | FOSTER #1-31 | S W NORMAN | 36.5 | SUN GAS CO |
| 8302826 | 16157 | 3508720606 | | 103 | | JOE #1-23 | N E DIBBLE | 109.5 | SUN GAS CO |
| 8302821 | 18277 | 3514920211 | | 102-2 | | WISE #1-17 | N BESSIE | 149.7 | |

VOLUME 770 PAGE 006

| JO NO | JA DKT | API NO | D | SEC(1) | SEC(2) | WELL NAME | FIELD NAME | PROD | PURCHASER |
|---|---|---|---|---|---|---|---|---|---|
| -ANADARKO PRODUCTION COMPANY | | | | RECEIVED: | 10/08/82 | JA: OK | | | |
| 8302851 | 16422 | 3502720824 | | 103 | | FOSTER A #1 | NOBLE NW | 7.0 | SUN GAS CO |
| -ARAPAHO PETROLEUM INCORPORATED | | | | RECEIVED: | 10/08/82 | JA: OK | | | |
| 8302853 | 14485 | 3507322610 | | 103 | | WEST HENNESSEY | SOONER TREND | 37.0 | PHILLIPS PETROLEU |
| -B & H EXPLORATION CO | | | | RECEIVED: | 10/08/82 | JA: OK | | | |
| 8302866 | 16413 | 3514321966 | | 103 | | MCGUIRE #3 | UNNAMED | 18.6 | DIAMOND S GAS SYS |
| -BARUCH-FOSTER CORP | | | | RECEIVED: | 10/08/82 | JA: OK | | | |
| 8302823 | 16359 | 3503723649 | | 103 | | WOODROW CHILDERS "F" #1 | WEST SHAMROCK | 20.0 | CITIES SERVICE GA |
| -BIG FOUR PETROLEUM CO | | | | RECEIVED: | 10/08/82 | JA: OK | | | |
| 8302856 | 16331 | 3511921044 | | 103 | | CULLERS #1-21 | INGALLS | 0.4 | COLORADO GAS COMP |
| -BLUE QUAIL ENERGY INC | | | | RECEIVED: | 10/08/82 | JA: OK | | | |
| 8302825 | 16357 | 3510920517 | | 103 | | THOMASON #1 | | 0.0 | CONOCO INC |
| -C W SMITH & ASSOCIATES INC | | | | RECEIVED: | 10/08/82 | JA: OK | | | |
| 8302836 | 16942 | 3508121163 | | 103 | | ARCHIE HOPKINS #1 | S E DAVENPORT | 10.0 | MERIDIAN ENERGY I |
| 8302833 | 16945 | 3508121375 | | 103 | | JAMES MURPHY #1 | S E DAVENPORT | 14.0 | MERIDIAN ENERGY I |
| 8302838 | 16940 | 3508121504 | | 103 | | JAMES MURPHY #2 | S E DAVENPORT | 18.0 | MERIDIAN ENERGY I |
| 8302835 | 16943 | 3508121162 | | 103 | | MARTHA CHOWNING #1 | S E DAVENPORT | 14.0 | MERIDIAN ENERGY I |
| 8302837 | 16941 | 3508121374 | | 103 | | MOORE/OLIVER #1 | S E DAVENPORT | 11.0 | MERIDIAN ENERGY I |
| 8302834 | 16945 | 3508121503 | | 103 | | MOORE/OLIVER #2 | S E DAVENPORT | 7.0 | MERIDIAN ENERGY I |
| -CLEMENTS ENERGY INC | | | | RECEIVED: | 10/08/82 | JA: OK | | | |
| 8302822 | 16435 | 3501722243 | | 103 | | GILMORE #1 | N PIEDMONT | 9.0 | PHILLIPS PETROLEU |
| -DALCO PETROLEUM INC | | | | RECEIVED: | 10/08/82 | JA: OK | | | |
| 8302868 | 16407 | 3507323563 | | 103 | | STATE "B" #1 | SOONER TREND | 91.3 | PHILLIPS PETROLEU |
| -DECALTA INTERNATIONAL CORP | | | | RECEIVED: | 10/08/82 | JA: OK | | | |
| 8302875 | 15915 | 3500722229 | | 103 | | LOWERY #2 | S W FORGAN | 40.0 | INTERNORTH INC |
| -DEWITT OIL CO | | | | RECEIVED: | 10/08/82 | JA: OK | | | |
| 8302818 | 17483 | 3511920728 | | 108 | | STAFFORD #1 | YALE | 1.9 | PHILLIPS PETROLEU |
| -DLB ENERGY CORP | | | | RECEIVED: | 10/08/82 | JA: OK | | | |
| 8302863 | 18292 | 3507323613 | | 102-4 | 103 | HALE #13-10 | SOONER TREND | 200.0 | SID RICHARDSON CA |
| -DOAK-ASHER CORP | | | | RECEIVED: | 10/08/82 | JA: OK | | | |
| 8302819 | 17489 | 3503700000 | | 108 | | INGALLS #8 | EAST CUSHING | 1.3 | ARCO OIL & GAS CO |
| -DOUBLE EAGLE OIL & GAS CO INC | | | | RECEIVED: | 10/08/82 | JA: OK | | | |
| 8302870 | 16404 | 3504722819 | | 103 | | STAGGS 1-35 | SOONER TREND | 0.0 | CITIES SERVICE GA |
| 8302869 | 16405 | 3504722821 | | 103 | | STAGGS 1-36 | SOONER TREND | 0.0 | CITIES SERVICE GA |
| 8302871 | 16403 | 3504722820 | | 103 | | STAGGS 2-35 | SOONER TREND | 0.0 | CITIES SERVICE GA |
| -ENSERCH EXPLORATION INC | | | | RECEIVED: | 10/08/82 | JA: OK | | | |
| 8302829 | 13500 | 3514920159 | | 103 | | D W ASKEW #1 | BURNS FLAT | 0.0 | NATURAL GAS PIPEL |
| -EXOK INC | | | | RECEIVED: | 10/08/82 | JA: OK | | | |
| 8302820 | 18166 | 3508121083 | | 102-4 | 103 | BRISBY #1 | KENDRICK | 314.0 | |
| -FLYNN ENERGY CORP | | | | RECEIVED: | 10/08/82 | JA: OK | | | |
| 8302827 | 16112 | 3501121644 | | 103 | | COOK 1-1 | S E OKEENE | 13.0 | ARKANSAS LOUISIAN |
| -FOREST OIL CORPORATION | | | | RECEIVED: | 10/08/82 | JA: OK | | | |
| 8302850 | 21085 | 3501502140 | | 107-DP | | FORT SILL UNIT 4 WELL #2 | EAST APACHE | 1825.0 | OKLAHOMA NATURAL |
| -HONEYMON DRILLING CO LTD | | | | RECEIVED: | 10/08/82 | JA: OK | | | |
| 8302877 | 02899 | 3501700000 | | 103 | | KIRCHNER #1 | N E YUKON | 175.0 | PHILLIPS PETROLEU |
| -J M HUBER CORPORATION | | | | RECEIVED: | 10/08/82 | JA: OK | | | |
| 8302858 | 16416 | 3500722202 | | 103 | | LIGHT "E" #1 | LIGHT | 18.0 | PANHANDLE EASTERN |
| -JIMMY W GRAY | | | | RECEIVED: | 10/08/82 | JA: OK | | | |
| 8302843 | 16442 | 3504921674 | | 103 | | GENE #1 | ANTIOCH | 450.0 | WARREN PETROLEUM |
| 8302844 | 16443 | 3504921440 | | 103 | | JESSIE #1 | ANTIOCH | 1000.0 | WARREN PETROLEUM |
| 8302846 | 16445 | 3504921572 | | 103 | | MURPH #1 | ANTIOCH | 730.0 | WARREN PETROLEUM |
| 8302845 | 16444 | 3504921452 | | 103 | | SPEARMAN #1 | ANTIOCH | 760.0 | WARREN PETROLEUM |
| -JOHN S TABER | | | | RECEIVED: | 10/08/82 | JA: OK | | | |

| JD NO | JA DKT | API NO | D | SEC(1) | SEC(2) | WELL NAME | FIELD NAME | PROD | PURCHASER |
|---|---|---|---|---|---|---|---|---|---|
| 8302847 | 16440 | 3508100000 | | 103 | | BOONE #1 | DAVENPORT | 365.0 | MERIDIAN ENERGY I |
| 8302849 | 16437 | 3508100000 | | 103 | | LEWIS #1 | DAVENPORT | 365.0 | MERIDIAN ENERGY I |
| 8302848 | 16439 | 3508100000 | | 103 | | THOMAS #1 | DAVENPORT | 365.0 | MERIDIAN ENERGY I |
| -JONES & PELLOW OIL CO | | | | RECEIVED: | 10/08/82 | JA: OK | | | |
| 8302824 | 16358 | 3501922253 | | 103 | | DAMRON 31-2 | N ORR | 40.0 | AMINOIL U S A INC |
| -KAISER-FRANCIS OIL COMPANY | | | | RECEIVED: | 10/08/82 | JA: OK | | | |
| 8302831 | 14569 | 3500300000 | | 108 | | SCOTT #1 | CHANEY DELL | 10.0 | UNION TEXAS PETRO |
| -KETAL OIL PRODUCING CO | | | | RECEIVED: | 10/08/82 | JA: OK | | | |
| 8302867 | 16412 | 3511921834 | | 103 | | BLAKLEY #1 | NORTH RIPLEY | 40.9 | |
| -LEEMAN ENERGY CORP | | | | RECEIVED: | 10/08/82 | JA: OK | | | |
| 8302842 | 16447 | 3511122787 | | 103 | | FOSTER #1 | HENRYETTA | 13.5 | SWAB CORP |
| -MACK OIL CO | | | | RECEIVED: | 10/08/82 | JA: OK | | | |
| 8302861 | 16421 | 3501922048 | | 103 | | LANE-PEARL #4 | JOINER CITY | 12.0 | AMINOIL USA INC |
| -MORAN EXPLORATION INC | | | | RECEIVED: | 10/08/82 | JA: OK | | | |
| 8302860 | 16420 | 3501722029 | | 103 | | SMRCKA #1 | SOUTHWEST YUKON | 0.0 | PHILLIPS PETROLEU |
| 8302859 | 16419 | 3501722028 | | 103 | | SMRCKA #3 | SOUTHWEST YUKON | 0.0 | PHILLIPS PETROLEU |
| -NOBLE OPERATING INC | | | | RECEIVED: | 10/08/82 | JA: OK | | | |
| 8302857 | 16355 | 3501121534 | | 103 | | CLINE #1 | | 0.0 | DELHI GAS PIPELIN |
| -P A MCGINLEY & J R MCGINLEY JR | | | | RECEIVED: | 10/08/82 | JA: OK | | | |
| 8302854 | 15977 | 3503722982 | | 102-2 | 103 | ROCK CREEK #1 | KELLYVILLE | 70.0 | |
| -P-T LTD 80 | | | | RECEIVED: | 10/08/82 | JA: OK | | | |
| 8302872 | 16364 | 3504722843 | | 103 | | HANE 14-2 | SOONER TREND | 35.0 | WELLHEAD ENTERPRI |
| -PETRO-LEWIS CORPORATION | | | | RECEIVED: | 10/08/82 | JA: OK | | | |
| 8302832 | 9448 | 3507300000 | | 108-ER | | IRENE #8-1 | LOYAL EAST | 0.0 | PARTNERSHIP PROPE |
| -PETROMARK EXPLORATION INC | | | | RECEIVED: | 10/08/82 | JA: OK | | | |
| 8302874 | 16262 | 3507323491 | | 103 | | HOPKINS 3-1 | SOONER TREND | 75.0 | CONOCO INC |
| -PHILLIPS PETROLEUM COMPANY | | | | RECEIVED: | 10/08/82 | JA: OK | | | |
| 8302852 | 14157 | 3513900000 | | 108 | | IRENE #1 | GUYMON HUGOTON | 0.0 | PANHANDLE EASTERN |
| -RED EAGLE OIL CO | | | | RECEIVED: | 10/08/82 | JA: OK | | | |
| 8302841 | 16452 | 3509322194 | | 103 | | LINDLEY #1 | CHEYENNE VALLEY | 215.0 | PHILLIPS PETROLEU |
| -S K TUTHILL & B J BARBEE | | | | RECEIVED: | 10/08/82 | JA: OK | | | |
| 8302828 | 14467 | 3515121187 | | 103 | | URBAN-HALL #3-26 | FAIRVALLEY | 0.0 | PANHANDLE EASTERN |
| -TEXACO INC | | | | RECEIVED: | 10/08/82 | JA: OK | | | |
| 8302855 | 15985 | 3507323399 | | 103 | | K SCHROEDER "B" #1 | OKARCHE N E POOL | 28.0 | CONOCO INC |
| 8302830 | 15538 | 3507323429 | | 103 | | RALPH WITTROCK #2 | OKARCHE N E POOL | 0.0 | CONOCO INC |
| -TXO PRODUCTION CORP | | | | RECEIVED: | 10/08/82 | JA: OK | | | |
| 8302864 | 16495 | 3513722783 | | 102-4 | 103 | DUNCAN "E" #1 | N E DUNCAN | 769.0 | DELHI GAS PIPE LI |
| 8302876 | 15807 | 3506120475 | | 102-4 | | EAKLE #1 | KINTA | 272.0 | |
| 8302873 | 16315 | 3506120470 | | 102-4 | 103 | MORRIS "C" #1 | KINTA | 110.0 | |
| -UNIVERSAL RESOURCES CORPORATION | | | | RECEIVED: | 10/08/82 | JA: OK | | | |
| 8302865 | 16414 | 3500920339 | | 103 | | MARRIOTT #1-36 | | 0.0 | EL PASO NATURAL G |
| -WARREN DRILLING CO INC | | | | RECEIVED: | 10/08/82 | JA: OK | | | |
| 8302840 | 16453 | 3509322432 | | 103 | | JILES #2 | RINGWOOD | 90.0 | PIONEER GAS CO |
| -WESTERN OIL RESOURCES LTD | | | | RECEIVED: | 10/08/82 | JA: OK | | | |
| 8302817 | 17475 | 3510820857 | | 108 | | V D WOLFF #1 | AVERY | 1.1 | C & C ENERGY CO |
| -WILSHIRE OIL CO OF TEXAS | | | | RECEIVED: | 10/08/82 | JA: OK | | | |
| 8302862 | 18301 | 3504321457 | | 102-4 | | MARION PICKERING #2-33 | SOUTH CESTOS | 120.0 | MICHIGAN WISCONSI |
| ********** | | | | | | | | | |
| PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES | | | | | | | | | |
| ********** | | | | | | | | | |
| -GULF OIL CORPORATION | | | | RECEIVED: | 10/01/82 | JA: PA | | | |
| 8302815 | 15794 | 3706521118 | | 108 | | FEE "A" #84 | REED-DEEMER | 12.0 | NATIONAL FUEL GAS |
| 8302816 | 14895 | 3703320566 | | 108 | | VISNESKY #1 | REED-DEEMER | 11.0 | NATIONAL FUEL GAS |

SOURCE DATA FOR THIS NOTICE IS AVAILABLE ON MAGNETIC TAPE FROM THE NATIONAL TECHNICAL INFORMATION SERVICE (NTIS). FOR INFORMATION, CONTACT STUART WEISMAN (NTIS) AT (703) 487-4808, 5285 PORT ROYAL RD, SPRINGFIELD, VA 22161, OR SANDRA SPEAR (FERC) (202) 357-8544.

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82–31059 Filed 11–10–82; 8:45 am]

BILLING CODE 6717–01–M

## Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: November 5, 1982.

| JD NO | JA DKT | API NO | D | SEC(1) | SEC(2) | WELL NAME | FIELD NAME | PROD | PURCHASER |
|---|---|---|---|---|---|---|---|---|---|
| PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES | | | | | | | | | |
| -ANGERMAN ASSOCIATES INC | | | RECEIVED: | 10/14/82 | JA: PA | | | | |
| 8303027 | 15913 | 3706326715 | 103 | | | EDITH L WEAMER EXECUTRIX #2 - | W PENNA - UPPER DEVON | 25.0 | PEOPLES NATURAL G |
| 8302966 | 16246 | 3712922065 | 103 | | | MCINTIRE-JOHNSON #2 - IND-26743 | W PENNA - UPPER DEVON | 15.0 | T W PHILLIPS GAS |
| 8302968 | 16248 | 3706326754 | 103 | | | MCINTIRE-JOHNSON #3 - IND-26754 | W PENNA - UPPER DEVON | 5.0 | T W PHILLIPS GAS |
| 8302967 | 16247 | 3706326743 | 103 | | | ROBERT A ZINK #1 - WES-22065 | W PENNA - UPPER DEVON | 25.0 | PEOPLES NATURAL G |
| -ASHTOLA PRODUCTION CO | | | RECEIVED: | 10/14/82 | JA: PA | | | | |
| 8303018 | 15397 | 3705322733 | 108 | | | 3188-20 | DEADMAN CORNERS | 0.0 | UGI CORP |
| 8303019 | 15398 | 3705322731 | 108 | | | 3192 - I - 29 | DEADMAN CORNERS | 0.0 | UGI CORP |
| 8303017 | 15399 | 3705322732 | 108 | | | 3192 - I - 30 | DEADMAN CORNERS | 0.0 | UGI CORP |
| 8303141 | 15396 | 3705322734 | 108 | | | 5106 - 13 | CLOUGH - SALMON CREEK | 0.0 | UGI CORP |
| -CABOT OIL & GAS CORP | | | RECEIVED: | 10/14/82 | JA: PA | | | | |
| 8302940 | 16212 | 3712131905 | 102-2 | | | FRANK MATT #2 | CANAL | 50.0 | TENNESSEE GAS PIP |
| 8302938 | 16211 | 3712131905 | 107-TF | | | FRANK MATT #2 | CANAL | 50.0 | TENNESSEE GAS PIP |
| 8302937 | 16210 | 3703921506 | 102-2 | | | RAYMOND CAUSA #1 | WAYNE | 50.0 | TENNESSEE GAS PIP |
| 8302936 | 16209 | 3703921506 | 107-TF | | | RAYMOND CAUSA #1 | WAYNE | 50.0 | TENNESSEE GAS PIP |
| 8302941 | 16214 | 3703921529 | 102-2 | | | ROBERT DICKSON #3 | EAST FAIRFIELD | 50.0 | TENNESSEE GAS PIP |
| 8302939 | 16213 | 3703921529 | 107-TF | | | ROBERT DICKSON #3 | EAST FAIRFIELD | 50.0 | TENNESSEE GAS PIP |
| -CARDINAL OIL CO | | | RECEIVED: | 10/14/82 | JA: PA | | | | |
| 8303120 | 10754 | 3703921296 | 107-TF | | | GERALD ELLIOTT #81-21 PER CRA-21296 | CONNEAUT | 0.0 | COLUMBIA GAS TRAN |
| 8303124 | 11147 | 3703900000 | 107-TF | | | JORDAN #2 PA PER CRA-21298 | CONNEAUT | 0.0 | COLUMBIA GAS TRAN |
| 8303039 | 16095 | 3703921397 | 107-TF | | | JOSEPH MORELAND #3 81-74 CRA-21397 | CONNEAUT | 0.0 | COLUMBIA GAS TRAN |
| 8303040 | 16096 | 3703921511 | 107-TF | | | JOSEPH MORELAND #4 81-76 CRA-21511 | CONNEAUT | 0.0 | COLUMBIA GAS TRAN |
| 8303038 | 16094 | 3703921412 | 107-TF | | | M L BUNTING #4 81-64 PER CRA-21412 | CONNEAUT | 0.0 | COLUMBIA GAS TRAN |
| 8303123 | 11145 | 3703921381 | 107-TF | | | TYLER #1 PA PER CRA-21381 | CONNEAUT | 0.0 | COLUMBIA GAS TRAN |
| -CENTER BAR GAS CO | | | RECEIVED: | 10/14/82 | JA: PA | | | | |
| 8303127 | 11937 | 3703921216 | 107-TF | | | ARTHUR H TEXTOR PA PER CRA-21216 | CONNEAUT | 0.0 | COLUMBIA GAS TRAN |
| 8303121 | 11935 | 3703421468 | 107-TF | | | JOHN HOOGSTAD PA PER CRA-21468 | CONNEAUT | 0.0 | COLUMBIA GAS TRAN |
| 8303122 | 11936 | 3703921517 | 107-TF | | | ORTHODOX #8 PA PER CRA-21517 | CONNEAUT | 0.0 | COLUMBIA GAS TRAN |
| -COLUMBIA GAS TRANSMISSION CORP | | | RECEIVED: | 10/14/82 | JA: PA | | | | |
| 8302986 | 16268 | 3705100000 | 108 | | | A J & A DANTONIO 670625 | PA S W SHALLOW | 3.0 | COLUMBIA GAS TRAN |
| 8302988 | 16270 | 3705100000 | 108 | | | ADAM & ANN GRAHAM 670363 | PA SW SHALLOW | 0.1 | COLUMBIA GAS TRAN |
| 8303315 | 16375 | 3705100000 | 108 | | | AL A TEGGART 640125 | PA SW SHALLOW | 6.0 | COLUMBIA GAS TRAN |
| 8303000 | 16282 | 3705100000 | 108 | | | ALBERT & ANNA RUBY 670950 | PA SW SHALLOW | 3.0 | COLUMBIA GAS TRAN |
| 8303196 | 16434 | 3700300000 | 108 | | | ALDERSON 600427 | PENNSYLVANIA SW SHALL | 2.0 | COLUMBIA GAS TRAN |
| 8303329 | 16309 | 3712500000 | 108 | | | ALLAN TEEGARDEN 670150 | PA SW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303290 | 16350 | 3705900000 | 108 | | | ALTA E RIGGS 603193 | PENNSYLVANIA SW SHALL | 1.0 | COLUMBIA GAS TRAN |
| 8303191 | 16429 | 3705100000 | 108 | | | AMANDA GEPHART 670394 | PA SW SHALLOW | 3.0 | COLUMBIA GAS TRAN |
| 8303231 | 16469 | 3712500000 | 108 | | | ANDREW M MORRISON 670559 | PA SW SHALLOW | 3.0 | COLUMBIA GAS TRAN |
| 8303293 | 16353 | 3705900000 | 108 | | | ANNA G DUNLAP 603339 | PENNSYLVANIA SW SHALL | 0.9 | COLUMBIA GAS TRAN |
| 8303214 | 16452 | 3705900000 | 108 | | | ARTHUR E MANKEY 602867 | PENNSYLVANIA SW SHALL | 0.1 | COLUMBIA GAS TRAN |
| 8303264 | 16324 | 3712500000 | 108 | | | BANK OF BENTLEYVILLE 670508 | PA SW SHALLOW | 0.9 | COLUMBIA GAS TRAN |

| JD NO | JA DKT | API NO | D | SEC(1) | SEC(2) | WELL NAME | FIELD NAME | PROD | PURCHASER |
|---|---|---|---|---|---|---|---|---|---|
| 8303180 | 16418 | 3703100000 | | 108 | | BEATTY 690310 | PA NW SHALLOW | 0.5 | COLUMBIA GAS TRAN |
| 8303169 | 16407 | 3705900000 | | 108 | | BENNIE E MORGAN ETUX 603724 | PA SW SHALLOW | 0.2 | COLUMBIA GAS TRAN |
| 8303255 | 16493 | 3706500000 | | 108 | | BILL & CATHERINE BALL 680141 | PA NW SHALLOW | 2.0 | COLUMBIA GAS TRAN |
| 8303003 | 16285 | 3705100000 | | 108 | | BILL O DONNELL ETAL 670696 | PA SW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303189 | 16427 | 3705100000 | | 108 | | BLANCHE B LYNN 670351 | PA SW SHALLOW | 3.0 | COLUMBIA GAS TRAN |
| 8303210 | 16448 | 3705900000 | | 108 | | BOB & LYNN HOOVER ETAL 600802 | PENN SW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303228 | 16466 | 3706500000 | | 108 | | BROOKVILLE BK & TRUST 680231 | PA NW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303243 | 16481 | 3706500000 | | 108 | | BROOKVILLE BK & TRUST 680232 | PA NW SHALLOW | 2.0 | COLUMBIA GAS TRAN |
| 8303166 | 16404 | 3705100000 | | 108 | | BRYNER LUMBER CO 670349 | PA SW SHALLOW | 4.0 | COLUMBIA GAS TRAN |
| 8303226 | 16464 | 3706500000 | | 108 | | BUDD N ISHMAN 680421 | PA NW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303285 | 16345 | 3705900000 | | 108 | | C EUGENE JACOBS 610091 | PA SW SHALLOW | 0.7 | COLUMBIA GAS TRAN |
| 8303202 | 16440 | 3700300000 | | 108 | | CALE BROS 600430 | PENNSYLVANIA SW SHALL | 0.6 | COLUMBIA GAS TRAN |
| 8302997 | 16279 | 3705900000 | | 108 | | CARL D SMOUSE 603627 | PA SW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303238 | 16476 | 3705900000 | | 108 | | CARL E TUSTIN 603548 | PA SW SHALLOW | 0.1 | COLUMBIA GAS TRAN |
| 8303150 | 16388 | 3700300000 | | 108 | | CARL L GRAESER 601943 | PENNSYLVANIA SW SHALL | 4.0 | COLUMBIA GAS TRAN |
| 8302983 | 16265 | 3703100000 | | 108 | | CARL L SAY JR 690093 | PA NW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303275 | 16335 | 3700500000 | | 108 | | CARL W SHUMAKER 690745 | PA NW SHALLOW | 2.0 | COLUMBIA GAS TRAN |
| 8303208 | 16446 | 3705900000 | | 108 | | CHARLES R FIELDS 601865 | PENN SW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303116 | 16299 | 3705900000 | | 108 | | CHAS & HELEN CARPENTER 600764 | PENNSYLVANIA SW SHALL | 1.0 | COLUMBIA GAS TRAN |
| 8303287 | 16347 | 3712500000 | | 108 | | CLAIRE EALY 610084 | PA SW SHALLOW | 0.2 | COLUMBIA GAS TRAN |
| 8303254 | 16492 | 3704700000 | | 108 | | CLEMENGER LOT 680104 | PA NW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8302992 | 16274 | 3706500000 | | 108 | | CLINTON G SHIREY 680545 | PA NW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303239 | 16477 | 3705900000 | | 108 | | CONESTOGA NATL BK & TR 603472 | PA SW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303192 | 16430 | 3705100000 | | 108 | | CONSOL GAS SUPPLY 670412 | PA SW SHALLOW | 0.3 | COLUMBIA GAS TRAN |
| 8303280 | 16340 | 3705900000 | | 108 | | DALE A ALTON 610240 | PA SW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303223 | 16461 | 3706500000 | | 108 | | DALLAS DITTY 680518 | PA NW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303227 | 16465 | 3706500000 | | 108 | | DANIEL ONEILL 680235 | PA NW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303224 | 16462 | 3706500000 | | 108 | | DARIUS C DITTY 680511 | PA NW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303273 | 16333 | 3705100000 | | 108 | | DAVID & LEONA WILES 670812 | PA SW SHALLOW | 5.0 | COLUMBIA GAS TRAN |
| 8303195 | 16433 | 3705100000 | | 108 | | DAVID & LEONA WILES 670979 | PA SW SHALLOW | 2.0 | COLUMBIA GAS TRAN |
| 8303328 | 16308 | 3700500000 | | 108 | | DONALD SHAFFER 603749 | PA NW SHALLOW | 0.7 | COLUMBIA GAS TRAN |
| 8303016 | 16298 | 3705900000 | | 108 | | DOROTHY KOVATICH 600777 | PENNSYLVANIA SW SHALL | 0.6 | COLUMBIA GAS TRAN |
| 8303232 | 16470 | 3706500000 | | 108 | | DU BOIS NAT'L BANK 680230 | PA NW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303269 | 16329 | 3712500000 | | 108 | | DUANE & EVELYN DUVALL 670709 | PA SW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303010 | 16292 | 3700700000 | | 108 | | DUNN HEIRS 600161 | PENNSYLVANIA WEST SHA | 0.6 | COLUMBIA GAS TRAN |
| 8303011 | 16293 | 3700700000 | | 108 | | DUNN HEIRS 600163 | PENNSYLVANIA WEST SHA | 1.0 | COLUMBIA GAS TRAN |
| 8302993 | 16275 | 3703100000 | | 108 | | E A BOOTH 690024 | PA NW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8302994 | 16276 | 3703100000 | | 108 | | E A BOOTH 690025 | PA NW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303204 | | 3700300000 | | 108 | | E MCELHENY 600396 | PENNSYLVANIA SW SHALL | 3.0 | COLUMBIA GAS TRAN |
| 8303246 | 16484 | 3712500000 | | 108 | | EARL EVERLY 603360 | PA SW SHALLOW | 0.9 | COLUMBIA GAS TRAN |
| 8303291 | 16351 | 3705900000 | | 108 | | ED & CHRIS RINKOFF ETAL 603188 | PENNSYLVANIA SW SHALL | 0.7 | COLUMBIA GAS TRAN |
| 8303184 | 16422 | 3705100000 | | 108 | | ED & CLAIR DONLEY 670210 | PA SW SHALLOW | 6.0 | COLUMBIA GAS TRAN |
| 8303152 | 16390 | 3700300000 | | 108 | | ED & CLAIRE DONLEY 601871 | PENNSYLVANIA SW SHALL | 4.0 | COLUMBIA GAS TRAN |
| 8303209 | 16447 | 3705900000 | | 108 | | EDW A RINKHOFF ETUX 601820 | PENN SW SHALLOW | 0.6 | COLUMBIA GAS TRAN |
| 8303004 | 16286 | 3705100000 | | 108 | | EDWIN D SMELL ETAL 670673 | PA SW SHALLOW | 3.0 | COLUMBIA GAS TRAN |
| 8303330 | 16310 | 3705100000 | | 108 | | EDWIN D SMELL 670613 | PA SW SHALLOW | 3.0 | COLUMBIA GAS TRAN |
| 8302998 | 16280 | 3712500000 | | 108 | | EE CALHOUN 603624 | PA SW SHALLOW | 2.0 | COLUMBIA GAS TRAN |
| 8303303 | 16363 | 3712500000 | | 108 | | ELEANOR ANN STEWART 670072 | PA SW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303282 | 16342 | 3712500000 | | 108 | | ELIZ A SHIRLEY ETAL 610191 | PA SW SHALLOW | 0.7 | COLUMBIA GAS TRAN |
| 8303271 | 16331 | 3705100000 | | 108 | | ELIZABETH MORRIS 670773 | PA SW SHALLOW | 5.0 | COLUMBIA GAS TRAN |
| 8303332 | 16312 | 3705100000 | | 108 | | ELIZABETH ORAVETS 670619 | PA SW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303168 | 16406 | 3705900000 | | 108 | | ELMER JEFFRIES ETUX 603725 | PA SW SHALLOW | 0.8 | COLUMBIA GAS TRAN |
| 8303234 | 16472 | 3705900000 | | 108 | | ELSIE MAYHLE ADM 603657 | PA SW SHALLOW | 1.0 | COLUMBIA GAS TRAN |

| JD NO | JA DKT | API NO | D | SEC(1) | SEC(2) | WELL NAME | FIELD NAME | PROD | PURCHASER |
|---|---|---|---|---|---|---|---|---|---|
| 8303288 | 16348 | 3705900000 | | 108 | | ELTA G GRIMES 603225 | PENNSYLVANIA SW SHALL | 1.0 | COLUMBIA GAS TRAN |
| 8303013 | 16295 | 3700300000 | | 108 | | ESPY HEIRS 600419 | PENNSYLVANIA SW SHALL | 2.0 | COLUMBIA GAS TRAN |
| 8303247 | 16485 | 3712500000 | | 108 | | EST OF PAUL CIAFFONI 603510 | PA SW SHALLOW | 0.7 | COLUMBIA GAS TRAN |
| 8303218 | 16456 | 3705900000 | | 108 | | ESTHER V SCHEVICH 603136 | PENNSYLVANIA SW SHALL | 0.2 | COLUMBIA GAS TRAN |
| 8302991 | 16273 | 3706500000 | | 108 | | ETHEL ZOE KING ETAL 680526 | PA NW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303259 | 16497 | 3706500000 | | 108 | | ETHEL ZOE KING 680341 | PA NW SHALLOW | 2.0 | COLUMBIA GAS TRAN |
| 8303276 | 16336 | 3705900000 | | 108 | | FIRST NATL BANK & TR CO 600783 | PENNSYLVANIA SW SHALL | 0.3 | COLUMBIA GAS TRAN |
| 8303233 | 16471 | 3705900000 | | 108 | | FIRST NATL BANK 603662 | PA SW SHALLOW | 0.5 | COLUMBIA GAS TRAN |
| 8303161 | 16399 | 3712500000 | | 108 | | FIRST PRESBY CHURCH 610742 | PA SW SHALLOW | 0.1 | COLUMBIA GAS TRAN |
| 8303167 | 16405 | 3700500000 | | 108 | | FIRST SENECA BK & TR 603741 | PA NW SHALLOW | 2.0 | COLUMBIA GAS TRAN |
| 8303163 | 16401 | 3700500000 | | 108 | | FIRST SENECA BK & TR 603745 | PA NW SHALLOW | 2.0 | COLUMBIA GAS TRAN |
| 8303294 | 16354 | 3705900000 | | 108 | | FLORENCE REID 610075 | PA SW SHALLOW | 0.8 | COLUMBIA GAS TRAN |
| 8303317 | 16377 | 3705100000 | | 108 | | FRANK SKOCZELOCK 640105 | PA SW SHALLOW | 3.0 | COLUMBIA GAS TRAN |
| 8303244 | 16482 | 3705900000 | | 108 | | FRED LOHR 603442 | PA SW SHALLOW | 0.6 | COLUMBIA GAS TRAN |
| 8303211 | 16449 | 3705900000 | | 108 | | FRED M DEMURRY ETAL 603290 | PENNSYLVANIA SW SHALL | 0.7 | COLUMBIA GAS TRAN |
| 8303157 | 16395 | 3712500000 | | 108 | | G OPHRELIA RIES 603327 | PENNSYLVANIA SW SHALL | 6.0 | COLUMBIA GAS TRAN |
| 8303240 | 16478 | 3712500000 | | 108 | | G OPHRELIA RIES 603454 | PA S W SHALLOW | 3.0 | COLUMBIA GAS TRAN |
| 8303318 | 16378 | 3705100000 | | 108 | | GARY M PRODEN 640106 | PA SW SHALLOW | 6.0 | COLUMBIA GAS TRAN |
| 8303305 | 16365 | 3705100000 | | 108 | | GENEVA SUPPLY CO 670041 | PA SW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303206 | 16444 | 3705900000 | | 108 | | GEO & HAZEL MARLEY 802014 | PENN SW SHALLOW | 0.3 | COLUMBIA GAS TRAN |
| 8303333 | 16313 | 3712500000 | | 108 | | GEORGE D SEIDERS 670623 | PA SW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303299 | 16359 | 3705900000 | | 108 | | GEORGE FINNIGAN 610039 | PA SW SHALLOW | 0.4 | COLUMBIA GAS TRAN |
| 8303230 | 16468 | 3706500000 | | 108 | | GEORGE J BURD INC 680163 | PA NW SHALLOW | 0.7 | COLUMBIA GAS TRAN |
| 8303295 | 16355 | 3705900000 | | 108 | | GEORGE L CONNORS 610074 | PA SW SHALLOW | 0.9 | COLUMBIA GAS TRAN |
| 8303147 | 16385 | 3705900000 | | 108 | | GLENN REED WHIPKEY 610753 | PA SW SHALLOW | 0.9 | COLUMBIA GAS TRAN |
| 8303153 | 16391 | 3712500000 | | 108 | | GRACE C MONTGOMERY 610246 | PA SW SHALLOW | 0.5 | COLUMBIA GAS TRAN |
| 8303292 | 16352 | 3705900000 | | 108 | | HARRY L PIERCE 603158 | PENNSYLVANIA SW SHALL | 1.0 | COLUMBIA GAS TRAN |
| 8303312 | 16372 | 3705900000 | | 108 | | HAZEL HEWITT 610028 | PA SW SHALLOW | 0.5 | COLUMBIA GAS TRAN |
| 8303229 | 16467 | 3706500000 | | 108 | | HERBERT SYPHRIT 680225 | PA NW SHALLOW | 0.1 | COLUMBIA GAS TRAN |
| 8303272 | 16332 | 3712500000 | | 108 | | HERMAN CHRISTOPHER 670775 | PA SW SHALLOW | 5.0 | COLUMBIA GAS TRAN |
| 8303154 | 16392 | 3705900000 | | 108 | | HERMAN S CLUTTER 610662 | PA SW SHALLOW | 0.6 | COLUMBIA GAS TRAN |
| 8303207 | 16445 | 3705900000 | | 108 | | HILLARD STOCKDALE 601956 | PENN SW SHALLOW | 0.1 | COLUMBIA GAS TRAN |
| 8303242 | 16480 | 3705900000 | | 108 | | HOMER R KIGER 602922 | PENNSYLVANIA SW SHALL | 0.8 | COLUMBIA GAS TRAN |
| 8303327 | 16307 | 3712500000 | | 108 | | HOWARD O HOGE ETAL 603666 | PA SW SHALLOW | 3.0 | COLUMBIA GAS TRAN |
| 8303183 | 16421 | 3705100000 | | 108 | | IDA & EUGENE BRIGHTBIL 670182 | PA SW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303177 | 16415 | 3706500000 | | 108 | | IRENE A CALHOUN 680349 | PA NW SHALLOW | 2.0 | COLUMBIA GAS TRAN |
| 8303179 | 16417 | 3706500000 | | 108 | | IRENE A CALHOUN 680354 | PA NW SHALLOW | 2.0 | COLUMBIA GAS TRAN |
| 8303325 | 16305 | 3712500000 | | 108 | | ISAAC VAN VOORHIS 600483 | PENNSYLVANIA SW SHALL | 7.0 | COLUMBIA GAS TRAN |
| 8303173 | 16411 | 3712500000 | | 108 | | J & E MCCARRELL ETAL 603818 | PA SW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303335 | 16315 | 3712500000 | | 108 | | J & E MCCARRELL 603689 | PA SW SHALLOW | 2.0 | COLUMBIA GAS TRAN |
| 8303309 | 16369 | 3712500000 | | 108 | | J B MCMURRAY 670105 | PA SW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303310 | 16360 | 3705900000 | | 108 | | J FRANCIS HUFFMAN 600788 | PENNSYLVANIA SW SHALL | 0.8 | COLUMBIA GAS TRAN |
| 8303203 | 16441 | 3705900000 | | 108 | | J K WILLISON JR 602426 | PENNSYLVANIA SW SHALL | 0.5 | COLUMBIA GAS TRAN |
| 8303306 | 16366 | 3712500000 | | 108 | | J LOUIS BAKER 670073 | PA SW SHALLOW | 3.0 | COLUMBIA GAS TRAN |
| 8303263 | 16323 | 3705100000 | | 108 | | J R HARRIS 670931 | PA SW SHALLOW | 2.0 | COLUMBIA GAS TRAN |
| 8303323 | 16303 | 3712500000 | | 108 | | J R HILL 600504 | PENNSYLVANIA SW SHALL | 2.0 | COLUMBIA GAS TRAN |
| 8303245 | 16483 | 3705900000 | | 108 | | J RALPH MCCRACKEN 603404 | PA SW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303326 | 16306 | 3712500000 | | 108 | | J W SHIDLER 600478 | PENNSYLVANIA SW SHALL | 0.4 | COLUMBIA GAS TRAN |
| 8303321 | 16301 | 3705900000 | | 108 | | JAMES & BARBARA MILLER 600725 | PENNSYLVANIA SW SHALL | 1.0 | COLUMBIA GAS TRAN |
| 8303155 | 16393 | 3705900000 | | 108 | | JAMES A BROWELL JR 610693 | PA SW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303162 | 16400 | 3712500000 | | 108 | | JAMES J GAZVODA ETUX 610100 | PA SW SHALLOW | 0.1 | COLUMBIA GAS TRAN |
| 8303265 | 16325 | 3705100000 | | 108 | | JAMES SANGSTON 670528 | PA SW SHALLOW | 0.0 | COLUMBIA GAS TRAN |
| 8303334 | 16314 | 3705100000 | | 108 | | JAMES SANGSTON 670533 | PA SW SHALLOW | 4.0 | COLUMBIA GAS TRAN |

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| JD NO | JA DKT | API NO | D | SEC(1) | SEC(2) | WELL NAME | FIELD NAME | PROD | PURCHASER |
|---|---|---|---|---|---|---|---|---|---|
| 8303250 | 16488 | 3700500000 | | 108 | | JAY & LA RUE MINICH 603755 | PA NW SHALLOW | 2.0 | COLUMBIA GAS TRAN |
| 8303213 | 16451 | 3705900000 | | 108 | | JEANNETTE C GILLOGLY 602873 | PENNSYLVANIA SW SHALL | 0.8 | COLUMBIA GAS TRAN |
| 8303289 | 16349 | 3705100000 | | 108 | | JENNIE M BLOOM 670458 | PA SW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303199 | 16437 | 3705900000 | | 108 | | JOHN & HELEN HUDOCK 670544 | PA SW SHALLOW | 5.0 | COLUMBIA GAS TRAN |
| 8303165 | 16403 | 3705900000 | | 108 | | JOHN C MCNAY ETUX 603873 | PA SW SHALLOW | 0.7 | COLUMBIA GAS TRAN |
| 8303212 | 16450 | 3705900000 | | 108 | | JOHN HOOK JR ETAL 602878 | PENNSYLVANIA SW SHALL | 6.0 | COLUMBIA GAS TRAN |
| 8303187 | 16425 | 3705100000 | | 108 | | JOHN PALSI JR 670326 | PA SW SHALLOW | 0.1 | COLUMBIA GAS TRAN |
| 8303201 | 16439 | 3705900000 | | 108 | | JOHN PONEK ETAL 670948 | PA SW SHALLOW | 3.0 | COLUMBIA GAS TRAN |
| 8303313 | 16373 | 3705900000 | | 108 | | JOHN R DAWKINS 610014 | PA SW SHALLOW | 0.6 | COLUMBIA GAS TRAN |
| 8302995 | 16277 | 3700500000 | | 108 | | JOHN W CULBERTSON 690127 | PA NW SHALLOW | 2.0 | COLUMBIA GAS TRAN |
| 8303193 | 16431 | 3705100000 | | 108 | | JOSEPH & MARY WHITEKO 670415 | PA SW SHALLOW | 4.0 | COLUMBIA GAS TRAN |
| 8303258 | 16496 | 3706500000 | | 108 | | JOSEPH A RHINES 680338 | PA NW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8302990 | 16272 | 3706500000 | | 108 | | JOSEPH A RHINES 680500 | PA NW SHALLOW | 0.6 | COLUMBIA GAS TRAN |
| 8303006 | 16288 | 3712500000 | | 108 | | JOSEPH CROCKETT ETAL 670639 | PA SW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303241 | 16479 | 3705900000 | | 108 | | JOSEPH MCDERMATTETAL 603443 | PA S W SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303190 | 16428 | 3705100000 | | 108 | | JOSEPH STOPKA JR 670358 | PA SW SHALLOW | 3.0 | COLUMBIA GAS TRAN |
| 8303176 | 16414 | 3705900000 | | 108 | | JOSEPH THROCKMORTON 603820 | PA SW SHALLOW | 0.4 | COLUMBIA GAS TRAN |
| 8303181 | 16419 | 3703100000 | | 108 | | JOSEPH WHITE 690318 | PA NW SHALLOW | 0.0 | COLUMBIA GAS TRAN |
| 8303146 | 16384 | 3705100000 | | 108 | | JULIA KIDER 640029 | PA SW SHALLOW | 3.0 | COLUMBIA GAS TRAN |
| 8303178 | 16416 | 3706500000 | | 108 | | JULIA MAYES ETAL 680350 | PA NW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303267 | 16327 | 3706500000 | | 108 | | JULIA MAYES 680414 | PA NW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303268 | 16328 | 3706500000 | | 108 | | JULIA MAYES 680415 | PA NW SHALLOW | 0.9 | COLUMBIA GAS TRAN |
| 8303008 | 16290 | 3706500000 | | 108 | | JULIA MAYES 680422 | PA NW SHALLOW | 2.0 | COLUMBIA GAS TRAN |
| 8303316 | 16376 | 3705100000 | | 108 | | JULIA SOLOMON 640101 | PA SW SHALLOW 640101 | 4.0 | COLUMBIA GAS TRAN |
| 8302999 | 16281 | 3706500000 | | 108 | | KENNETH THOMPSON 680412 | PA NW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303014 | 16296 | 3712500000 | | 108 | | L G WINNETT 600452 | PENNSYLVANIA SW SHALL | 1.0 | COLUMBIA GAS TRAN |
| 8303188 | 16426 | 3705100000 | | 108 | | LAURETTA DUFF 670327 | PA SW SHALLOW | 0.5 | COLUMBIA GAS TRAN |
| 8303296 | 16356 | 3705900000 | | 108 | | LAWRENCE MARAIDO 610070 | PA SW SHALLOW | 0.0 | COLUMBIA GAS TRAN |
| 8302989 | 16271 | 3706500000 | | 108 | | LEE WILSON ETAL 680477 | PA NW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303338 | 16318 | 3706500000 | | 108 | | LEE WILSON 680449 | PA NW SHALLOW | 0.1 | COLUMBIA GAS TRAN |
| 8302984 | 16266 | 3706500000 | | 108 | | LESTER LINDEMUTH 680535 | PA NW SHALLOW | 0.7 | COLUMBIA GAS TRAN |
| 8303322 | 16302 | 3712500000 | | 108 | | LEWIS JOHNSON 600517 | PENNSYLVANIA SW SHALL | 1.0 | COLUMBIA GAS TRAN |
| 8303194 | 16432 | 3712500000 | | 108 | | LILAH CROW ETAL 670457 | PA SW SHALLOW | 2.0 | COLUMBIA GAS TRAN |
| 8303304 | 16364 | 3705100000 | | 108 | | LILLIAN A MCGILL 640132 | PA SW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303248 | 16486 | 3700500000 | | 108 | | LLOYD SHILLING AGT 603751 | PA NW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303249 | 16487 | 3700500000 | | 108 | | LLOYD SHILLING AGT 603752 | PA NW SHALLOW | 0.9 | COLUMBIA GAS TRAN |
| 8303197 | 16435 | 3700300000 | | 108 | | LOUIS W MOLNAR JR 602150 | PENNSYLVANIA SW SHALL | 1.0 | COLUMBIA GAS TRAN |
| 8303182 | 16420 | 3706500000 | | 108 | | LUCILLE SHAFFER ETAL 680372 | PA NW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303339 | 16319 | 3706500000 | | 108 | | LUCILLE SHAFFER 680374 | PA NW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303284 | 16344 | 3712500000 | | 108 | | LYDIA V MILHOAN 610141 | PA SW SHALLOW | 0.4 | COLUMBIA GAS TRAN |
| 8303340 | 16320 | 3706500000 | | 108 | | M G BROSIUS 680385 | PA NW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8302982 | 16264 | 3703100000 | | 108 | | MABLE DUNLAP 690187 | PA NW SHALLOW | 0.8 | COLUMBIA GAS TRAN |
| 8303142 | 16380 | 3705100000 | | 108 | | MADLYN J BROWN 640114 | PA SW SHALLOW | 6.0 | COLUMBIA GAS TRAN |
| 8303143 | 16381 | 3705100000 | | 108 | | MADLYN J BROWN 640116 | PA SW SHALLOW | 0.7 | COLUMBIA GAS TRAN |
| 8303261 | 16499 | 3705900000 | | 108 | | MARIE KING KIGER 603620 | PA SW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8302980 | 16251 | 3706500000 | | 108 | | MARION M STRAND ETAL 680373 | PA NW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303225 | 16463 | 3706500000 | | 108 | | MARION M STRAND 680455 | PA NW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303277 | 16337 | 3705900000 | | 108 | | MARTHA BISSETT 610176 | PA SW SHALLOW | 0.9 | COLUMBIA GAS TRAN |
| 8303297 | 16357 | 3705900000 | | 108 | | MARTIN I KING 610067 | PA SW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303307 | 16367 | 3712500000 | | 108 | | MARY CHUBERKA 670083 | PA SW SHALLOW | 3.0 | COLUMBIA GAS TRAN |
| 8302985 | 16267 | 3705100000 | | 108 | | MARY HOLZAPEEL 670743 | PA SW SHALLOW | 2.0 | COLUMBIA GAS TRAN |
| 8303262 | 16322 | 3705100000 | | 108 | | MAX & HELEN NABEL 670918 | PA SW SHALLOW | 2.0 | COLUMBIA GAS TRAN |
| 8303002 | 16284 | 3712500000 | | 108 | | MIKE & THERESSA FERIK 670706 | PA SW SHALLOW | 0.2 | COLUMBIA GAS TRAN |

| JD NO | JA DKT | API NO | D | SEC(1) | SEC(2) | WELL NAME | FIELD NAME | PROD | PURCHASER |
|---|---|---|---|---|---|---|---|---|---|
| 8303158 | 16396 | 3705900000 | | 108 | | MINA W HOSTELER 603329 | PENNSYLVANIA SW SHALL | 1.0 | COLUMBIA GAS TRAN |
| 8303219 | 16457 | 3705900000 | | 108 | | MINA W HOSTETLER 603345 | PA SW SHALLOW | 0.2 | COLUMBIA GAS TRAN |
| 8303012 | 16294 | 3700300000 | | 108 | | MOREHEAD HEIRS 600262 | PENNSYLVANIA SW SHALL | 1.0 | COLUMBIA GAS TRAN |
| 8303200 | 16438 | 3705900000 | | 108 | | NATHAN & JULIA KERR 670446 | PA SW SHALLOW | 3.0 | COLUMBIA GAS TRAN |
| 8303319 | 16379 | 3705100000 | | 108 | | NED HORNBERGER J AGT 640112 | PA SW SHALLOW | 0.1 | COLUMBIA GAS TRAN |
| 8303217 | 16455 | 3712500000 | | 108 | | O & M SCHERICH ETAL 603146 | PENNSYLVANIA SW SHALL | 0.5 | COLUMBIA GAS TRAN |
| 8303237 | 16475 | 3712500000 | | 108 | | O & M SCHERICH 603578 | PA SW SHALLOW | 5.0 | COLUMBIA GAS TRAN |
| 8303235 | 16473 | 3712500000 | | 108 | | O & M SCHERICH 603655 | PA SW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303266 | 16326 | 3712500000 | | 108 | | OLIVER M FRYE 670601 | PA SW SHALLOW | 0.3 | COLUMBIA GAS TRAN |
| 8303159 | 16397 | 3705900000 | | 108 | | PAUL E BRADDOCK ETUX 610750 | PA SW SHALLOW | 0.6 | COLUMBIA GAS TRAN |
| 8303278 | 16338 | 3705900000 | | 108 | | PAUL E HENNEN 610161 | PA SW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303160 | 16398 | 3705900000 | | 108 | | PAUL E HENNEN 610749 | PA SW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303308 | 16368 | 3712500000 | | 108 | | PAUL GUSTOVICH 670084 | PA SW SHALLOW | 4.0 | COLUMBIA GAS TRAN |
| 8303156 | 16394 | 3705900000 | | 108 | | PAUL H BRADDOCK ETUX 610640 | PA SW SHALLOW | 0.6 | COLUMBIA GAS TRAN |
| 8303164 | 16402 | 3700500000 | | 108 | | PAUL H BURDETTE ETUX 603750 | PA NW SHALLOW | 0.6 | COLUMBIA GAS TRAN |
| 8303320 | 16300 | 3705900000 | | 108 | | PAULINE L ELKIN 600738 | PENNSYLVANIA SW SHALL | 0.8 | COLUMBIA GAS TRAN |
| 8303148 | 16386 | 3705900000 | | 108 | | PERCY R HUFFMAN 610762 | PA SW SHALLOW | 0.6 | COLUMBIA GAS TRAN |
| 8303001 | 16283 | 3705100000 | | 108 | | PERL & MARY HOUGH 670978 | PA SW SHALLOW | 0.2 | COLUMBIA GAS TRAN |
| 8303336 | 16316 | 3712500000 | | 108 | | R & RICHARDSON 603721 | PA SW SHALLOW | 6.0 | COLUMBIA GAS TRAN |
| 8303283 | 16343 | 3705900000 | | 108 | | R EUGENE HUGHES 610188 | PA SW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8302987 | 16269 | 3705100000 | | 108 | | R F DAVIS 670473 | PA SW SHALLOW | 5.0 | COLUMBIA GAS TRAN |
| 8303236 | 16474 | 3712500000 | | 108 | | R&T GOTTSCHALK ETAL 603585 | PA SW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303260 | 16498 | 3712500000 | | 108 | | RAYMOND JARVIS 603623 | PA SW SHALLOW | 2.0 | COLUMBIA GAS TRAN |
| 8302996 | 16278 | 3706500000 | | 108 | | RC & ELIZABETH TUCKER 680394 | PA NW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303341 | 16321 | 3706500000 | | 108 | | REGNA MCFADDEN 680403 | PA NW SHALLOW | 2.0 | COLUMBIA GAS TRAN |
| 8303337 | 16317 | 3705100000 | | 108 | | RICHARD & ROSE GONZALE 670125 | PA SW SHALLOW | 2.0 | COLUMBIA GAS TRAN |
| 8303256 | 16494 | 3706500000 | | 108 | | RICHARD O QUINN 680335 | PA NW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303186 | 16424 | 3712900000 | | 108 | | ROBERT A RAY 670230 | PA SW SHALLOW | 3.0 | COLUMBIA GAS TRAN |
| 8303009 | 16291 | 3705900000 | | 108 | | ROBERT COURTWRIGHT 601025 | PENNSYLVANIA SW SHALL | 1.0 | COLUMBIA GAS TRAN |
| 8303270 | 16330 | 3705100000 | | 108 | | ROBT & EVA IRVINE 670742 | PA SW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303007 | 16289 | 3705100000 | | 108 | | ROY ROBISON 670631 | PA SW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303149 | 16387 | 3705900000 | | 108 | | RUTH G DAY 610830 | PA SW SHALLOW | 0.3 | COLUMBIA GAS TRAN |
| 8303015 | 16297 | 3712500000 | | 108 | | S G FULTON 600475 | PENNSYLVANIA SW SHALL | 1.0 | COLUMBIA GAS TRAN |
| 8303205 | 16443 | 3705900000 | | 108 | | SAMUEL E WILLIAMS 602416 | PENN SW SHALLOW | 0.7 | COLUMBIA GAS TRAN |
| 8303311 | 16371 | 3705900000 | | 108 | | SOUTHMINISTER PRESBY | PA SW SHALLOW | 0.6 | COLUMBIA GAS TRAN |
| 8303274 | 16334 | 3705100000 | | 108 | | STANLEY BRANSKY 670893 | PA SW SHALLOW | 6.0 | COLUMBIA GAS TRAN |
| 8303279 | 16339 | 3705900000 | | 108 | | T BLAIR HOUSTON 610243 | PA SW SHALLOW | 0.4 | COLUMBIA GAS TRAN |
| 8303314 | 16374 | 3705100000 | | 108 | | T FENN RIDER ETAL 640121 | PA SW SHALLOW | 5.0 | COLUMBIA GAS TRAN |
| 8303144 | 16382 | 3705100000 | | 108 | | T FINN RIDER ETAL 640118 | PA SW SHALLOW | 2.0 | COLUMBIA GAS TRAN |
| 8303198 | 16436 | 3705900000 | | 108 | | THOMAS A LUXNER 670443 | PA SW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303145 | 16383 | 3705100000 | | 108 | | THOMAS JEFFRIES 640032 | PA SW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303331 | 16311 | 3712500000 | | 108 | | THOMAS M SMILEY 670507 | PA SW SHALLOW | 0.5 | COLUMBIA GAS TRAN |
| 8302981 | 16263 | 3701900000 | | 108 | | THOMAS PAUL ACE 690193 | PA WEST SHALLOW | 2.0 | COLUMBIA GAS TRAN |
| 8303222 | 16460 | 3705900000 | | 108 | | THROCKMORTON & FUNK JR 602902 | PENNSYLVANIA SW SHALL | 1.0 | COLUMBIA GAS TRAN |
| 8303221 | 16459 | 3705900000 | | 108 | | VELMA TEDROW ETAL 602986 | PENNSYLVANIA SW SHALL | 1.0 | COLUMBIA GAS TRAN |
| 8303301 | 16361 | 3705900000 | | 108 | | W J BRYAN 600990 | PENNSYLVANIA SW SHALL | 1.0 | COLUMBIA GAS TRAN |
| 8303324 | 16304 | 3712500000 | | 108 | | W Y BARNARD 600500 | PENNSYLVANIA SW SHALL | 0.4 | COLUMBIA GAS TRAN |
| 8303151 | 16389 | 3705900000 | | 108 | | WANDA MYERS ETAL 603317 | PENNSYLVANIA SW SHALL | 0.3 | COLUMBIA GAS TRAN |
| 8303220 | 16458 | 3705900000 | | 108 | | WANDA MYERS 603343 | PA SW SHALLOW | 0.9 | COLUMBIA GAS TRAN |
| 8303216 | 16454 | 3705900000 | | 108 | | WAYNEBURG COLLEGE 602815 | PENNSYLVANIA SW SHALL | 1.0 | COLUMBIA GAS TRAN |
| 8303215 | 16453 | 3705900000 | | 108 | | WAYNEBURG COLLEGE 602866 | PENNSYLVANIA SW SHALL | 0.4 | COLUMBIA GAS TRAN |
| 8303185 | 16423 | 3712900000 | | 108 | | WILL R MAURER 670215 | PA SW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303005 | 16287 | 3705100000 | | 108 | | WILLIAM ATHERTON 670672 | PA SW SHALLOW | 1.0 | COLUMBIA GAS TRAN |

| JD NO | JA DKT | API NO | D | SEC(1) | SEC(2) | WELL NAME | FIELD NAME | PROD | PURCHASER |
|---|---|---|---|---|---|---|---|---|---|
| 8303257 | 16495 | 3706500000 | | 108 | | WILLIAM S MAYS 680337 | PA NW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303302 | 16362 | 3705900000 | | 108 | | WILMA DELP 601019 | PENNSYLVANIA SW SHALL | 0.6 | COLUMBIA GAS TRAN |
| 8303281 | 16341 | 3705900000 | | 108 | | WILSON STAVE CO ETAL 610199 | PA SW SHALLOW | 2.0 | COLUMBIA GAS TRAN |
| 8303310 | 16370 | 3705900000 | | 108 | | WILSON STAVE CO 610032 | PA SW SHALLOW | 0.4 | COLUMBIA GAS TRAN |
| 8303286 | 16346 | 3705900000 | | 108 | | WILSON STAVE CO 610089 | PA SW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303298 | 16358 | 3705600000 | | 108 | | WM B LANCASTER 610066 | PA SW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303251 | 16489 | 3700500000 | | 108 | | 1ST NAT'L BK W TUSTIN 603761 | PA NW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303252 | 16490 | 3700500000 | | 108 | | 1ST NAT'L BK W TUSTIN 603765 | PA NW SHALLOW | 2.0 | COLUMBIA GAS TRAN |
| 8303253 | 16491 | 3700500000 | | 108 | | 1ST NAT'L BK W TUSTIN 603768 | PA NW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| 8303175 | 16413 | 3700500000 | | 108 | | 1ST NATL BK W TUSTIN 603764 | PA NW SHALLOW | 2.0 | COLUMBIA GAS TRAN |
| 8303172 | 16410 | 3700500000 | | 108 | | 1ST NATL BK W TUSTIN 603780 | PA NW SHALLOW | 2.0 | COLUMBIA GAS TRAN |
| 8303171 | 16409 | 3700500000 | | 108 | | 1ST NATL BK W TUSTIN 603782 | PA NW SHALLOW | 2.0 | COLUMBIA GAS TRAN |
| 8303170 | 16408 | 3703100000 | | 108 | | 1ST NATL BK W TUSTIN 603787 | PA NW SHALLOW | 0.2 | COLUMBIA GAS TRAN |
| 8303174 | 16412 | 3703100000 | | 108 | | 1ST NATL BK W TUSTIN 603788 | PA NW SHALLOW | 1.0 | COLUMBIA GAS TRAN |
| -CONSOLIDATED GAS SUPPLY CORPORATION | | | | RECEIVED: | | 10/14/82 JA: PA | | | |
| 8302952 | 16225 | 3706521741 | | 108 | | SYLVAN M LYONS WN-1707 | WINSLOW TOWNSHIP | 21.0 | GENERAL SYSTEM PU |
| -D'APPOLONIA PETROLEUM INC | | | | RECEIVED: | | 10/14/82 JA: PA | | | |
| 8303028 | 15916 | 3704921691 | | 107-TF | | CHIA CHANG #1 | CHIA CHANG | 13.0 | COLUMBIA GAS TRAN |
| 8303029 | 15918 | 3704921692 | | 107-TF | | CHIA CHANG #2 | CHIA CHANG | 13.0 | COLUMBIA GAS TRAN |
| 8303030 | 15920 | 3704921694 | | 107-TF | | CHIA CHANG #4 | CHIA CHANG | 13.0 | COLUMBIA GAS TRAN |
| -DELTA DRILLING CO | | | | RECEIVED: | | 10/14/82 JA: PA | | | |
| 8303041 | 16097 | 3706326301 | | 102-2 | | M E ADAMS #1 IND 26301 | CHERRYHILL | 0.0 | COLUMBIA GAS TRAN |
| 8303134 | 14743 | 3706300000 | | 103 | | R ST CLAIR #3 IND 26798 | CHERRYHILL | 0.0 | COLUMBIA GAS TRAN |
| 8303042 | 16103 | 3706300000 | | 102-2 | | R ST CLAIR #6 IND 26914 | CHERRYHILL | 0.0 | COLUMBIA GAS TRAN |
| -DORAN & ASSOCIATES INC | | | | RECEIVED: | | 10/14/82 JA: PA | | | |
| 8303117 | 9198 | 3706325653 | | 103 | | DARLENE ORR #2 KN-7 | UPPER DEVONIAN SAND | 30.0 | INDUSTRIAL GAS SA |
| -EASTERN STATES EXPLORATION CO | | | | RECEIVED: | | 10/14/82 JA: PA | | | |
| 8303132 | 14727 | 3706522503 | | 103 | | NORMAN H MURRAY #1A | O'DONNELL | 30.0 | NATIONAL FUEL GAS |
| 8303133 | 14728 | 3706522376 | | 103 | | ROBERT BUMITE #1 | SYKESVILLE | 15.0 | NATIONAL FUEL GAS |
| -ENVIROGAS INC | | | | RECEIVED: | | 10/14/82 JA: PA | | | |
| 8303118 | 10744 | 3704921182 | | 107-TF | | B LEWIS #1 | NORTH EAST DEEP | 18.0 | NATIONAL FUEL GAS |
| 8303128 | 13613 | 3704921633 | | 107-TF | | C BENDIG #3 | WATERFORD | 18.0 | COLUMBIA GAS TRAN |
| 8303126 | 11873 | 3704921713 | | 107-TF | | D CHESLEY #4 | LAKESHORE | 18.0 | NATIONAL FUEL GAS |
| 8303129 | 13953 | 3704921712 | | 107-TF | | G GRUENWALD #2 | LAKESHORE | 18.0 | NATIONAL FUEL GAS |
| 8303119 | 10746 | 3704921559 | | 107-TF | | S FEDELE #1 | NORTH EAST DEEP | 18.0 | NATIONAL FUEL GAS |
| -FAIRMAN DRILLING CO | | | | RECEIVED: | | 10/14/82 JA: PA | | | |
| 8302959 | 16239 | 3706522487 | | 103 | | DALE BROOKS #1 F-3398 | BIG RUN | 40.0 | CONSOLIDATED GAS |
| 8302960 | 16240 | 3706326620 | | 103 | | FORREST D WHITE #1 | JUNEAU | 15.0 | CONSOLIDATED GAS |
| 8303046 | 16106 | 3706325099 | | 108 | | JOSEPH A ROUSH #1 F-2602 | JUNEAU | 19.0 | CONSOLIDATED GAS |
| 8302961 | 16241 | 3706522424 | | 103 | | JUNE S JARRETT #1 F-3277 | | 15.0 | CONSOLIDATED GAS |
| 8302962 | 16242 | 3706522435 | | 103 | | MEADE ECELBARGER #1 F-3324 | BIG RUN | 40.0 | CONSOLIDATED GAS |
| 8303102 | 16174 | 3706522027 | | 108 | | SARAH BOWERS #1 F-2642 | BIG RUN | 14.0 | CONSOLIDATED GAS |
| 8302963 | 16243 | 3703320986 | | 108 | | SPENCER LAND CO #1 F-2898 | LUMBER CITY | 6.0 | CONSOLIDATED GAS |
| 8302964 | 16244 | 3703321017 | | 108 | | SPENCER LAND CO #2 F-2969 | LUMBER CITY | 6.0 | CONSOLIDATED GAS |
| 8302965 | 16245 | 3703321018 | | 108 | | SPENCER LAND CO #3 F-2970 | LUMBER CITY | 6.0 | CONSOLIDATED GAS |
| 8302958 | 16238 | 3703321190 | | 103 | | SPENCER LAND CO #4 F-3369 | | 15.0 | CONSOLIDATED GAS |
| -FELMONT OIL CORPORATION | | | | RECEIVED: | | 10/14/82 JA: PA | | | |
| 8303032 | 16062 | 3702120115 | | 102-2 | | LUCY LITZINGER #1 F-317 | DRISCOLL HOLLOW | 0.0 | COLUMBIA GAS TRAN |
| -FOX OIL & GAS INC | | | | RECEIVED: | | 10/14/82 JA: PA | | | |
| 8303103 | 16175 | 3706327022 | | 103 | | JOHN BERGANT #1 | MONTGOMERY | 25.5 | COLUMBIA GAS TRAN |
| -GOE PRO INC | | | | RECEIVED: | | 10/14/82 JA: PA | | | |
| 8303044 | 16104 | 3704921923 | | 103 | | PHYLLIS SIMPSON #2 | ALBION-WEST | 0.0 | NATIONAL FUEL GAS |
| 8303045 | 16105 | 3704921923 | | 107-TF | | PHYLLIS SIMPSON #2 | ALBION-WEST | 0.0 | NATIONAL FUEL GAS |

| JD NO | JA DKT | API NO | D | SEC(1) | SEC(2) | WELL NAME | FIELD NAME | PROD | PURCHASER |
|---|---|---|---|---|---|---|---|---|---|
| -GULF OIL CORPORATION | | | | RECEIVED: | 10/14/82 | JA: PA | | | |
| 8302916 | 16189 | 3706500000 | | 108 | | E E RAYBUCK #1 | WARSAW | 1.0 | NATIONAL FUEL GAS |
| 8302934 | 16207 | 3706500000 | | 108 | | FEE "E" #1 | WARSAW | 1.0 | NATIONAL FUEL GAS |
| 8302931 | 16204 | 3706500000 | | 108 | | FEE "E" #11 | WARSAW | 1.0 | NATIONAL FUEL GAS |
| 8302930 | 16203 | 3706500000 | | 108 | | FEE "E" #14 | WARSAW | 1.0 | NATIONAL FUEL GAS |
| 8302929 | 16202 | 3706500000 | | 108 | | FEE "E" #16 | WARSAW | 1.0 | NATIONAL FUEL GAS |
| 8302928 | 16201 | 3706500000 | | 108 | | FEE "E" #18 | WARSAW | 1.0 | NATIONAL FUEL GAS |
| 8302935 | 16208 | 3706500000 | | 108 | | FEE "E" #2 | WARSAW | 1.0 | NATIONAL FUEL GAS |
| 8302927 | 16200 | 3706500000 | | 108 | | FEE "E" #20 | WARSAW | 1.0 | NATIONAL FUEL GAS |
| 8302926 | 16199 | 3706500000 | | 108 | | FEE "E" #21 | WARSAW | 1.0 | NATIONAL FUEL GAS |
| 8302925 | 16198 | 3706500000 | | 108 | | FEE "E" #22 | WARSAW | 1.0 | NATIONAL FUEL GAS |
| 8302924 | 16197 | 3706500000 | | 108 | | FEE "E" #23 | WARSAW | 1.0 | NATIONAL FUEL GAS |
| 8302923 | 16196 | 3706500000 | | 108 | | FEE "E" #24 | WARSAW | 1.0 | NATIONAL FUEL GAS |
| 8302933 | 16206 | 3706500000 | | 108 | | FEE "E" #5 | WARSAW | 1.0 | NATIONAL FUEL GAS |
| 8302932 | 16205 | 3706500000 | | 108 | | FEE "E" #9 | WARSAW | 1.0 | NATIONAL FUEL GAS |
| 8303115 | 16188 | 3706500000 | | 108 | | FRANK SHAFFER #1 | WARSAW | 1.0 | NATIONAL FUEL GAS |
| 8302917 | 16190 | 3706500000 | | 108 | | HARRY QUINN #1 | WARSAW | 1.0 | NATIONAL FUEL GAS |
| 8302922 | 16195 | 3706500000 | | 108 | | LINDERMUTH #1 | WARSAW | 1.0 | NATIONAL FUEL GAS |
| 8302921 | 16194 | 3706500000 | | 108 | | MCNAUL #2 | WARSAW | 1.0 | NATIONAL FUEL GAS |
| 8302918 | 16193 | 3706500000 | | 108 | | MCNAUL #3 | WARSAW | 1.0 | NATIONAL FUEL GAS |
| 8302920 | 16192 | 3706500000 | | 108 | | MCNAUL #4 | WARSAW | 1.0 | NATIONAL FUEL GAS |
| 8302919 | 16191 | 3706500000 | | 108 | | MCNAUL #5 | WARSAW | 1.0 | NATIONAL FUEL GAS |
| -J & J ENTERPRISES INC | | | | RECEIVED: | 10/14/82 | JA: PA | | | |
| 8302957 | 16237 | 3706522087 | | 108 | | ALBERT SPENCER #1 | PUNXSUTAWNEY BORO | 0.0 | CONSOLIDATED GAS |
| 8303073 | 16144 | 3706324132 | | 108 | | CHARLES SNYDER #1 | WHITE | 0.0 | COLUMBIA GAS TRAN |
| 8303072 | 16143 | 3706324136 | | 108 | | CHARLES SNYDER #3 | WHITE | 0.0 | COLUMBIA GAS TRAN |
| 8303071 | 16142 | 3706324133 | | 108 | | CHARLES SYNDER #2 | WHITE | 4.0 | COLUMBIA GAS TRAN |
| 8303075 | 16146 | 3706324085 | | 108 | | F LEONARD MCCAULEY #1 | EAST MAHONING | 0.0 | T W PHILLIPS GAS |
| 8303076 | 16147 | 3706323945 | | 108 | | FARMERS & MINERS TRUST CO #6 | BANKS | 0.0 | T W PHILLIPS GAS |
| 8303084 | 16155 | 3706323592 | | 108 | | HARVEY WALL #1 | W MAHONING | 0.0 | T W PHILLIPS GAS |
| 8303085 | 16156 | 3706323519 | | 108 | | J B SHARPE #1 | CANOE | 0.0 | T W PHILLIPS GAS |
| 8302955 | 16235 | 3703321341 | | 103 | | J L BROTHERS #5 (489A) | BURNSIDE | 0.0 | CONSOLIDATED GAS |
| 8302953 | 16233 | 3703321342 | | 103 | | J L BROTHERS #6 (177A) | BURNSIDE | 0.0 | CONSOLIDATED GAS |
| 8302956 | 16236 | 3703321343 | | 103 | | J L BROTHERS #7 (177A) | BURNSIDE | 0.0 | CONSOLIDATED GAS |
| 8302954 | 16234 | 3706326898 | | 103 | | JOHN GEORGE #1 | GREEN | 0.0 | CONSOLIDATED GAS |
| 8303083 | 16154 | 3706323815 | | 108 | | NELSON S WHITE #1 | YOUNG | 0.0 | T W PHILLIPS GAS |
| 8303070 | 16141 | 3706324504 | | 108 | | R & P COAL CO #4 (221A) | WHITE | 0.0 | COLUMBIA GAS TRAN |
| 8303077 | 16148 | 3703320939 | | 108 | | ROYAL OIL & GAS CORP (68A) | BELL | 0.0 | T W PHILLIPS GAS |
| 8303081 | 16152 | 3703320667 | | 108 | | ROYAL OIL & GAS CORP #10 | BELL | 0.0 | T W PHILLIPS GAS |
| 8303082 | 16153 | 3703320668 | | 103 | | ROYAL OIL & GAS CORP #11 | BELL | 0.0 | T W PHILLIPS GAS |
| 8303079 | 16150 | 3703320669 | | 108 | | ROYAL OIL & GAS CORP #14 | BELL | 0.0 | T W PHILLIPS GAS |
| 8303074 | 16145 | 3703320849 | | 108 | | RUTH MITCHELL #1 | BURNSIDE | 0.0 | T W PHILLIPS GAS |
| 8303080 | 16151 | 3706323812 | | 108 | | S A NASTASE #1 | RAYNE | 0.0 | T W PHILLIPS GAS |
| 8303078 | 16149 | 3706323616 | | 108 | | W SPICHER #1 | CANOE | 0.0 | T W PHILLIPS GAS |
| -MERIDIAN EXPLORATION CORP | | | | RECEIVED: | 10/14/82 | JA: PA | | | |
| 8302969 | 16249 | 3704921878 | | 102-2 | | B COLVIN #607-2 | EDINBORO NORTH | 0.0 | COLUMBIA GAS TRAN |
| 8302970 | 16250 | 3704921878 | | 107-TF | | B COLVIN #607-2 | EDINBORO NORTH | 0.0 | COLUMBIA GAS TRAN |
| 8302973 | 16253 | 3704921844 | | 102-2 | | B COLVIN #609-1 | EDINBORO NORTH | 0.0 | COLUMBIA GAS TRAN |
| 8302974 | 16254 | 3704921844 | | 107-TF | | B COLVIN #609-1 | EDINBORO NORTH | 0.0 | COLUMBIA GAS TRAN |
| 8302971 | 16251 | 3704921848 | | 102-2 | | C HOSTETTLER #608-1 | EDINBORO NORTH | 0.0 | COLUMBIA GAS TRAN |
| 8302972 | 16252 | 3704921848 | | 107-TF | | C HOSTETTLER #608-1 | EDINBORO NORTH | 0.0 | COLUMBIA GAS TRAN |
| 8302975 | 16255 | 3704921845 | | 102-2 | | H FELLOWS #610-1 | EDINBORO NORTH | 0.0 | COLUMBIA GAS TRAN |
| 8302976 | 16257 | 3704921847 | | 102-2 | | J BYRTUS #612-1 | EDINBORO NORTH | 0.0 | COLUMBIA GAS TRAN |

| JD NO | JA DKT | API NO | D | SEC(1) | SEC(2) | WELL NAME | FIELD NAME | PROD | PURCHASER |
|---|---|---|---|---|---|---|---|---|---|
| 8302977 | 16258 | 3704921847 | | 107-TF | | J BYRTUS #612-1 | EDINBORO NORTH | 0.0 | COLUMBIA GAS TRAN |
| 8302978 | 16259 | 3703921379 | | 102-2 | | R SLENCAK #585-1 | EDINBORO NORTH | 0.0 | COLUMBIA GAS TRAN |
| 8302979 | 16260 | 3703921379 | | 107-TF | | R SLENCAK #585-1 | EDINBORO NORTH | 0.0 | COLUMBIA GAS TRAN |
| 8302942 | 16215 | 3703921363 | | 103 | | RIVERSIDE INN #576-1 | CAMBRIDGE SPRINGS | 0.0 | NATIONAL FUEL GAS |
| -NRM PETROLEUM CORPORATION | | | | RECEIVED: | 10/14/82 | JA: PA | | | |
| 8303130 | 14486 | 3704921594 | | 107-TF | | MILNE #1 | NEW IRELAND | 0.0 | COLUMBIA GAS TRAN |
| 8303131 | 14487 | 3704921594 | | 102-2 | | MILNE #1 | NEW IRELAND | 0.0 | COLUMBIA GAS TRAN |
| -P & G EXPLORATION INC | | | | RECEIVED: | 10/14/82 | JA: PA | | | |
| 8303138 | 15389 | 3706325140 | | 108 | | DICK #1 IND-25140 | CHERRYHILL | 4.0 | COLUMBIA GAS TRAN |
| 8303137 | 15367 | 3706324938 | | 108 | | RAPACH 1-TR2 IND-24938 | CHERRYHILL | 5.0 | COLUMBIA GAS TRAN |
| 8303140 | 15391 | 3706325138 | | 108 | | SHANK #2 IND-25138 | CHERRYHILL | 4.0 | COLUMBIA GAS TRAN |
| 8303139 | 15390 | 3706325139 | | 108 | | SHANK #3 IND-25139 | CHERRYHILL | 4.0 | COLUMBIA GAS TRAN |
| -PENN STATE JOINT VENTURE | | | | RECEIVED: | 10/14/82 | JA: PA | | | |
| 8303064 | 16124 | 3705300000 | | 108 | | A-1 | QUEEN SAND GLADE FORM | 4.0 | QUAKER STATE OIL |
| 8303065 | 16125 | 3705300000 | | 108 | | A-2 | QUEEN SAND GLADE FORM | 4.0 | QUAKER STATE OIL |
| 8303066 | 16126 | 3705300000 | | 108 | | A-3 | QUEEN SAND GLADE FORM | 4.0 | QUAKER STATE OIL |
| 8303067 | 16127 | 3705300000 | | 108 | | A-4 | QUEEN SAND GLADE FORM | 4.0 | QUAKER STATE OIL |
| 8303068 | 16128 | 3705323276 | | 108 | | A-5 | QUEEN SAND GLADE FORM | 4.0 | QUAKER STATE OIL |
| 8303069 | 16129 | 3705323277 | | 108 | | A-6 | QUEEN SAND GLADE FORM | 4.0 | QUAKER STATE OIL |
| -PHILLIPS PRODUCTION CO | | | | RECEIVED: | 10/14/82 | JA: PA | | | |
| 8303021 | 15554 | 3706326879 | | 103 | | HARRY W MIKESELL JR #1 | PAYNE | 30.0 | |
| 8303023 | 15555 | 3706326880 | | 103 | | HARRY W MIKESELL JR #1 | PAYNE | 25.0 | |
| 8303022 | 15555 | 3706326841 | | 103 | | JAN G HUMPHREYS #1 | WASHINGTON | 30.0 | |
| 8303024 | 15678 | 3706326906 | | 103 | | JOHN PAUL WILLIAMMEE #1 | GRANT | 25.0 | |
| 8303025 | 15682 | 3706326946 | | 103 | | ROCHESTER & PITTSBURGH COAL CO #2 | BLOCKLICK | 55.0 | |
| 8303020 | 15553 | 3706326960 | | 103 | | WILLIAM A STOOPS #1 | CANOE | 50.0 | |
| -POI ENERGY INC | | | | RECEIVED: | 10/14/82 | JA: PA | | | |
| 8303136 | 15377 | 3703921447 | | 107-TF | | MARSUN #2 | SPRING CREEK | 28.0 | COLUMBIA GAS TRAN |
| -R E BARRETT | | | | RECEIVED: | 10/14/82 | JA: PA | | | |
| 8303135 | 14910 | 3706326855 | | 103 | | LYLE D & VERLE D BARRETT #3 | WEST MAHONING | 40.0 | PEOPLES NATURAL G |
| -RALPH L ALBRIGHT | | | | RECEIVED: | 10/14/82 | JA: PA | | | |
| 8302950 | 16223 | 3705300000 | | 108 | | AB-10 | QUEEN SAND GLADE FORM | 4.0 | QUAKER STATE OIL |
| 8302951 | 16224 | 3705300000 | | 108 | | AB-11 | QUEEN SAND GLADE FORM | 4.0 | QUAKER STATE OIL |
| 8302945 | 16218 | 3705323558 | | 108 | | AB-5 | QUEEN SAND GLADE FORM | 4.0 | QUAKER STATE OIL |
| 8302947 | 16220 | 3705323559 | | 108 | | AB-6 | QUEEN SAND GLADE FORM | 4.0 | QUAKER STATE OIL |
| 8302946 | 16219 | 3705323560 | | 108 | | AB-7 | QUEEN SAND GLADE FORM | 4.0 | QUAKER STATE OIL |
| 8302948 | 16221 | 3705300000 | | 108 | | AB-8 | QUEEN SAND GLADE FORM | 4.0 | QUAKER STATE OIL |
| 8302949 | 16222 | 3705300000 | | 108 | | AB-9 | QUEEN SAND GLADE FORM | 4.0 | QUAKER STATE OIL |
| -SCOTT AND HUSSING | | | | RECEIVED: | 10/14/82 | JA: PA | | | |
| 8303033 | 16069 | 3712541285 | | 108 | | RAY SMALLWOOD #2 #132 | BELLE VERNON | 15.0 | COLUMBIA GAS TRAN |
| -T W PHILLIPS GAS & OIL CO | | | | RECEIVED: | 10/14/82 | JA: PA | | | |
| 8303104 | 16177 | 3706500000 | | 108 | | A A BROSIUS #1 | BEAVER | 1.4 | T W PHILLIPS GAS |
| 8303105 | 16178 | 3706500000 | | 108 | | A A BROSIUS #4 | BEAVER | 1.4 | T W PHILLIPS GAS |
| 8303055 | 16115 | 3706300000 | | 108 | | A L GIBSON #3 | WEST MAHONING | 0.5 | T W PHILLIPS GAS |
| 8303111 | 16184 | 3706500000 | | 108 | | BROOKVILLE BANK & TRUST CO #3 | BEAVER | 0.6 | T W PHILLIPS GAS |
| 8303061 | 16121 | 3706300000 | | 108 | | C S DAVIS #1 | WEST MAHONING | 1.0 | T W PHILLIPS GAS |
| 8303034 | 16085 | 3706500000 | | 108 | | DANIEL SEILER #1 | OLIVER | 1.9 | T W PHILLIPS GAS |
| 8303063 | 16123 | 3706300000 | | 108 | | DAVID COCHRAN #2 | NORTH MAHONING | 1.0 | T W PHILLIPS GAS |
| 8303056 | 16116 | 3706300000 | | 108 | | ELMER LEWIS #2 | WEST MAHONING | 1.8 | T W PHILLIPS GAS |
| 8303035 | 16086 | 3706520207 | | 108 | | F L KUNSELMAN #1-80 | OLIVER | 1.9 | T W PHILLIPS GAS |
| 8303036 | 16087 | 3706500000 | | 108 | | G A PIFER #3 | OLIVER | 0.8 | T W PHILLIPS GAS |
| 8303114 | 16187 | 3706500000 | | 108 | | H E CARRIER ATTY #1 | BEAVER | 3.2 | T W PHILLIPS GAS |
| 8303110 | 16183 | 3706500000 | | 108 | | H E CARRIER ATTY #2 | BEAVER | 1.6 | T W PHILLIPS GAS |

| JD NO | JA DKT | API NO | D | SEC(1) | SEC(2) | WELL NAME | FIELD NAME | PROD | PURCHASER |
|---|---|---|---|---|---|---|---|---|---|
| 8303054 | 16114 | 3706300000 | | 108 | | H T NEAL #1 | WEST MAHONING | 1.1 | T W PHILLIPS GAS |
| 8303100 | 16171 | 3706500000 | | 108 | | HARRY C ISEMAN #2 | MCCALMONT | 0.3 | T W PHILLIPS GAS |
| 8303047 | 16107 | 3706500000 | | 108 | | J G MCMILLEN #1 | OLIVER | 1.2 | T W PHILLIPS GAS |
| 8303106 | 16179 | 3706500000 | | 108 | | J L BROSIUS #1 | BEAVER | 0.8 | T W PHILLIPS GAS |
| 8303107 | 16180 | 3706520652 | | 108 | | J M BROSIUS #1 | BEAVER | 0.4 | T W PHILLIPS GAS |
| 8303108 | 16181 | 3706500000 | | 108 | | J M BROSIUS #2 | BEAVER | 1.8 | T W PHILLIPS GAS |
| 8303101 | 16172 | 3706500000 | | 108 | | JOHN & SUSIE NOERR #2 | MCCALMONT | 0.3 | T W PHILLIPS GAS |
| 8303048 | 16108 | 3706500000 | | 108 | | JOHN MOTTERN #1 | OLIVER | 0.8 | T W PHILLIPS GAS |
| 8303086 | 16157 | 3706500000 | | 108 | | JULIA A NORTH #1 | MCCALMONT | 0.2 | T W PHILLIPS GAS |
| 8303087 | 16158 | 3706500000 | | 108 | | KEPLER & MAY #3 | MCCALMONT | 0.6 | T W PHILLIPS GAS |
| 8303088 | 16159 | 3706520184 | | 108 | | KEPLER & MAY #4 | MCCALMONT | 0.5 | T W PHILLIPS GAS |
| 8303060 | 16120 | 3706300000 | | 108 | | L B COLEMAN #1 | WEST MAHONING | 2.0 | T W PHILLIPS GAS |
| 8303112 | 16185 | 3706500000 | | 108 | | LOURENA BOYER #1 | BEAVER | 2.3 | T W PHILLIPS GAS |
| 8303026 | 15687 | 3706320146 | | 108 | | M E DIXON #1 | YOUNG | 0.4 | T W PHILLIPS GAS |
| 8303053 | 16113 | 3706300000 | | 108 | | MCGREGOR & SMITH #1 | WEST MAHONING | 0.6 | T W PHILLIPS GAS |
| 8303052 | 16112 | 3706300000 | | 108 | | MCGREGOR-POSTLEWAITE-COLEMAN #1 | WEST MAHONING | 0.4 | T W PHILLIPS GAS |
| 8303113 | 16186 | 3706500000 | | 108 | | O C BAUGHMAN #1 | BEAVER | 0.7 | T W PHILLIPS GAS |
| 8303037 | 16088 | 3706520667 | | 108 | | P F HETRICK #1 | OLIVER | 1.0 | T W PHILLIPS GAS |
| 8303089 | 16160 | 3706500000 | | 108 | | R C WINSLOW | MCCALMONT | 0.7 | T W PHILLIPS GAS |
| 8303090 | 16161 | 3706500000 | | 108 | | R C WINSLOW #10 | MCCALMONT | 1.3 | T W PHILLIPS GAS |
| 8303091 | 16162 | 3706500000 | | 108 | | R C WINSLOW #14 | MCCALMONT | 2.3 | T W PHILLIPS GAS |
| 8303092 | 16163 | 3706500000 | | 108 | | R C WINSLOW #15 | MCCALMONT | 1.0 | T W PHILLIPS GAS |
| 8303093 | 16164 | 3706500000 | | 108 | | R C WINSLOW #20 | MCCALMONT | 1.4 | T W PHILLIPS GAS |
| 8303094 | 16165 | 3706500000 | | 108 | | R C WINSLOW #26 | MCCALMONT | 1.2 | T W PHILLIPS GAS |
| 8303095 | 16166 | 3706500000 | | 108 | | R C WINSLOW #27 | MCCALMONT | 0.5 | T W PHILLIPS GAS |
| 8303096 | 16167 | 3706500000 | | 108 | | R C WINSLOW #37 | MCCALMONT | 0.2 | T W PHILLIPS GAS |
| 8303097 | 16168 | 3706500000 | | 108 | | R C WINSLOW #38 | MCCALMONT | 0.5 | T W PHILLIPS GAS |
| 8303099 | 16170 | 3706500000 | | 108 | | R C WINSLOW #41 | MCCALMONT | 1.3 | T W PHILLIPS GAS |
| 8303098 | 16169 | 3706500000 | | 108 | | R G WINSLOW #40 | MCCALMONT | 0.3 | T W PHILLIPS GAS |
| 8303109 | 16182 | 3706500000 | | 108 | | SAMUEL BYERLY #1 | BEAVER | 0.4 | T W PHILLIPS GAS |
| 8303057 | 16117 | 3706300000 | | 108 | | SAMUEL KERR #10 | WEST MAHONING | 2.0 | T W PHILLIPS GAS |
| 8303049 | 16109 | 3706300000 | | 108 | | T S NEAL #3 | WEST MAHONING | 0.1 | T W PHILLIPS GAS |
| 8303062 | 16122 | 3706300000 | | 108 | | W A DRUMMOND #1 | WEST MAHONING | 0.7 | T W PHILLIPS GAS |
| 8303059 | 16119 | 3706300000 | | 108 | | W B NEAL #1 | WEST MAHONING | 1.7 | T W PHILLIPS GAS |
| 8303051 | 16111 | 3706300000 | | 108 | | W C LOUGHERY #1 | WEST MAHONING | 0.2 | T W PHILLIPS GAS |
| 8303050 | 16110 | 3706300000 | | 108 | | W H ALLEN #3 | WEST MAHONING | 0.3 | T W PHILLIPS GAS |
| 8303058 | 16118 | 3706300000 | | 108 | | W H KELLY #1 | WEST MAHONING | 0.4 | T W PHILLIPS GAS |
| -UNION DRILLING INC | | | | RECEIVED: | 10/14/82 | JA: PA | | | |
| 8303031 | 15986 | 3706325380 | | 108 | | MURRAY C BRAUGHLER #3 0682 | CHERRYHILL TOWNSHIP | 15.0 | COLUMBIA GAS TRAN |
| -UNIVERSAL RESOURCES HOLDINGS INC | | | | RECEIVED: | 10/14/82 | JA: PA | | | |
| 8302943 | 16216 | 3712331338 | | 107-TF | | CORNISH #C-5 | BEAR LAKE | 20.0 | COLUMBIA GAS TRAN |
| 8302944 | 16217 | 3712331338 | | 102-2 | | CORNISH #C-5 | BEAR LAKE | 20.0 | COLUMBIA GAS TRAN |
| -VICTORY DEVELOPMENT CO | | | | RECEIVED: | 10/14/82 | JA: PA | | | |
| 8303043 | 16101 | 3706326666 | | 103 | | LIGGETT #1 IND-26666 | BRUSH VALLEY | 36.0 | COLUMBIA GAS TRAN |
| -WAINOCO OIL & GAS CO | | | | RECEIVED: | 10/14/82 | JA: PA | | | |
| 8303125 | 11749 | 3708520305 | | 102-2 | | DONALD W DERBER #1 (MC-26) | GREENVILLE | 100.0 | TENNESSEE GAS PIP |

SOURCE DATA FOR THIS NOTICE IS AVAILABLE ON MAGNETIC TAPE FROM THE NATIONAL TECHNICAL INFORMATION SERVICE (NTIS). FOR INFORMATION, CONTACT STUART WEISMAN (NTIS) AT (703) 487-4808, 5285 PORT ROYAL RD, SPRINGFIELD, VA 22161, OR SANDRA SPEAR (FERC) (202) 357-8344.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82-31060 Filed 11-10-82; 8:45 am]

**BILLING CODE 6717-01-C**

[Docket No. ER 83-86-000]

## Arkansas Power & Light Co.; Filing

November 8, 1982.

Take notice that on November 1, 1982, Arkansas Power & Light Company (AP&L) tendered for filing a Transmission Service Agreement dated October 15, 1982, between AP&L and the City of Hope, Arkansas for transmission service through the system of AP&L from the control area of Southwestern Electric Power Company to Hope. AP&L also tendered for filing a Notice of Cancellation of the March 6, 1966 Service Agreement as amended, between Hope and AP&L.

AP&L requests and effective date of January 1, 1983, for both the Transmission Service Agreement and the Notice of Cancellation.

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 November 23, 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. 82-31061 Filed 11-10-82; 8:45 am]

BILLING CODE 6717-01-M

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[Project No. 6761-000]

## Blackfeet Indian Nation; Application for Preliminary Permit

November 9, 1982.

Take notice that the Blackfeet Indian Nation (Applicant) filed on September 27, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 6761 to be known as the Lake Sherburne Dam Hydroelectric Project located on Swiftcurrent Creek in Glacier County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Earl Old Person, Blackfeet Nation, Browning, Montana 59417.

*Project Description*—The proposed project would utilize an existing U.S. Bureau of Reclamation's dam and reservoir. Project No. 6761 would consist of: (1) Modification of one of the outlet conduits by the installation of a welded steel penstrock which will run from the conduit to the powerhouse; (2) a proposed powerhouse to be located on a berm on the left bank of the stilling basin; (3) a proposed tailrace which releases into the stilling basin; (4) the installation of two turbine/generators with a total installed capacity of 2 MW; (5) interconnection with a distribution line operated by the Glacier Electric CO-OP, Inc. less than one mile from the project; and (6) appurtenant facilities. Applicant estimates the average annual energy generation to be 4.9 GWh.

*Proposed Scope of Studies Under Permit*—A preliminary permit, is issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with the consultation with Federal, state, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $75,000.

*Competing Applications*—Anyone desiring to file a competing application for preliminary permit must file with the Commission, on or before February 22, 1983, the competing application itself (see: 18 CFR Section 4.30 et. seq. (1981)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to file such an application in response to this notice. A notice of intent to file an application for license or exemption must be filed to the Commission on or before January 21, 1983, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et. seq. or 4.101 35. et. seq. (1981), as appropriate.

*Agency Comments*—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

*Comments, Protests, or Motions 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 February 22, 1983.

*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. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or motion to intervene must also be service upon each representative of the Applicant specified in the first paragraph of this notice.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82-31062 Filed 11-10-82 8:45 am]

BILLING CODE 6717-01-M

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[Docket No. ER83-78-000]

## Central Illinois Public Service Co.; Filing

November 8, 1982.

Take notice that on November 1, 1982, Central Illinois Public Service Company tendered for filing revision in Rate Schedules W-1 (wholesale electric service to electric cooperatives), W-2 (wholesale electric service to settling total requirements municipal customers), and W-3 (wholesale electric service to partial requirements municipal customers), and a new alternate W-2 schedule, Rate Schedule W-2(NS), (wholesale electric service to

non-settling total requirements municipal customers). The tendered revisions in Rate Schedules W–1, W–2 and W–3 would increase revenues from the pertinent class of customers for jurisdictional sales and service by $13,625,000, $2,089,000 and $797,000 respectively, based on the twelve month period ending December 31, 1983. For this same period Rate Schedule W–2(NS) would increase revenues from the class of total requirements municipal customers for jurisdictional sales and service by $2,342,000. The tendered revisions to Rate Schedules W–2 and W–3 also incorporate minor rate design changes.

The tendered revisions to Rate Schedules W–1, W–2 and W–3 result from settlements which were reached after extended negotiations. The tendered revisions to these rate schedules as well as Rate Schedule W–2(NS) will become effective on January 1, 1983, and all contain an upward adjustment in rate levels to more adequately reflect current and anticipated economic conditions.

Copies of the appropriate filing were served upon the Company's jurisdictional customers and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said application 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 November 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 motion to intervene. Copies of this application are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82–31063 Filed 11–10–82; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. ER83–83–000]**

## Central Vermont Public Service Corp.; Filing

November 8, 1982.

Take notice that on November 1, 1982, Central Vermont Public Service Corporation, (CVPS) tendered for filing a Power Purchase Contract between CVPS and Village of Hyde Park Water and Light Department (Customer) dated October 22, 1982. Service under the contract is provided to commence as of November 1, 1982.

CVPS states that the service to be furnished under this rate schedule consists of a continuing eight year sale by the Company to the Customer of unreserved system capacity in amounts as specified by the Customer.

CVPS requests an effective date of November 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, 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 November 23, 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. 82–31064 Filed 11–10–82; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. ER83–82–000**

## Central Vermont Public Service Corp.; Filing

November 5, 1982.

Take notice that on November 1, 1982, Central Vermont Public Service Corporation (CVPS) tendered for filing a Power Transmission Contract between CVPS and Village of Hyde Park Water and Light Department (Customer) dated October 22, 1982. Service under the contract is provided to commence as of November 1, 1982.

CVPS states that the service to be furnished under this rate schedule consists of the transmission of essentially all the Customer's power purchases over the Company's facilities after the effective date of this contract.

CVPS requests an effective date of November 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, 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 November 23, 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. 82–31065 Filed 11–10–82; 8:45 am]

BILLING CODE 6716–01–M

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**[Docket No. ER83–80–000]**

## Cliffs Electric Service Co.; Filing

November 8, 1982.

Take notice that on November 1, 1982, Cliffs Electric Service Company (Cliffs) tendered for filing a change in its Incidental Energy Rate for sales to the City of Marquette's Board of Light and Power. The effect of this change will be to substitute a formula rate for the existing Incidental Energy Rate of 32.5 mills per kwh.

An effective date of January 1, 1983 is requested.

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 November 23, 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. 82–31066 Filed 11–10–82; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. ER83–88–000]**

## Connecticut Yankee Atomic Power Co.; Filing

November 8, 1982.

Take notice that on November 1, 1982, Connecticut Yankee Atomic Power

Company (Connecticut Yankee) tendered for filing the Second Amendment of the Supplementary Power Contract, dated October 15, 1982, between Connecticut Yankee and each of its ten purchaser electric utilities for the sale of the net output of Connecticut Yankee's nuclear generating plant at Haddam, Connecticut. Connecticut Yankee States that the ten owner-purchaser utilities are: The Connecticut Light and Power Company, New England Power Company, Boston Edison Company, Central Maine Power Company, The United Illuminating Company, Cambridge Electric Light Company, Western Massachusetts Electric Company, Public Service Company of New Hampshire, Montaup Electric Company, and Central Vermont Public Service Corporation.

Connecticut Yankee states that the Second Amendment of the Supplementary Power Contract amends the Supplementary Power Contract dated as of March 1, 1978, (Connecticut Yankee Atomic Power Company Supplement No. 1 to FPC No. 1) to (1) change the definition of "equity investment" to exclude stockholder loans to Connecticut Yankee from the determination of equity investment pursuant to the Commission is order of September 28, 1982, in Connecticut Yankee's most recent rate proceeding (FERC Docket No. ER80-717-000), and (2) permit Connecticut Yankee to exclude from its accumulated provision for depreciation and its reserve for disposal of spent nuclear fuel any amounts specifically allowed by the Commission to be so excluded.

In addition to the above described rate schedule changes, Connecticut Yankee states that it also proposes to make the following changes in the computation of the costs which it recovers from its purchasers under its cost of service contracts: (1) Amortization of its accumulated depreciation reserve deficiency in accordance with the accounting treatment provided in Commission Order No. 144, over a period equal to the remaining life of the power contracts; (2) change the estimates of spent nuclear fuel disposal costs and change the amortization period for recovery of such costs and change the method for recovery of spent nuclear fuel disposal costs for fuel burned in prior cycles that have not been provided for; and (3) change the estimate of decommissioning costs for the Connecticut Yankee plant and initiate internal funding of decommissioning costs in order to increase the likelihood that the reserve will keep pace with future escalation of decommissioning costs. The proposed changes are estimated by Connecticut Yankee to result in a revenue increase of $9,222,494 for the 12-month period ending December 31, 1981.

Connecticut Yankee and the ten purchaser utilities propose to make the Second Amendment of the Supplementary Power Contract effective on January 1, 1983.

Copies of this filing have been served upon each of the ten purchaser utilities and upon the electric utility regulatory authorities in the States of Connecticut, Maine, New Hampshire, Vermont, Massachusetts and Rhode Island.

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 November 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 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. 82-31067 Filed 11-10-82; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket No. ER83-65-000]**

## Duke Power Co.; Filing

November 5, 1982.

The filing Company submits the following:

Take notice that Duke Power Company (Duke) tendered for filing on October 27, 1982, amendments dated October 21, 1982 to the Interconnection Agreement dated August 1, 1980 between Duke and Piedmont Municipal Power Agency (PMPA). PMPA proposes to purchase 25 percent of Unit No. 2 of the Company's Catawba Nuclear Station. Under the terms of the Agreement, Duke will interconnect its generation and transmission system with the Catawba Nuclear Station, presently being constructed, and wheel electric power and energy to the members of PMPA.

Duke states that these amendments to the August 1, 1980 Interconnection Agreement, which Agreement is on file with the Commission and has been designated Duke Rate Schedule FERC No. 276, do not substantively change the pricing provisions for Duke's services to PMPA.

Duke further states that the revision of the August 1 Interconnection Agreement was requested by PMPA in order to maintain the feasibility of the purchase by PMPA.

According to Duke service under the August 1 Interconnection Agreement is not expected to begin before January 1, 1984.

Copies of this filing were mailed to PMPA, the North Carolina Utilities Commission, and the South Carolina Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.W., 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 November 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 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. 82-31068 Filed 11-10-82; 8:45 am]

BILLING CODE 6717-01-M

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**[Project No. 6701-000]**

## Fredrick J. Lindauer; Application for Exemption for Small Hydroelectric Power Project of 5 MW or Less Capacity

November 9, 1982.

Take notice that on September 23, 1982, Fredrick J. Lindauer (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric Project No. 6701 would be located on Bailey Creek near the town of Manton in Shasta County, California. Correspondence with the Applicant should be directed to: Mr. Fredrick J. Lindauer, P.O. Box 615, Red Bluff, California 96080.

*Project Description*—The proposed project would consist of: (1) A 7-foot-high, 40-foot-long diversion structure; (2) a 7-foot-high, 20-foot-long intake structure; (3) a 36-inch-diameter, 2,298-

foot-long conduit; (4) a 36-inch-diameter, 131-foot-long penstock; (5) a powerhouse to contain a single generating unit with a rated capacity of 250 kW, operating under a head of 68 feet; (6) a tailrace; and (7) a 2,640-foot-long, 12.3-kV powerline.

*Purpose of Exemption*—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

*Agency Comments*—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the California Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

*Competing Application*—Any qualified license applicant desiring to file a competing application must file with the Commission, on or before December 31, 1982, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Filing of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protects, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

*Comments, Protests, or Motions To Intervene*—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Commission 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 December 31, 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, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82-31069 Filed 11-10-82; 8:45 am]

BILLING CODE 6717-01-M

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**[Project No. 6593-000]**

## Merced Irrigation District; Application for Preliminary Permit

November 9, 1982.

Take notice that Merced Irrigation District (Applicant) filed on August 12, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 6593 to be known as the South Fork Merced River near Mariposa in Mariposa County, California. The proposed project would affect United States lands within the Sierra National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with Secretary/Manager, Merced Irrigation District, P.O. Box 2288, Merced, California 95344.

*Project Description*—The proposed project would consist of: (1) A new 370-foot-high dam at a crest elevation of 3,530 feet; (2) a reservoir with an area of 400 acres and a storage capacity of 50,000 acre-feet at an elevation of 3,520 feet; (3) an ungated ogee weir emergency spillway on the north abutment of the dam; (4) a 12-foot-diameter, 24,500-foot-long tunnel; (5) a 1,500-foot-long steel penstock varying in diameter from 8 feet near the tunnel to 6.5 feet near the powerhouse; (6) a powerhourse with a total installed capacity of 70 MW; (7) a 69-kV, 5-mile-long transmission line transmitting power to a substation in Jersydale; and (8) appurtenant facilities. The Applicant estimates that the average annual energy output would be 214 million kWh.

*Proposed Scope of Studies Under Permit*—A preliminary permit, if issued, does not authorize construction. The Applicant is seeking issuance of preliminary permit for a period of 36 months during which it would conduct engineering, environmental, and economic studies; consult with the Federal, State and local agencies and prepare an FERC license application. These studies would not require construction of new roads and are estimated by the Applicant to cost $985,000.

*Competing Applications*—Anyone desiring to file a competing application for preliminary permit must file with the Commission, on or before January 24, 1983, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et. seq. (1981); and Docket No. RM81–15, issued October 29, 1981, 46 FR 55245, November 9, 1981.)

The Commission will accept applications for license or exemption from licensing, or a notice of intent to file such an application in response to this notice. A notice of intent to file an application for license or exemption must be filed with the Commission on or before January 24, 1983, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate).

Filing of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than February 23, 1983.

*Agency Comments*—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

*Comments, Protests, or Motions To Intervene*—Anyone may file comments, a protest or a motion to intervene in accordance with the requirements of the 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 January 24, 1983.

*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, DC. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82–31053 Filed 11–10–82; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. ER83–66–000]**

## Middle South Services, Inc.; Filing

November 5, 1982.

Take notice that Middle South Services, Inc. (MSS) tendered for filing a proposed "System Agreement" dated April 23, 1982. By Order dated July 29, 1982, the proposed System Agreement was accepted for filing and made effective as of January 1, 1983 subject to refund.

On October 27, 1982, MSS tendered for filing corrected page 3–5 to Service Schedule MSS–3. MSS requests that the revised page be made effective subject to refund on January 1, 1983 in place of the originally filed page.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Agency 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 November 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 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. 82–31070 Filed 11–10–82; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. ER83–84–000]**

## Minnesota Power & Light Co.; Filing

November 8, 1982.

Take notice that Minnesota Power & Light Company (Minnesota Power) on November 5, 1982, tendered for filing executed contracts and supplements relating to rates for electric utility service to the following municipal customers:

a. City of Biwabik, Minnesota.
b. City of Buhl, Minnesota.
c. City of Gilbert, Minnesota.
d. City of Grand Rapids, Minnesota.
e. City of Keewatin, Minnesota.
f. City of McKinley, Minnesota.
g. City of Mountain Iron, Minnesota.
h. City of Pierz, Minnesota.
i. City of Proctor, Minnesota.
j. City of Randall, Minnesota.

Under the terms and conditions of the executed contracts and supplements, Minnesota Power will guarantee certain limitations on rate increases during the period 1983–1989.

Minnesota Power requests waiver of the Commission's Regulations to the extent necessary to permit the executed agreements to become effective as specified in the various executed contracts or supplements, but in no event later than December 31, 1982.

Copies of the executed contracts have been served upon the above-listed cities 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 November 23, 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. 82–31071 Filed 11–10–82; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. ER83–79–000]**

## Northern Indiana Public Service Co.; Filing

November 5, 1982.

Take notice that on November 1, 1982, Northern Indiana Public Service Company (NIPS) tendered for filing an initial rate schedule of its FERC Electric Service Tariff—Third Revised Volume No. 1 the following tariff sheets:

Second Revised Sheet Nos. 17, 18, 19, and 20.

Original Sheet No. 20A.

NIPS requests an effective date of November 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, 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 November 23, 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. 82–31072 Filed 11–10–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER83-89-000]

## Northern States Power Co.; Filing

November 8, 1982.

Take notice that on November 1, 1982, Northern States Power Company (Minnesota) (NSP (Minn)), Northern States Power Company (Wisconsin) (NSP (Wisc)) and Lake Superior District Power Company (LSDP) jointly tendered for filing an amendment, Article 7.09, Determination of Return on Investment dated October 29, 1982, and Exhibits B and C to the Coordinating Agreement among the three Companies. The amendment and exhibits describe the methodology to be used in determining the return on investment for purposes of calculating the fixed charges shared between the Companies under the Coordinating Agreement. The Parties propose to use a 15% return on common equity in the computation of those fixed charges. The Parties also propose a retroactive date of the Coordinating Agreement, approved by the Commission in Docket No. ER82-485-000.

As a result of the filing, NSP (Minn)'s annual net charges will decrease by $981,893, NSP (Wisc)'s annual net charges will increase by $808,122 and LSDP's annual net charges will increase by $173,771 on the basis of a 1982 test year.

Copies of this filing have been served upon the wholesale customers of the three affiliates, the state commissions of Michigan, Minnesota, North Dakota, South Dakota and Wisconsin.

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 November 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 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. 82-31073 Filed 11-10-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-193-002]

## Northern States Power Co. (Wisconsin); Compliance Filing

November 8, 1982.

Take notice that on October 18, 1982, Northern States Power Company (Wisconsin) filed an executed contract for service for the City of Black River Falls, Wisconsin, pursuant to the Commission's order of September 20, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before November 22, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82-31054 Filed 11-10-82; 8:45 am]

BILLING CODE 6717-01-M

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[Docket No. ER83-85-000]

## Potomac Electric Power Co.; Filing

November 5, 1982.

Take notice that Potomac Electric Power Company (Pepco), on November 1, 1982, tendered for filing a new rate schedule to replace in its entirety the expiring fixed-rate agreement between Pepco and its sole resale customer, Southern Maryland Electric Cooperative, Inc. (SMECO). Pepco states that the tendered rate schedule would provide for full requirements service to Smeco after December 31, 1982, when the present agreement expires, and would continue indefinitely, subject to change at any time pursuant to Section 205 of the Federal Power Act. According to Pepco, based on the twelve months ending December 31, 1983, the tendered rate schedule would provide a $15.7 million increase in revenues. Pepco designates January 1, 1983 as the effective date of the new rate schedule.

Pepco has additionally tenderd for filing a superseding rate schedule, also for full requirements service, for which Pepco has designated January 2, 1983 as the effective date. According to Pepco, based on the twelve months ending December 31, 1983, this tendered rate schedule would provide a $0.9 million increase in revenues in addition to the increase tendered above.

Pepco and Smeco have concurrently filed a Joint Motion for Acceptance of Settlement Agreement in the same docket, which motion requests the Commission to permit the rates and terms of a new fixed-rate contract executed by Pepco and Smeco and approved by the Rural Electrification Administration to become effective for the five year period commencing January 1, 1983. If the Settlement Agreement is accepted by the Commission, the settlement rates would become effective on January 1, 1983 instead of the foregoing rate schedules tenderd for filing by Pepco. Pepco and Smeco submit that the new contract represents a settlement and compromise of all issues outstanding between the parties in the proceeding commenced by Pepco's concurrent rate filings; that the Settlement Agreement is in the public interest and is a just and reasonable accommodation of the interests of the parties; and that the settlement rates are just and reasonable rates if the Settlement Agreement is made effective in its entirety without condition or suspension; but that the Settlement Agrement is deemed withdrawn, null and void if not permitted to become effective in its entirety by the Commission without condition or suspension.

According to Pepco, the Settlement Agreement would provide a $9.7 million increase in revenues in 1983. The Settlement Agreement provides an 18.5% increase in calendar year 1983 plus additional increases in calendar years 1984, 1985, 1986 and 1987 of 4.1%, 3.3%, 2.3% and 1.5%, respectively. This would produce a 25.4% cumulative increase in revenues in the fifth year over what would be produced by present rates if extended through 1987.

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 November 23, 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. 82-31074 Filed 11-10-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-92-000]

## Puget Sound Power & Light Co.; Filing

November 8, 1982.

The filing Company submits the following:

Take notice that Puget Sound Power & Light Company of Bellevue, Washington (Puget Power) on November 2, 1982, tendered for filing a change in rates applicable to electric service rendered to nine wholesale customers under its existing Wholesale for Resale Power Contracts. Puget's filing would change both of its wholesale rate schedules, one for large customers and the other for small customers. Puget Power states that the proposed changes would increase revenues from the nine wholesale customers by $222,019 based on the 12-month period ending June 30, 1982.

Puget Power states that the reason for the proposed rate increase is that the earned rate of return of the wholesale customers for the 12 months ended June 30, 1982, test year was only 3.68 per cent, which is far below the level of 11.25 per cent authorized in ER-81-608-000. In addition, the Company is requesting effectiveness of the rates applied for herein no later than January 1, 1983, to allow the Company to take advantage of Accelerated Cost Recovery System depreciation under the Economic Recovery Tax Act of 1981.

Copies of the filing were served upon Puget's wholesale customers.

Any person desiring to be heard or to protest said application 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 November 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 motion to intervene. Copies of this application are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82-31075 Filed 11-10-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6569-000]

## P & K Energies, Application for Preliminary Permit

November 9, 1982.

Take notice that P & K Energies (Applicant) filed on August 2, 1982 an application for preliminary permit pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r) for Project No. 6569 to be known as the Stromberg Water Power Project located on the South Willow Creek in Tooele County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. C. Patrick McBride, General Manager, P & K Energies, 2402 Elizabeth #5, Salt Lake City, Utah 84106.

*Project Description*—The proposed project would not utilize a dam but would consist of: (1) A spring pick-up facility; (2) an existing 20,000 foot-long pipeline; (3) a new powerhouse containing a single generating unit having a total rated capacity of 750 kw; (4) a new transmission line; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 6 GWh. The most likely market for the energy derived at the proposed project would be Utah Power and Light.

*Proposed Scope of Studies Under Permit*—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $5,000 to $10,000.

*Competing Applications*—Anyone desiring to file a competing application for preliminary permit must file with the Commission, on or before February 22, 1983, the competing application itself (see: 18 CFR 4.30 et. seq. (1981)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to file such an application in response to this notice. A notice of intent to file an application for license or exemption must be filed with the Commission on or before January 20, 1983, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et. seq. or § 4.101 et. seq. (1981), as appropriate).

*Agency Comments*—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

*Comments, Protests, or Motions 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 received on or before February 22, 1983.

*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. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82-31055 Filed 11-10-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5185-001]

## San Juan Hydro, Inc., Surrender of Preliminary Permit

November 8, 1982.

Take notice that San Juan Hydro, Inc., Permittee for the proposed Cedar Bluff Reservoir Dam Project No. 5185, has requested that its preliminary permit be terminated. The permit was issued on December 22, 1981, and would have expired on December 1, 1982. The project would have been located on the Smokey Hill River in Trego County, Kansas.

The Permittee filed its request on October 4, 1982, and the surrender of the preliminary permit for Project No. 5185 is deemed accepted as of the date of this notice.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82-31056 Filed 11-10-82; 8:45 am]

BILLING CODE 6717-01-M

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[Docket No. ER83-93-000]

## Tampa Electric Co.; Filing

November 8, 1982.

The filing Company submits the following:

Take notice that on November 2, 1982, Tampa Electric Company (Tampa) tendered for filing an Agreement for Interchange Service between Tampa and the City of Gainesville, Florida (Gainesville), together with Service Schedules A, B, and C thereunder.

Tampa Electric states that Service Schedules A, B, and C provide for emergency, scheduled short-term, and economy energy interchange service, respectively, between Tampa and Gainesville.

Tampa proposes an effective date of October 15, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been served on Gainesville and the Florida Public Service 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 November 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 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. 82-31057 Filed 11-10-82; 8:45 am]

BILLING CODE 6717-01-M

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[Docket No. ER83-81-000]

## Upper Peninsular Power Co.; Filing

November 5, 1982.

Take notice that on November 1, 1982, Upper Peninsula Power Company (UPP) tendered for filing a change in the Interchange Energy Rate of the 1978 Basic Agreement. The other parties to that agreement, Upper Peninsula Generating Company and Cliffs Electric Service Company, filed certificates of concurrence. The effect of the change would be to substitute a formula rate for the existing Interchange Energy Rate of 32.2 mills per KWH.

An effective date of January 1, 1983 is requested.

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 November 23, 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. 82-31058 Filed 11-10-82; 8:45 am]

BILLING CODE 6717-01-M

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[Project No. 6731-000]

## Aquenergy Systems, Inc.; Application for Preliminary Permit

November 5, 1982.

Take notice that Aquenergy Systems, Inc. (Applicant) filed on October 1, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a) 825(r)] for Project No. 6731 to be known as the Coneross Hydroelectric Project located on the Coneross Creek in Oconee County, South Carolina. The application is on file with the Commission and is available for public inspection.

Correspondence with the Applicant should be directed to: Mr. Ralph Walker, Aquenergy Systems, Inc., Post Office Box 8991, Greenville, South Carolina 29604.

*Project Description*—The proposed project would consist of: (1) An existing concrete dam approximately 93 feet long and 17.6 feet high; (2) a proposed reservoir with an insignificant surface area and storage capacity; (3) a proposed powerhouse to be built on the foundation of the old powerhouse; (4) the installation of two turbine/generators with a total installed capacity of 700 kW; (5) an existing 780-foot-long concrete penstock and the installation of a new 93-foot-long steel penstock to connect the concrete penstock to the powerhouse; (6) a proposed transmission line approximately 3,000-foot-long which interconnections with Duke Power Company; and (7) appurtenant facilities. The Applicant estimates the average annual energy output to be 4.9 GWh.

*Proposed Scope of Studies Under Permit*—A preliminary permit, if issued, does not authorized construction. The Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with the consultation with Federal, state, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $20,000.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to file such an application in response to this notice. A notice of intent to file an application for license or exemption must be filed to the Commission on or before January 14, 1983, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

*Agency Comments*—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

*Comments, Protests, or Motions 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 January 14, 1983.

*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. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82-30947 Filed 11-10-82; 8:45 am]

BILLING CODE 6717-01-M

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**[Project No. 6759-000]**

## Aquenergy Systems, Inc.; Application for Preliminary Permit

November 5, 1982.

Take notice that Aquenergy Systems, Inc. (Applicant) filed on October 7, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a) 825(r)] for Project No. 6759 to be known as the Appalachie Hydroelectric Project located on South Tyger River in Spartanburg County, South Carolina. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Ralph Walker, Aquenergy Systems, Inc., Post Office Box 8991, Greenville, South Carolina 29604.

*Project Description*—The proposed project would consist of: (1) An existing stone masonry gravity overflow dam approximately 468 feet long and 30 feet high; (2) an existing reservoir with a surface area of 130 acres and an insignificant amount of storage capacity; (3) a proposed powerhouse to be built on the foundation of the old powerhouse; (4) the renovation of silt gates, intake gates, and 15-foot-long penstocks; (5) the proposed installation of one and a half feet high flashboards; (6) the proposed installation of two turbine/generators with a total installed capacity of 335 kW; (7) a proposed transmission line approximately 1,600 feet long interconnecting with Duke Power Company; and (8) appurtenant facilities. The Applicant estimates the average annual energy output to be 2.3 GWh.

*Proposed Scope of Studies Under Permit*—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with the consultation with Federal, state, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $20,000.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to file such an application in response to this notice. A notice of intent to file an application for license or exemption must be filed to the Commission on or before January 14, 1983, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR § 4.30 et. seq. or § 4.01 et. seq. (1981), as appropriate].

*Agency Comments*—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

*Comments, Protests, or Motions To Intervene*—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Rules 11 or 214, 18 C.F.R. 385.211 or 385.214, 47 Fed. Reg. 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 January 14, 1983.

*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. An additional copy must be sent to : Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82-30948 Filed 11-10-82; 8:45 am]

BILLING CODE 6717-01-M

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**[Project No. 6233-001]**

## Big Bear Area Regional Wastewater Agency; Application for Exemption for Small Hydroelectric Power Project of 5 MW or Less Capacity

November 8, 1982.

Take notice that on August 24, 1982, Big Bear Area Regional Wastewater Agency (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. §§ 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric Project No. 6233 would be located on an existing conveyance system of Applicant's effluent facility in San Bernardino County, California. Correspondence with the Applicant should be directed to: Mr. Gary Wentz, Manager, P.O. Box 517, Big Bear City, California 92314, with copies to: Mr. Wm. A. Betterley, Consultant, CM Engineering Associates, P.O. Box 6087, San Bernardino, California 92412, and Mr. Richard Anderson, Attorney, P.O. Box 1028, Riverside, California 92502.

*Project Description*—The proposed Cushenberry Hydroelectric Project would consist of: (1) a 16-inch-diameter, 5.6-mile-long segment of an existing conduit originating from the Applicant's wastewater treatment plant to an irrigation site in Lucerne Valley; (2) three powerhouses, to be located along the conduit, with a total rated capacity of 1,504 kW; and (3) approximately 7.88 miles of underground cable, to be pulled into, an existing 3-inch-diameter conduit, connecting to Southern California Edison Company's facilities.

*Purpose of Exemption*—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

*Agency Comments*—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the California Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

*Competing Application*—Any qualified license applicant desiring to file a competing application must file with the Commission, on or before December 27, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Filing of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date of that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

*Comments, Protests, or Motions To Intervene*—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Commission 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 December 27, 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. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82-30949 Filed 11-10-82; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket No. ER83-76-000]**

## Commonwealth Edison of Indiana, Inc.; Filing

November 4, 1982.

The filing Company submits the following:

Take notice that on October 29, 1982, Commonwealth Edison of Indiana, Inc. ("Edison Indiana") tendered for filing a letter agreement dated October 27, 1982, by and between Edison Indiana and its parent, Commonwealth Edison Company ("Edison"), amending the Electric Service Agreement dated July 1, 1941, and the Transmission Service Agreement dated May 1, 1958, being the agreements pursuant to which Edison Indiana provides service to Edison and which are on file with the Commission as Edison Indiana's FERC Rate Schedules Nos. 7 and 8, respectively. Edison Indiana states that the sole purpose of the letter agreement submitted for filing is to make plain that, in determining Edison Indiana's cost of service under the agreements which the letter agreement modifies, book-tax timing differences arising under the Accelerated Cost Recovery System established by the Economic Tax Recovery Act of 1981 will be fully normalized. Edison Indiana requests the Commission's order accepting this filing specifically indicate that by virtue of the contracts between Edison and Edison Indiana, Edison Indiana is in compliance with the normalization requirements of ERTA, and that such order be issued prior to January 1, 1983.

Copies of the filing have been served on the Commonwealth Edison Company, the Illinois Commerce Commission and the State of Indiana Public Service Commission.

Any person desiring to be heard or protest the application 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 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.214, 385.211). All such motions or protests should be filed on or before November 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 proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this application are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82-30950 Filed 11-10-82; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket No. CP82-323-002]**

## El Paso Natural Gas Co.; Amendment to Application

November 8, 1982.

Take notice that on September 20, 1982, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP82-

323–002 pursuant to Section 7(c) of the Natural Gas Act, an amendment to its pending application in Docket No. CP82–323–000 so as to include an additional receipt point and the operation in interstate commerce of certain existing facilities, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states it proposed in the subject application a best efforts transportation of natural gas in interstate commerce for the account of J. R. Simplot Company (Simplot) and the delivery of such natural gas to Northwest Pipeline Corporation (Northwest), for Simplot's account, at an existing point of interconnection between the pipeline systems of Applicant and Northwest in La Plata County, Colorado. Said transportation arrangement is said to be governed by the terms and conditions of a gas transportation agreement dated April 30, 1982, between Applicant and Simplot, which comprises special Rate Schedule T–20 of Applicant's FERC Gas Tariff, Third Revised Volume No. 2.

It is stated that Applicant and Simplot have entered into an agreement dated August 17, 1982, to amend Exhibit A to the transportation agreement so as to establish a second point of receipt for Applicant. It is indicated that the Rio Puerco Meter Station Receipt Point, Valencia County, New Mexico, would be utilized when Applicant is unable to accept the entire volume of natural gas tendered to it for transportation due to capacity constraints on Applicant's System. It is asserted that on days the Rio Puerco Meter Station Receipt Point is used, Simplot would cause Gas Company of New Mexico (GASCO) to transport and deliver certain volumes of natural gas, purchased from Southern Union Gathering Company, to Applicant at the Rio Puerco Meter Station Receipt Point for subsequent back haul delivery to Northwest at the Ignacio Delivery Point, and that pursuant to the terms of the amendatory agreement, Simplot would pay Applicant for each Mcf of natural gas received at the Rio Puerco Meter Station Receipt Point the back haul charge reflected from time to time on Sheet No. 1–D.2 of Applicant's FERC Gas Tariff, Third Revised Volume No. 2.

It is further stated that in accordance with the provisions of said agreement, GASCO would construct the measuring facilities at the additional receipt and delivery point. Applicant has installed the necessary minor tap and valve facilities, in accordance with the Commission's Regulations governing the Natural Gas Policy Act of 1978 Section 311(a), transportation arrangements, and would operate the Rio Puerco meter station facilities in order to make deliveries of natural gas to GASCO at such location, it is explained. Accordingly, Applicant amends its application in this proceeding in order to retain in place and continue the operation of its minor tap and valve facilities at the Rio Puerco meter station located for use under the transportation arrangement with Simplot.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before November 24, 1982, file 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. All persons who have heretofore filed need not file again.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82–30933 Filed 11–10–82; 8:45 am]

BILLING CODE 6717–01–M

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**[Project No. 6725–000]**

## Energenics Systems Inc.; Application for Preliminary Permit

November 8, 1982.

Take notice that Energenics Systems Inc. (Applicant) filed on September 27, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for Project No. 6725 to be known as the Dierks Lake Dam Project located on the Saline River in Howard County, Arkansas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Granville J. Smith II, President, Energenics Systems Inc., 1717 K Street, NW., Sutie 706, Washington, D.C. 20006.

*Project Description*—The proposed project would utilize the existing Corps of Engineers' Dierks Lake Dam and would consist of: (1) a new powerhouse containing one generating unit with a total rated capacity of 1.4 MW; (2) existing 69-kV transmission lines owned by the Southwestern Electric Power Company; and (3) appurtenant facilities. The Applicant estimates that the average annual energy output would be 7 GWh. The most likely market for the energy derived at the proposed project would be the South Western Electric Power Company.

*Proposed Scope of Studies Under Permit*—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $30,000.

*Competing Applications*—Anyone desiring to file a competing application for preliminary permit must file with the Commission, on or before February 22, 1983, the competing application itself [see: 18 CFR § 4.30 et seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to file such an application in response to this notice. A notice of intent to file an application for license or exemption must be filed to the Commission on or before January 20, 1983, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR § 4.30 et seq. or § 4.101 et seq. (1981), as appropriate].

*Agency Comments*—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

*Comments, Protests, or Motions 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, 74 Fed. Reg. 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 February 22, 1983.

*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. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or motion to intervene must also be served upon each representative of the applicant specified in the first paragraph of this notice.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82-30951 Filed 11-10-82; 8:45 am]

BILLING CODE 6717-01-M

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**[Project No. 3481-000]**

## Fluid Energy Systems, Inc.; Application for Preliminary Permit

November 5, 1982.

Take notice that Fluid Energy Systems, Inc. (Applicant) filed on September 16, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for Project No. 3481 to be known as the Piru Creek Diversion 2 Project located on Piru Creek at the existing outlet of the Santa Felicia's Project dam (FERC Project No. 2153) in Ventura County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. K. Thomas Miller, President, Fluid Energy Systems, Inc., 2210 Wilshire Blvd., #699, Santa Monica, California 90403.

*Project Description*—The proposed project would consist of: (1) a 60-inch-diameter, 1,825-foot-long penstock; (2) a powerhouse containing generating units with a total rated capacity of 3,200 kW; and (3) appurtenant facilities. Applicant proposes to study a conceptual scheme that in addition to the hydroelectric project would involve a solar generation facility.

*Proposed Scope of Studies Under Permit*—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 24-month permit to prepare a definitive project report including preliminary designs, results of environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $62,000.

*Competing Applications*—This application competes with the amendment of license application for the existing Santa Felicia Project No. 2153, filed on March 26, 1982. Notice of the amendment of the license application was given on August 27, 1982. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations [see: 18 CFR § 4.30 et seq. or § 4.101 et seq. (1981), as appropriate].

*Agency Comments*—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

*Comments, Protests, or Motions to Intervene*—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Commission Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 Federal Register 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 December 3, 1982.

*Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "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. 21426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82-30952 Filed 11-10-82; 8:45 am]

BILLING CODE 6717-01-M

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**[Project No. 5283-001]**

## Hale Manufacturing Co.; Application for License (5 MW or Less)

November 5, 1982.

Take notice that the Hale Manufacturing Company (Applicant) filed on June 7, 1982, an application for license [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for construction and operation of a water power project to be know as the Cargill Falls Project No. 5283. The project would be located on the Quinebaug River in the Town of Putnam, in Windham County, Connecticut. Correspondence with the Applicant should be directed to: The Energy Law Institute, 2 White Street, Concord, New Hampshire 03301.

*Project Description*—The proposed project would consist of: (1) the Applicant's existing concrete gravity dam, 8 feet high and 215 feet long; (2) a small existing impoundment covering 6 acres at elevation 248 feet m.s.l.; (3) two new conduits to consist of a 10-foot-square culvert 240 feet long and a 12-foot-diameter penstock 150 feet long; (4) a proposed powerhouse measuring 25 by 50 feet and containing one 1360-kW turbine/generator unit operating under a head of 28 feet; (5) a rehabilitated stone-lined tailrace 700 feet long; (6) a 575-volt transmission line 75 feet long; and (7) appurtenant facilities.

This license application was filed during the term of the Applicant's preliminary permit for Project No. 5283.

*Purpose of Project*—The average annual generation of 6.1 million kWh would be sold to the Connecticut Power & Light Company.

*Agency Comments*—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide

comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

*Competing Applications*—Anyone desiring to file a competing application must file with the Commission, on or before January 14, 1983, either the competing application itself [see 18 CFR § 4.33(a) and (d)] or a notice of intent [see 18 CFR § 4.33 (b) and (c)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or § 4.101 et seq. (1981).

*Comments, Protests, or Motions 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 (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 January 14, 1983.

*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. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82–30953 Filed 11–10–82; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. CP75–104–030]**

## High Island Offshore System; Petition To Amend

November 8, 1982.

Take notice that on October 12, 1982, High Island Offshore System (Petitioner), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP75–104–030 a petition to amend the order issued June 4, 1976, as amended, in Docket No. CP75–104 pursuant to Section 7(c) of the Natural Gas Act so as to authorize an additional point of delivery of natural gas for Natural Gas Pipeline Company of America (Natural), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued June 4, 1976, as amended, it was authorized to transport and deliver for Natural natural gas to only one point of delivery located at the insulating flange of Petitioner's interconnection with U–T Offshore System in Block 167, West Cameron Area, offshore Louisiana.

Petitioner proposes herein to deliver gas to Natural at the existing interconnection of Petitioner's facilities and the facilities owned by Stingray Pipeline Company in Block A 330 High Island Area, offshore Texas. It is asserted that the proposed new delivery point would provide additional flexibility for Natural in having its gas transported onshore.

Any person desiring to be heard or to make any protest with regard to said petition to amend should on or before November 24, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or 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 the proceeding or to participate as a party in any hearing must file a motion to intervene in accordance with the Commission's Rules.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82–30934 Filed 11–10–82; 8:45 am]

BILLING CODE 6717–01–M

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**[Project Nos. 5521–002, 5523–001, 5662–001, 5663–001 and 5876–001]**

## Hydro Management, Inc.; Surrender of Preliminary Permit

November 8, 1982.

Take notice that Hydro Management, Inc., Permittee for the proposed Porcupine Creek Water Power Project, No. 5521, the North Fork Lost Creek Water Power Project, No. 5523, the Grave Creek Water Power Project, No. 5662, the Foundation Creek Water Power Project, No. 5663, and the Young Creek Water Power Project, No. 5876, has requested that its preliminary permits be terminated. The permit for Project No. 5521 was issued on February 19, 1982 and would have expired on July 31, 1983; the permit for Project No. 5523 was issued on February 26, 1982 and would have expired on July 31, 1983; the permit for Project No. 5662 was issued on August 23, 1982 and would have expired on July 31, 1984; the permit for Project No. 5663 was issued on March 17, 1982 and would have expired on August 31, 1983; and the permit for Project No. 5876 was issued on May 21, 1982 and would have expired on October 31, 1983. Projects Nos. 5521 and 5523 would have been located in Lake County, Montana, and Projects Nos. 5662, 5663 and 5876 would have been located in Lincoln County, Montana.

The Permittee filed its request on October 25, 1982, and the surrender of the preliminary permits for Projects Nos. 5521, 5523, 5662, 5663 and 5876 are deemed accepted as of the date of this notice.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82–30935 Filed 11–10–82; 8:45 am]

BILLING CODE 6717–01–M

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**[Project No. 2939–003]**

## Macon County Recreation Commission; Application for Exemption for Small Hydroelectric Power Project of 5 MW or Less Capacity

November 8, 1982.

Take notice that on August 23, 1982, Macon County Recreation Commission (Applicant) filed an application under Section 408 of the Energy Security Act of

1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric Project No. 2939 would be located on Whitewater Creek near Oglethorpe in Macon County, Georgia. Correspondence with the Applicant should be directed to: Mr. Jim Lester, Macon County Recreation Commission, Recreation Office, South Dooley Street, Montezuma, Georgia 31063.

*Project Description*—The proposed run-of-river Whitewater Creek Hydroelectric Project would consist of: (1) An existing 1300-foot long dam, including spillway and headrace channel, with a maximum height of 20-foot; (2) an existing reservoir with a storage capacity of approximately 588 acre-feet; (3) a proposed concrete powerhouse with a single generating unit having an estimated installed capacity of 350 kW and producing an average annual energy output of 2.2 GWh; (4) a proposed tailrace; (5) a proposed 12.47 kV transmission line; and (6) appurtenant facilities.

*Purpose of Exemption*—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

*Agency Comments*—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the Georgia Department of Natural Resources are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate term and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific termsl and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

*Competing Application*—Any qualified license applicant desiring to file a competing application must file with the Commission, on or before January 3, 1983, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Filing of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

*Comments, Protests, or Motions 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 received on or before January 3, 1983.

*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. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or motion to intervene must also be served each representative of the Applicant specified in the first paragraph of this notice.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82-30954 Filed 11-10-82; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket No. CP83-31-000]**

## Mid-Continent Gas Storage Co.; Application

November 8, 1982.

Take notice that on October 18, 1982, Mid-Continent Gas Storage Company (Applicant), P.O. Box 190, Aurora, Illinois 60507, filed in Docket No. CP83-31-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to provide up to 2,000,000 Mcf of annual gas storage service for a term ending March 21, 2000, to Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into a limited-term storage leasing agreement with its parent, Northern Illinois Gas Company (NI-Gas), under which it leases an undivided interest in NI-Gas' intrastate storage and transportation system for a fixed period ending March 31, 2000. It is further asserted that Applicant has entered into a limited-term storage agreement with Alabama-Tennessee dated September 20, 1982, which provides that during each injection period (April 1 through the succeeding October 31) Alabama-Tennessee would deliver or cause to be delivered to Applicant up to 2,000,000 Mcf of natural gas for transportation and storage. It is stated that during each injection period 2 percent of the volume of gas delivered to Applicant for injection on any given day would be delivered at no cost for use as compressor fuel.

It is stated that the storage agreement further provides that during each of the withdrawal periods (November 1 through the succeeding March 31 of each storage year) Applicant would make available to Alabama-Tennessee an aggregate storage withdrawal volume of gas thermally equivalent to the injection period volume of the immediately preceding injection period.

Applicant states further that the rate charged Alabama-Tennessee would be based upon the most current rate order approved by the Illinois Commerce Commission.

It is asserted that under the storage agreement there is a minimum bill equal to 80 percent of the product of the applicable injection period volume and the storage rate. If injections are made above 80 percent of the applicable injection period volume, it is submitted, the resulting annual charge less the minimum bill payment is due as an additional charge allocated equally to the five months of the applicable withdrawal period. Applicant indicates that the storage agreement will operate as a cost of service tariff, automatically tracking the rate orders of the Illinois Commerce Commission without Applicant's having to file for rate changes after a new rate order is issued by the Illinois Commission.

Applicant explains that all injection and withdrawal gas required for the storage service would be furnished by Alabama-Tennessee but the Alabama-Tennessee would not be required to furnish any base gas. It is asserted that Alabama-Tennessee would deliver injection gas and accept withdrawal gas at existing interconnections of NI-Gas' intrastate facilities with those of one or more of NI-Gas' existing pipeline suppliers.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 24, 1982, file with the Federal Energy Regulatory Commission, Washingtron, 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 (10 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 Applicant to appear or be represented at the hearing.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82-30936 Filed 11-10-82; 8:45 am]

BILLING CODE 6717-01-M

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**[Project No. 6734-000]**

## Modesto Irrigation District; Application for Preliminary Permit

November 5, 1982.

Take notice that Modesto Irrigation District (Applicant) filed on October 1, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C §§791(a)–825(r)] for Project No. 6734 to be known as the Wallace Canyon Creek Power Project located on Wallace Canyon Creek, near Georgetown in Placer County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Lee DeLano, Modesto Irrigation district, 1231–11th Street, Modesto, California 95352.

*Project Description*—The proposed project would consist of: (1) a 5-foot-high, 30-foot-long diversion structure; (2) a 13,900-foot-long, 30-inch-diameter diversion conduit; (3) a 2300-foot-long, 24-inch-diameter penstock; (4) a powerhouse with a total rated capacity of 1,224 kW; and (5) a 8,580-foot-long, 12-KV transmission line to an existing Pacific Gas & Electric Company transmission line. The project is located with in the boundaries of Eldorado National Forest. The Applicant estimates the average annual energy production at 5.3 million KWh.

*Proposed Scope of Studies Under Permit*—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would conduct technical, environmental and economic feasibility studies and prepare an FERC license application. The Applicant estimates that the cost of undertaking these studies would be $25,000.

*Competing Applications*—This application was filed as a competing application to Alternate Energy Resources, Incorporated's application for Project No. 6489 filed on July 6, 1982. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations [see: 18 CFR §4.30 et seq. or §4.101 et seq. (1981), as appropriate].

*Agency Comments*—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

*Comments, Protests, or Motions To Intervene*—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Commission rules 211 or 214, 18 CFR 385.211 or 385.214, 47 Fed. Reg. 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 December 3, 1982.

*Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "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. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82-30955 Filed 11-10-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3128-001]

## New Hampshire Water Resources Board; Application for Exemption for Small Hydroelectric Power Project of 5 MW or Less Capacity

November 8, 1982.

Take notice that on September 1, 1982, the New Hampshire Water Resources Board (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. §§ 2705, and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric Project No. 3128 would be located on the Winnipesaukee River in Belknap County, New Hampshire. Correspondence with the Applicant should be directed to: Delbert F. Downing, Chairman, New Hampshire Water Resources Board, 37 Pleasant Street, Concord, New Hampshire 03301.

*Project Description*—The proposed project would consist of: (1) the Applicant's stone and concrete Lochmere Dam which is 223 feet long and 14 feet high with a spillway crest elevation of 481.3 feet m.s.l.; (2) Lake Winnisquam, which has a storage capacity of about 33,000 acre-feet; (3) two new parallel 9-foot-diameter penstocks leading to a new forebay; (4) a new powerhouse with an installed capacity of 750 kW; and (5) other appurtenances. Applicant estimates an average annual generation of 4,440,000 kWh. Project energy would be sold to the Public Service Company of New Hampshire. Applicant would lease the project to Mr. Moody C. Dole, who would develop, operate, and maintain the project for the Applicant.

*Purpose of Exemption*—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

*Agency Comments*—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the New Hampshire Fish and Game Department are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to othrwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal request for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

*Competing Applications*—Any qualified license applicant desiring to file a competing application must file with the Commission, on or before December 27, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Filing of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

*Comments, Protests, or Motions To Intervene*—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of the Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 Fed. Reg. 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 December 27, 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. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82-30956 Filed 11-10-82; 8:45 am]

BILLING CODE 6717-01-M

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[Project No. 6730-000]

## Northern Colorado Water Conservancy District; Application for License (5 MW or Less)

November 8, 1982

Take notice that Northern Colorado Water Conservancy District (Applicant) filed on September 30, 1982, an application for license [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for construction and operation of a water power project to be known as St. Vrain Canal Project, No. 6730. The project would be located on the St. Vrain Canal in Boulder County, Colorado. Correspondence with the Applicant should be directed to: Larry D. Simpson, Manager, Northern Colorado Water Conservancy District, P.O. Box 679, 1250 North Wilson Avenue Loveland, Colorado 80539; and Thomas P. Humphrey, Esq., Davis, Graham & Stubbs, 1920 N Street, NW., Suite 810, Washington, D.C. 20036.

*Project Description*—The proposed project would utilize the U.S. Bureau of Reclamation's St. Vrain Canal and would consist of: (1) a new intake structure; (2) a new 66-inch diameter 1300-foot-long penstock; (3) a new powerhouse with an installed capacity of 2,200 kw; (4) a new tailrace; (5) a new transmission line about 500 feet long; and (6) other appurtenances. Applicant estimates that average annual generation would be 5,500,000 kWh.

*Purpose of Project*—Project power would be sold to surrounding northern Colorado electric systems.

*Agency Comments*—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub.

L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

*Competing Applications*—This application was filed as a competing application to Energenics Systems, Inc.'s application for Project No. 4167 filed on February 26, 1982. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing applications for licenses or exemptions, or notices of intent to file competing applications, will be accepted for filing in response to this notice [see: 18 CFR § 4.30 et seq. or § 4.101 et seq. (1981), as appropriate].

*Comments, Protest, or Motions 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 (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 December 29, 1982.

*Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "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. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82-30957 Filed 11-10-82; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. CP82-280-001]**

## Northern Natural Gas Co.; Amendment to Application

November 8, 1982.

Take notice that on October 12, 1982, Northern Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP82-280-001, an amendment to its application filed in Docket No. CP82-280-000 pursuant to Section 7(c) of the Natural Gas Act so as to reflect a transportation rate consistent with the most recent general rate filing of Applicant all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

In its original application proposed a transportation rate for its service to East Tennessee Natural Gas Company (East Tennessee) of 7.79 cents per Mcf based on Applicant's transmission cost of service component of 3.9 cents per MCF per 100 miles of haul as approved by the Commission by order dated February 20, 1981, in Docket No. RP80-88. Such rates were to be paid by East Tennessee in accordance with the terms of the gas transportation agreement dated February 25, 1982, between Applicant and East Tennessee, it is asserted.

It is stated that on April 9, 1982, the Commission issued an order in Docket No. RP81-52 approving Applicant's cost of service and transportation rate of 7.91 cents per Mcf including a transportation cost. Further, Applicant states that it has pending before the Commission a general rate increase filing in Docket No. RP82-71 with a new transmission cost of service component which is anticipated to be placed in effect on October 27, 1982, on a subject-to-refund basis. Applicant, therefore, requests authority to charge East Tennessee initial rates derived from the transportation cost of service included in Applicant's most recent general rate filing that has been either approved by the Commission or placed into effect subject to refund.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before November 24, 1982, file 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. All persons who have heretofore filed need not file again.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82-30937 Filed 11-10-82; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. ER83-71-000]**

## Pacific Gas and Electric Co.; Filing

November 5, 1982.

The filing Company submits the following:

Take notice that on October 29, 1982, Pacific Gas and Electric Company (PGandE) tendered for filing as an initial rate schedule a July 6, 1982 Agreement for distribution of electric capacity and energy, commencing on November 1, 1982, by PGandE for Tuolumne County Public Power Agency (Tuolume).

PGandE requests waiver of the Commission's notice requirements in order to provide service on the date requested by Tuolumne.

PGandE states that the Agreement provides that PGandE will distribute, to Tuolumne members loads, energy that has been allocated to Tuolumne under Public Law 87-874, by Western Area Power Administration from New Melones Dam.

PGandE further states that the rate for primary and secondary distribution shall be a system average rate, with reimbursement of energy losses and a 1 mill/kwh charge for supplemental meter reading and other services.

Copies of the filing were served upon Tuolumne, the Western Area Power Administration, and the California 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, 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 November 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 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. 82-30939 Filed 11-10-82; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket No. CP83-23-000]**

## Pacific Gas and Electric Co.; Application

November 8, 1982.

Take notice that on October 14, 1982, Pacific Gas and Electric Company (PG and E), P.O. Box 7442, San Francisco, California 94120, filed an applicaiton in Docket No. CP83-23-000 pursuant to Section 7(c) of the Natural Gas Act and Section 284.222 of the Commission's Regulations for a certificate of public convenience and necessity for blanket authorization to transport, sell or assign natural gas in interstate commerce as if PG and E were an intrastate pipeline as defined in Subparts C, D, and E of Part 284 of the Commission's Regulations as well as Section 284.203 thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

PG and E states it received 858,521,000 Mcf of natural gas during 1981 from all of its sources of supply, including 667,847,000 Mcf of natural gas which was exempt from the Natural Gas Act jurisdiction by reason of Section 1(c) of the Natural Gas Act.

For transportation provided by PG and E on behalf of any other pipeline under the requested blanket authorization, PG and E states it would charge such pipeline $0.14 plus an allowance for 4 percent of the gas transported for fuel use and line losses. No minimum charge would be imposed, as transportation service under the blanket certificate would not be offered on a firm basis, it is asserted.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 24, 1982, file 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 PG and E to appear or be represented at the hearing.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82-30940 Filed 11-10-82; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket No. CP83-27-000]**

## Penn-York Energy Corp.; Application

November 8, 1982.

Take notice that on October 15, 1982, Penn-York Energy Corporation (Applicant), Ten Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP83-27-000 an application pursuant to Section 7 of the Natural Gas Act and Subpart F of Part 157 of the Commission's Regulations for a blanket certificate of public convenience and necessity authorizing the construction, acquisition, and operation of certain facilities and the transportation and sale of natural gas and for permission and approval to abandon certain facilities and service, all as more fully set forth in the application on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 24, 1982, file 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 the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no 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 and permission and approval for the proposed abandonment are 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 Applicant to appear or be represented at the hearing.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82-30938 Filed 11-10-82; 8:45 am]

BILLING CODE 6717-01-M

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**[Project No. 5148-001]**

## San Juan Hydro, Inc.; Surrender of Preliminary Permit

November 8, 1982.

Take notice that San Juan Hydro, Inc., Permittee for the proposed Clinton Lake Dam Project No. 5148, has requested that its preliminary permit be terminated. The permit was issued on December 2, 1981, and would have expired on December 1, 1982. The project would have been located on the Wakarusa River in Douglas County, Kansas.

The Permittee filed its request on October 4, 1982, and the surrender of the preliminary permit for Project No. 5148

is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 82-30941 Filed 11-10-82; 8:45 am]

BILLING CODE 6717-01-M

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[Project No. 5186-001]

## San Juan Hydro, Inc.; Surrender of Preliminary Permit

November 8, 1982.

Take notice that San Juan Hydro, Inc., Permittee for the proposed Melvern Lake Dam Project No. 5186, has requested that its preliminary permit be terminated. The permit was issued on December 2, 1981, and would have expired on December 1, 1982. The project would have been located on the Marais des Cygnes River in Osage County, Kansas.

The Permittee filed its request on October 4, 1982, and the surrender of the preliminary permit for Project No. 5186 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 82-30942 Filed 11-10-82; 8:45 am]

BILLING CODE 6717-01-M

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[Project No. 5187-001]

## San Juan Hydro, Inc.; Surrender of Preliminary Permit

November 8, 1982.

Take notice that San Juan Hydro, Inc., Permittee for the proposed Pomona Reservoir Dam Project No. 5187, has requested that its preliminary permit be terminated. The permit was issued on April 6, 1982, and would have expired on September 30, 1983. The project would have been located on the Hundred and Ten Mile Creek in Osage County, Kansas.

The Permittee filed its request on October 4, 1982, and the surrender of the preliminary permit for Project No. 5187 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 82-30943 Filed 11-10-82; 8:45 am]

BILLING CODE 6717-01-M

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[Project No. 5189-001]

## San Juan Hydro, Inc., Surrender of Preliminary Permit

November 8, 1982.

Take notice that San Juan Hydro, Inc., Permittee for the proposed Wilson Lake Dam Project No. 5189, has requested that its preliminary permit be terminated. The permit was issued on April 6, 1982, and would have expired on September 30, 1983. The project would have been located on the Saline River in Russell County, Kansas.

The Permittee filed its request on October 4, 1982, and the surrender of the preliminary permit for Project No. 5189 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 82-30944 Filed 11-10-82; 8:45 am]

BILLING CODE 6717-01-M

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[Project No. 4451-001]

## Somersworth Hydropower Associates and City of Somersworth, New Hampshire; Application for Amendment of License

November 8, 1982.

Take notice that on September 30, 1982, Somersworth Hydropower Associates and the City of Somersworth, New Hampshire (Licensees) filed an application for amendment of their license [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)—825(r)] for the Lower Great Falls Project No. 4451. The project is located on the Salmon Falls River in Strafford County, New Hampshire and York County, Maine. Correspondence with the Licensees should be directed to: Mr. James M. Rea, East Coast Engineering, P.O. Box 25, Barrington, New Hampshire 03825.

Licensees request that their license be amended to authorize changing the location of the project boundary on the left and right banks of the river downstream of the dam. The proposed project boundary would include less area than the present project boundary, as described in ordering paragraph (B)(1) of the license. Licensees state in their application that the revised project boundary line was adopted pursuant to an agreement between Licensees and land owners, Berwick Sewer District on the left bank and Mark Phillips on the right bank, and is in the best interest of the Licensees and the land owners.

*Comments, Protests, or Motions To Intervene*—Anyone may file comments, a protest, or a motion to intervene in accordance with requirements of Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 Fed. Reg. 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 intevene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before December 27, 1982.

*Filings and Service of Responsive Documents*—Any filings must bear in all capital letter the title "COMMENTS", "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. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any motion to intervene must also be served upon each representative of the Licensees specified in the first paragraph of this notice.

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 82-30958 Filed 11-10-82; 8:45 am]

BILLING CODE 6717-01-M

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[Project No. 4059-001]

## South Fork Irrigation District; Application for Exemption for Small Hydroelectric Power Project of 5 MW or Less Capacity

November 5, 1982.

Take notice that on August 6, 1982, the South Fork Irrigation District (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. §§ 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric Project No. 4059 would be located on the South Fork Pit River and West Valley Reservoir, near Likely, in Modoc County, California. The project would occupy U.S. lands within Modoc National Forest. Correspondence with the Applicant should be directed to: Mr. Ken McGarva, South Fork Irrigation District, P.O. Box 93, Likely, California 96116.

*Project Description*—The proposed project would consist of: (A) the Upper Project comprising: (1) an existing 60-foot-long diversion structure; (2) an intake structure; (3) a 200-foot-long concrete pipe; (4) an 11,500-foot-long, 8-foot-deep canal; (5) a 2,000-foot-long steel penstock; (6) a powerhouse containing two generating units, one rated at 360 kW and one rated at 620 kW; and (7) a transmission line; and (B) the Lower Project comprising: (1) an

existing 55-foot-high, 280-foot-long earthfill West Valley Dam, impounding a 1,030-acre reservoir; (2) a 2,900-foot-long steel penstock; (3) a powerhouse containing one generating unit rated at 1.280 kW; and (4) a transmission line. The average annual energy generation is estimated to be 6.5 million kWh.

*Purpose of Exemption*—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

*Agency Comments*—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the California Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

*Competing Application*—Any qualified license applicant desiring to file a competing application must file with the Commission, on or before December 17, 1982, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Filing of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 C.F.R. § 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 C.F.R. § 4.33 (a) and (d) (1980).

*Comments, Protests, or Motions 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 Fed. Reg. 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 December 17, 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. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82-30959 Filed 11-10-82; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket No. ER83-75-000]**

## Southern California Edison Co.; Filing

November 4, 1982.

The filing Company submits the following:

Take notice that on Octoer 29, 1982, Southern California Edison Company ("Edison") tendered for filing a change of rate for scheduling and dispatching services under the provisions of Edison's agreements with the parties listed below as embodied in their FERC Rate Schedules. Edison requests that the new rates for these services be made effective January 1, 1983.

| Entity | Rate schedule FERC No. |
|---|---|
| 1. City of Pasadena ("Pasadena") | 88, 115, 137 |
| 2. Arizona Power Pooling Association ("APPA") | 92, 93 |
| 3. City of Los Angeles ("Los Angeles") | 102, 118, 140, 141 |
| 4. State of California, Department of Water Resources ("CDWR") | 113 |
| 5. City of Burbank ("Burbank") | 114, 135 |
| 6. Pacific Gas and Electric Company ("PG&E") | 117, 147 |
| 7. Western Area Power Administration ("Western") | 120 |
| 8. City of Riverside ("Riverside") | 129 |
| 9. City of Anaheim ("Anaheim") | 130 |
| 10. Arizona Electric Power Cooperative Inc. ("AEPCO") | 132 |
| 11. City of Glendale ("Glendale") | 136, 143 |
| 12. Imperial Irrigation District ("IID") | 138 |
| 13. San Diego Gas and Electric Company ("SDG&E") | 139, 151 |
| 14. City of Vernon ("Vernon") | 149 |
| 15. M-S-R Public Power Agency ("M-S-R") | (a) |

(a) FERC Rate Schedule Number not yet asigned. See filing letter dated September 7, 1982.

Edison states that the filing is in accordance with the terms of each of these agreements, which state that the rates for these services will be redetermined prior to January 1 of each year based on Edison's annual budget for load dispatching and Production Section function expenses for that year.

Copies of this filing were served upon all interested parties and the Public Utilities Commission of the State of California.

Any person desiring to be heard or to protest this application 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, Sections 385.211, 385.214). All such motions or protests should be filed on or before November 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 motion to intervene. Copies of this application are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82-30960 Filed 11-10-82; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket No. CP83-15-000]**

## Southern Natural Gas Co.; Request Under Blanket Authorization

November 5, 1982.

Take notice that on October 8, 1982, Southern Natural Gas Company (Southern), First National-Southern

Natural Building, Birmingham, Alabama 35203, filed in Docket No. CP83–15–00 a request pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Southern proposes to relocate its Trussville No. 1 meter station under the authorization issued in Docket No. CP82–406–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Southern states that it has entered into an agreement with the Utilities Board of the City of Trussville, Alabama, providing for the relocation of Southern's Trussville No. 1 meter station from its present location of Southern's 20-inch North Main Line in Jefferson County, Alabama, to a site approximately 6 miles west of theexisting station at the site of Southern's Marshall County meter station No. 2 on Applicat's 24-inch second North Main Line. Southern proposes to abandon the present Trussville Area meter station No. 1 pursuant to Section 157.216 of the Commission's Regulations and to construct and operate the replacement station pursuant to Section 157.212.

It is submitted that the propose drelocation would place the meter station in closer proximity to Trussville's resale costomers and would improve Trussville's ability to maintain pressures on its distribution system.

Southern states that the total estimated cost of the new station is $114,130 which would be borne by Applicant. Southern further states that there would be no increase in Trussville's contract demand at the new meter station.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) motion to intervene or notice of intervention pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82–30945 Filed 11–10–82; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. ER83–77–000]**

## West Texas Utilities Co.; Tariff Changes

November 5, 1982.

The filing company submits the following:

Take notice that on October 29, 1982, West Texas Utilities Company ("WTU") tendered for filing proposed changes in its FERC Electric Service Tariff, Original Volume No. 1, unexecuted letter amendments to its electric service agreement with Texas-New Mexico Power Company (formerly Community Public Service Company) and unexecuted letter amendments to contracts for electric service with the Cities of Brady and Coleman, Texas. On August 2, 1982, WTU submitted for filing proposed rate changes reflecting a general rate increase applicable to all customers of WTU identified above. The changes submitted on August 2, 1982, proposed two sets of increased rates (respectively designated Step A rates and Step B rates). By order issued September 24, 1982, the Commission suspended the proposed Step A rates, allowing them to become effective subject to refund on January 1, 1983, and suspended the Step B rates, allowing them to become effective, subject to refund, on March 2, 1983. WTU now proposes to supercede the form of fuel adjustment clause which is part of the suspended Step A and Step B rates. WTU states that the new form of fuel clause will result in full synchronization of monthly fuel revenues with monthly fuel cost and will not affect the test year revenues which would otherwise be produced by the Step A and Step B rates. Because there will be no revenue impact from this filing, WTU requests that the Commission, pursuant to Section 35.17(b) of the Commission's Regulations, allow the new form of proposed fuel clause proposed hereby to become effective on January 1, 1983, concurrently with the Step A rates.

Copies of the filing have been served on the customers of WTU affected by the filing and upon the Public Utility Commission of Texas.

Any person desiring to be heard or protest the application 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 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.214, 385.211). All such motions or protests should be filed on or before November 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 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. 82–30946 Filed 11–10–82; 8:45 am]

BILLING CODE 6717–01–M

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**[Project No. 6698–000]**

## Wheatland Water District; Application for Preliminary Permit

November 5, 1982.

Take notice that Wheatland Water District (Applicant) filed on September 21, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for Project No. 6698 to be known as the Daquerre Point-Yuba River Water/Power project located at the existing Army Corps of Engineers' Daguerre Point Dam, on the Yuba River in Yuba County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert H. Blackford, President, Wheatland Water District, Box 404 Wheatland, Wheatland, California 95692.

*Project Description*—The proposed project would consist of: (1) an intake structure within the south bank of the river, approximately 850 feet upstream of the existing Daguerre Point Dam; (2) and 8-foot-diameter, 350-foot-long conduit; (3) a powerhouse containing a generating unit with a rated capacity of 720-kW; and (4) appurtenant facilities. The Applicant estimates a 4,667 MWh average annual energy production.

*Proposed Scope of Studies Under Permit.*—A preliminary permit, if issued, does not authorize construction. The Applicant has requested a 36-month permit in order to conduct studies to determine the economic, financial, engineering, and environmental feasibility of the project. Applicant estimates that its studies would cost $100,000.

*Competing Applications*—Anyone desiring to file a competing application for preliminary permit must file with the

Commission, on or before February 14, 1983, the competing application itself [see: 18 CFR § 4.30 et seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to file such an application in response to this notice. A notice of intent to file an application for license or exemption must be filed with the Commission on or before January 14, 1983, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR § 4.30 et seq. or § 4.101 et seq. (1981), as appropriate].

*Agency Comments*—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

*Comments, Protests, or Motions To Intervene*—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Commission Rules 211 or 214, 18 CFR 385.211 or 385.214, Fed. Reg. 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 January 14, 1983.

*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. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82-30961 Filed 11-10-82; 8:45 am]

BILLING CODE 6717-01-M

## Office of the Secretary

### Availability of the Site Characterization Report for the Basalt Waste Isolation Project

**AGENCY:** Department of Energy.

**ACTION:** Notice of Availability.

**SUMMARY:** The Department of Energy has prepared and submitted the Site Characterization Report for the Basalt Waste Isolation Project to the Nuclear Regulatory Commission, in accordance with 10 CFR 60, "Disposal of High Level Radioactive Wastes in Geologic Repositories: Licensing Procedures" (46 FR 13971). The Basalt Waste Isolation Project is one of three National Waste Terminal Storage projects investigating sites for their suitability to locate a mined geologic repository for the permanent disposal of commercial high-level nuclear wastes. This porject has been studying the basalts underlying the Hanford Site in the State of Washington since 1976, culminating in the identification of a candidate repository site in 1982.

The Site Characterization Report for the Basalt Waste Isolation Project doucments technical questions that have been identified at the site and the plans to resolve them through further site studies. The document also describes the basalt site to be characterized, provides information on the basalt site screening and selection process, and describes the repository design, waste package research and development, and quality assurance efforts in the Project. Finally, the document summarizes the alternative media and sites under investigation in the National Waste Terminal Storage Program.

**AVAILABILITY:** Copies of the Site Characterization Report are available from: U.S. Department of Energy, Richland Operations Office, P.O. Box 550, Richland, Washington, 99352. Telephone: 509–376–7334.

**FOR FURTHER INFORMATION CONTACT:** Mr. O. Lee Olson, U.S. Department of Energy, Richland Operations Office, P.O. Box 550, Richland, Washington, 99352. Telephone: 509–376–7334.

Dated: October 2, 1982.

For the Department of Energy.

**Thomas A. Dillon,**

*Deputy Assistant Secretary for Nuclear Energy.*

[FR Doc. 82-31083 Filed 11-10-82; 8:45 am]

BILLING CODE 6450-01-M

## ENVIRONMENTAL PROTECTION AGENCY

[SA-FRL-2243-7]

### Science Advisory Board, Subcommittee on Research Outlook 1983; Open Meeting

Under Pub. L. 92–463, notice is hereby given that a one-day meeting of the Subcommittee on Research Outlook 1983 will be held on November 29, 1982 in Conference Room S–353 U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. The meeting will begin at 9:00 a.m., and the estimated time of adjournment is 4:30 p.m.

The purpose of the meeting is to enable the Subcommittee to provide its advice and comment to the Agency on a draft report of Research Outlook 1983 which is the Agency's annual update of its five year research and development plan.

The meeting is open to the public. Any member of the public wishing to attend, participate or obtain information should contact Dr. Terry F. Yosie, Acting Director, Science Advisory Board, by close of business November 24. The telephone number is (202) 382–4126.

**Terry F. Yosie,**

*Acting Director, Science Advisory Board.*

November 8, 1928.

[FR Doc. 82-31118 Filed 11-10-82; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-2243-6]

### Availability of Environmental Impact Statements Filed November 1 Through November 5, 1982 Pursuant to 40 CFR Part 1506.9

**RESPONSIBLE AGENCY:** Office of Federal Activities, General Information 382–5075 or 382–5076.

Department of Agriculture:
- EIS No. 820728, Draft, AFS, CO, Grand Mesa, Uncompahgre and Gunnison NFs Land and Resource Mgmt. Plan, Due: Feb. 13, 1983

Corps of Engineers:
- EIS No. 820715, Draft, COE, AK, Juneau Boat Harbor Improvements, Additional Facilities, Due: Jan. 3, 1983
- EIS No. 820722, Draft, COE, FL, Fort Pierce Harbor Navigational Channel

Improvement, St. Lucie County, Due: Dec. 27, 1982
EIS No. 820723, Draft, COE, DE, Port of Wilmington Dredged Material Disposal, Permit, New Castle County, Due: Dec. 27, 1982
EIS No. 820730, Draft, COE, MD, PRO Lake Darling Flood Control, Renville/Ward/McHenry/Rottineau Counties, Due: Dec. 27, 1982
EIS No. 820731, Draft, COE, MD, Velva/Little Darling Flood Control Project, McHenry County, Due: Dec. 27, 1982
EIS No. 820725, Final, COE, CA, Uvas Creek Flood Protection Plan, Santa Clara County, Due: Dec. 15, 1982
Department of Housing and Urban Development:
EIS No. 820714, Final, HUD, OR, Multnomah County Areawide Study, Mortgage Insurance, Multnomah County, Due: Dec. 13, 1982
Department of Transportation:
EIS No. 820716, Draft, FHW, MI, Edgewood Boulevard Construction, Logan St. to Cedar St., Ingham County, Due: Dec. 27, 1982
EIS No. 820724, Draft, FHW, MD, MD-32/Patuxent Freeway Construction, MD-32 to MD-3, Anne Arundel County, Due: Jan. 3, 1983
EIS No. 820721, Final, FHW, MD, Cromwell Bridge Road, Bridge Replacement, Baltimore County, Due: Dec. 13, 1982
EIS No. 820712, Final, FHW, FL, FL-951/Isle of Capri Road, Marco Is. to US 41/FL-90, Collier County, Due: Dec. 13, 1982
EIS No. 820713, Final, FHW, CA, Alton Pkwy./I-5 & San Diego Freeway/I-405 Interchanges, Orange County, Due: Dec. 13, 1982
EIS No. 820717, Final, FHW, CA, 98th Avenue Widening, Nimitz Freeway/CA-17 to MacArthur Freeway/I-580, Due: Dec. 13, 1982
EIS No. 820719, Final, FHW, ID, I-90 Gap Closure, W. Wallace to E. Wallace, Shoshone County, Due: Dec. 13, 1982
EIS No. 820720, Final, FHW, MN, I-35E Completion, TH-110 to I-94, Dakota and Ramsey Counties, Due: Dec. 13, 1982
EIS No. 820711, Final, RA, CT, Stamford Railroad Station/NE Corridor Improvements, Fairfield County, Due: Dec. 13, 1982
EIS No. 820726, Final, UMT, CA, San Jose Transit Mall Construction, Santa Clara County, Due: Dec. 13, 1982
Nuclear Regulatory Commission:
EIS No. 820718, FSuppl, NRC, TN, Clinch River Breeder Reactor Plant, C/O, Permit, Roane County, Due: Dec. 13, 1982
Interstate Commerce Commission:
EIS No. 820727, Draft, ICC, UT, Emery Branchline Railroad, C/O, Carbon and Emery Counties, Due: Jan. 3, 1983
Department of State:
EIS No. 820729, Final, STA, PRO, Cannabis Eradication in Foreign Western Hemisphere Nations, Due: Dec. 13, 1982
Amended Notice:
EIS No. 820709, Draft, AFS, OR, Deschutes National Forest Land and Resource Management Plan, Due: Feb. 15, 1983. Published FR 11/05/82—Incorrect due date.

Dated: November 8, 1982.

**Paul C. Cahill,**

*Director, Office of Federal Activities.*

[FR Doc. 82-31087 Filed 11-10-82; 8:45 am]

BILLING CODE 6560-50-M

## FEDERAL RESERVE SYSTEM

### Agency Forms Under Review

November 5, 1982.

*Background:* When executive departments and independent agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act [44 U.S.C. Chapter 35]. Departments and agencies use a number of techniques to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibilities under the act also considers comments on the forms and recordkeeping requirements that will affect the public. Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. OMB's usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

*List of Forms Under Review:* Immediately following the submission of a request by the Federal Reserve for OMB approval of a reporting or recordkeeping requirement, a description of the report is published in the **Federal Register**. This information contains the name and telephone number of the Federal Reserve Board clearance officer (from whom a copy of the form and supporting documents are available). The entries are grouped by type of submission—i.e., new forms, revisions, extensions (burden change), extensions (no change), and reinstatements.

Copies of the proposed forms and supporting documents may be obtained from the Federal Reserve Board clearance officer whose name, address, and telephone number appear below. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review.

**FOR FURTHER INFORMATION CONTACT:**

Federal Reserve Board Clearance Officer—Cynthia Glassman—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-3829)

OMB Reviewer—Richard Sheppard—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503 (202-395-6880).

*Request for Implementation of New Reports*

1. Report title: Special Supplement to the Survey of Selected Deposits and Other Accounts:

Agency form number: FR 2042s
Frequency: one-time
Reporters: Sample of insured commercial banks and mutual savings banks
SIC Code: 602, 603
Small businesses are affected.
General description of report: Respondent's obligation to reply is voluntary; a pledge of confidentiality is promised (5 U.S.C. 552(b)(4)).

The data will be used by the Federal Reserve Board to analyze and interpret movements in the monetary aggregates and to observe competitive developments among financial institutions. These data will provide the Federal Reserve with a factual basis for estimating the amount of retail RPs and money market mutual funds that are associated with sweep arrangements.

2. Report title: Second Universe Survey of Repurchase Agreements (RPs)
Agency form number: FR 3024a,b
Frequency: one-time
Reporters: all depository institutions with total deposits of $15 million or more except credit unions
SIC Code: 602, 603, 605, 612, 615
Small businesses are affected.
General description of report: respondent's obligation to reply is voluntary; a pledge of confidentiality is promised (5 U.S.C. 552(b)(4)).

These data are to be used to benchmark the repurchase agreement (RP) component of the monetary aggregates.

Board of Governors of the Federal Reserve System, November 5, 1982.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 82-30969 Filed 11-10-82; 8:45 am]

BILLING CODE 6210-01-M

### 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 the 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. *SouthTrust Corporation,* Birmingham, Alabama; to acquire 80 percent or more of the voting shares or assets of The Midland State Bank, Midland City, Alabama. Comments on this application must be received not later than December 6, 1982.

Board of Governors of the Federal Reserve System, November 6, 1982.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 82-30972 Filed 11-10-82; 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. *Alabanc, Inc.,* Wadley, Alabama; to become a bank holding company by acquiring 80 percent of the voting shares of First Bank, Wadley, Alabama. Comments on this application must be received not later than December 6, 1982.

**Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Lohrville Bancshares, Ltd.,* Lohrville, Iowa; to become a bank holding company by acquiring 80 percent of the voting shares of Lohrville Savings Bank, Lohrville, Iowa. Comments on this application must be received not later than November 30, 1982.

C. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Lebanon Bancshares, Inc.,* Lebanon, Kentucky; to become a bank holding company by acquiring 80 percent of the voting shares of The Farmers National Bank of Lebanon, Lebanon, Kentucky. Comments on this application must be received not later than December 6, 1982.

D. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Fosston Bancorporation, Inc.,* Fosston, Minnesota; to become a bank holding company by acquiring 93.5 percent of the voting shares of Farmers State Bank of Fosston, Fosston, Minnesota. Comments on this application must be received not later than December 6, 1982.

Board of Governors of the Federal Reserve System, November 5, 1982.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 82-30971 Filed 11-10-82; 8:45 am]

BILLING CODE 6210-01-M

## Bank Holding Company; Proposed de Novo Nonbank Activities

The organization identified in this notice 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)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to this application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Security Pacific Corporation,* Los Angeles, California (securities and commercial paper clearing and custodian activities; United States): To engage through its subsidary, Security Pacific Clearing & Services Corp., Inc., in certain clearing and custodian activities with respect to securities, commercial paper and similar instruments, such as acting as forwarding agent, coupon paying agent and provider of trade confirmation services for securities and acting as issuing and paying agent for commercial paper and similar instruments, as well as activities incident thereto, such as making of call loans to securities dealers. These activities would be conducted from an office of Security Pacific Clearing & Services Corp. located in Minneapolis, Minnesota, serving the United States. Comments on this application must be received not later than December 6, 1982.

Board of Governors of the Federal Reserve System, November 5, 1982.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 82-30970 Filed 11-10-82; 8:45 am]

BILLING CODE 6210-01-M

## FEDERAL TRADE COMMISSION

### Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

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 Federal Trade Commission and the 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.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period:

WAITING PERIOD TERMINATED

| Transaction | Effective |
|---|---|
| (1) Li Ka-Shing's proposed acquisition of certain voting securities of Kaiser Cement Corporation. | October 21, 1982. |
| (2) RTE Corporation's proposed acquisition of substantially all assets of Power/Mate Corporation. | Do. |
| (3) American Can Company's proposed acquisition of all voting securities of PennCorp Financial Inc. | Do. |
| (4) OBL, Inc.'s proposed acquisition of all voting securities of Ohio Barge Line, Inc., River and Gulf Transportation Company and Mon-Valley Transportation Company. | Do. |
| (5) Pulitzer Voting Trust's proposed acquisition of certain assets of Multimedia, Inc. | October 22, 1982. |
| (6) Mutlimedia, Inc.'s proposed acquisition of certain assets of Pulitzer Voting Trust. | Do. |
| (7) The Northwestern Mutual Life Insurance Company's acquisition of certain voting securities of the Regis Group Incorporated. | October 21, 1982. |

For Further Information Contact: Patricia A. Foster, Compliance Specialist, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580, (202) 523–3894.

By direction of the Commission.

**Carol M. Thomas,**

*Secretary.*

[FR Doc. 82–31085 Filed 11–10–82; 8:45 am]

BILLING CODE 6750–01–M

## GENERAL SERVICES ADMINISTRATION

### Communications Management Information System (C/MIS) ADP Management Information System (ADP/MIS)

**AGENCY:** General Services Administration.

**ACTION:** Notice of information collections; reinstatement.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the General Services Administration (GSA) plans to request the Office of Management and Budget to review and approve the reinstatement of two information collection for the collection of data.

**DATE:** Comments on the information collection requests must be submitted on or before November 30, 1982.

**ADDRESSES:** Send comments to Franklin S. Reeder, GSA Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and to Anthony Artigliere, GSA Clearance Officer, GSA (ORAI), Washington, D.C. 30405.

**FOR FURTHER INFORMATION CONTACT:** Grafton T. Biglow, GSA (202–235–2141).

**SUPPLEMENTARY INFORMATION:**

a. *Purpose.*

(1) The C/MIS is necessary to collect information on data circuits, data terminals, teletype machines, facsimile machines, multiplexers, and modems in the civil executive agencies. The information is used for inventory information and control, engineering studies, statistical purposes, and procurement approvals.

(2) The ADP/MIS is necessary to provide for the economic and efficient purshcase, lease, maintenance, operation and utilization of Automated Data Processing (ADP) equipment by the Federal Government. The information is used as an inventory and a tool to effectively manage ADP equipment.

b. *Description of information collections.* The respondents are Government agencies. The systems were designed by GSA in conjunction with the Office of Management and Budget and the Interagency Telecommunications Committee.

c. *Obtaining copy of the proposal.* A copy of the information collection proposal may be obtained from the Directives and Reports Management Branch (ORAI), Room 3011, GS Building, Washington, D.C. 20405, telephone 202–566–1164.

Dated: November 4, 1982.

**Clarence A. Lee, Jr.,**

*Director of Administrative Services.*

[FR Doc. 82–31012 Filed 11–10–82; 8:45 am]

BILLING CODE 6820–34–M

### Freight Loss/Damage Claim (Standard Form 362)

**AGENCY:** General Services Administration.

**ACTION:** Notice of new information collection.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the General Services Administration (GSA) plans to request the Office of Management and Budget to review and approve a new information collection request for the collection of data.

**DATE:** Comments on the information collection request must be submitted on or before November 26,1982.

**ADDRESSES:** Send comments to Franklin S. Reeder, GSA Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and to Anthony Artigliere, GSA Clearance Officer, GSA (ORAI), Washington, D.C. 20405.

**FOR FURTHER INFORMATION CONTACT:** John B. Millington, GSA (202–275–0641).

**SUPPLEMENTARY INFORMATION:**

a. *Purpose.* The information collection is used by the Federal Government to file claims against commercial transportation companies. Under the contract of carriage, a carrier agrees to deliver the shipper's goods in the same condition as originally tendered. Anything less would result in the owner's claim against the carrier.

b. *Description of information collection.* The Standard Form 362 is prescribed by GSA and used by the Federal Government to file claims when losses or damages currently exceed a minimum of $25.00 per bill of lading. The required information helps to establish a carrier's liability, thereby, describing the loss or damage and listing the documents attached in support of a claim. The estimated respondent burden is one and one-half hour per carrier.

c. *Obtaining copy of the proposal.* A copy of the information collection proposal may by obtained from the Directives and Reports Branch (ORAI), Room 3011, GS Building, Washington, D.C. 20405, telephone (202) 566–1164.

Dated: November 4, 1982.

Clarence A. Lee, Jr.,

*Director of Administrative Services.*

[FR Doc. 82-31013 Filed 11-10-82; 8:45 am]

BILLING CODE 6820-34-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

### Advisory Committees; Notice of Meetings

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

**Endocrinologic and Metabolic Drugs Advisory Committee**

*Date, time, and place.* December 3, 9 a.m., Conference Rms. G and H, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

*Type of meeting and executive secretary.* Open public hearing, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m.; A. T. Gregoire, National Center for Drugs and Biologics (HFN-130), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1869.

*General function of the committee.* The committee reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drug products for use in treating endocrine and metabolic disorders.

*Agenda—open public sessions.* Interested persons requesting to present data, information or views, orally or in writing, on issues pending before the committee should notify the committee executive Secretary.

*Open committee discussion.* The committee will discuss (1) the FDA Action Report; (2) the safety of Acarbose, IND 17,234; (3) the use of human chorionic gonadotrophin and gonadorelin for treating cryptorchidism.

**Radiologic Devices Panel**

*Date, time, and place.* December 8 and 9, 9 a.m., Rm. T-416, 12720 Twinbrook Parkway, Rockville, MD.

*Type of meeting and executive secretary.* Open public hearing, December 8, 9 a.m. to 10 a.m.; open committee discussion, December 8, 10 a.m. to 4 p.m.; December 9, 9 a.m. to 1 p.m.; Robert A. Phillips, Office of Radiological Health (HFX-460), National Center for Devices and Radiological Health, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3426.

*General function of the committee.* The committee reviews and evaluates available data on the safety and effectiveness of devices and makes recommendations for their regulation.

*Agenda—Open public hearing.* Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the executive secretary before November 22 and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and indication of the approximate time required to make their comments. In response to a request by the National Electrical Manufacturers Association, time will be made available to permit open discussion regarding reorganization of the National Center for Devices and Radiological Health, with special emphasis on proposed changes in the Center's radiological health program and staffing.

*Open committee discussion.* On December 8, the committee will discuss the current status of Nuclear Magnetic Resonance (NMR) imaging and the regulatory approaches provided by the Medical Device Amendments. The program will include presentations by members of the Office of Radiological Health, industry, and academia. On December 9, the committee will discuss a premarket approval application (PMA) for a RF Microwave Hyperthermia Device.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced in the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Dated: November 4, 1982.

William F. Randolph,

*Acting Associate Commissioner for Regulatory Affairs*

[FR Doc. 82-30614 Filed 11-10-82; 8:45 am]

BILLING CODE 4160-01-M

### Advisory Committees; Meetings

**AGENCY:** Food and Drug Administration.

**ACTION.** Notice.

**SUMMARY:** This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons

may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

**Clinical Chemistry Section of the Clinical Chemistry and Hematology Devices Panel**

*Date, time, and place.* December 3, 9 a.m., Rm. 1207, 8757 Georgia Ave., Silver Spring, MD.

*Type of meeting and panel section leader.* Open public hearing, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 2 p.m.; closed presentation of data, 2 p.m. to 3 p.m.; closed committee deliberations, 3 p.m. to 4 p.m.; open committee discussion, 4 p.m. to 5 p.m.; Dr. Srikrishna Vadlamudi, National Center for Devices and Radiological Health (HFK–440), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7550.

*General function of the committee.* The committee reviews and evaluates available data on the safety and effectiveness of devices and makes recommendations for their regulation.

*Agenda—Open public hearing.* Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the panel section leader before November 22, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

*Open committee discussion.* The committee will discuss an in vitro radioreceptor assay which measures progestin receptors, the resulting values of which can be used in managing breast cancer patients.

*Closed presentation of data.* The panel will review and discuss trade secret or confidential commercial information regarding a premarket approval application for a progestin receptor assay kit. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

*Closed committee deliberations.* The committee will discuss trade secret or confidential commercial information regarding a premarket approval application for a progestin receptor assay kit. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

**Blood Products Advisory Committee—Workshop on the Evaluation of Stored Red Blood Cells**

*Date, time, and place.* December 3 and 4, 8:30 a.m., Lister Hill Center Auditorium, Bldg. 38A, National Library of Medicine, 8600 Rockville Pike, Bethesda, MD (December 3); Rm. 115, Bldg. 29, Office of Biologics, 8800 Rockville Pike, Bethesda, MD (December 4).

*Type of meeting and contact person.* Open public hearing, December 3, 8:30 a.m. to 5 p.m.; open committee discussion, December 4, 9 a.m. to 11 a.m.; closed committee deliberations, 11 a.m. to 12 m.; Clay Sisk, National Center for Drugs and Biologics (HFN–6), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5455.

*General function of the committee.* The committee reviews and evaluates data on the safety, effectiveness, and appropriate use of blood products intended for use in the diagnosis, prevention, or treatment of human diseases.

*Agenda—Open public hearing.* This portion of the meeting will be held in conjunction with the Office of the Biologics' Division of Blood and Blood Products and the Division of Blood Diseases and Resources, National Heart, Lung and Blood Institute sponsored Workshop on the Evaluation of Stored Red Blood Cells. The program includes presentations by research scientists from the Office of Biologics and by invited speakers. Topics on the first day will relate to the current scientific knowledge of red blood cell metabolism, the function of the red cell in oxygen transport, and the relevance of these observations to the pathophysiology of patients requiring red cell transfusion. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

*Open committee discussion.* On the second day, the committee will review specifications for red cells for transfusion.

*Closed committee deliberations.* The committee will discuss trade secret or confidential commercial information on pending new drug applications for preservative solutions for collecting blood. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

**Panel on Review of Allergenic Extracts**

*Date, time, and place.* December 13, 9 a.m., Rm. 115, Bldg. 29, Office of Biologics, 8800 Rockville Pike, Bethesda, MD.

*Type of meeting and contact person.* Open public hearing, 9 a.m. to 10 a.m., closed committee deliberations, 10 a.m. to 12:30 p.m., open committee discussion, 1:30 p.m. to 5 p.m.; Clay Sisk, National Center for Drugs and Biologics (HFN–6), Food and Drug Adminsitration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5455.

*General function of the committee.* The committee reviews and evaluates data on the safety, effectiveness, and appropriate use of allergenic products intended for use in the diagnosis, prevention, or treatment of human diseases.

*Agenda—Open public hearing.* Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

*Open committee discussion.* The committee will discuss safety, effectiveness, and labeling information in support of a license application from Allergy Laboratories of Ohio for a polymerized allergenic extract.

*Closed committee deliberations.* The committee will discuss trade secret or confidential commercial information on a pending license application for a polymerized allergenic extract. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

**Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel**

*Date, time, and place.* December 16 and 17; 9 a.m., Auditorium, 200 Independence Ave. SW., Washington, DC.

*Type of meeting and executive secretary.* Open public hearing, December 16, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 1 p.m.; closed committee deliberations, 2 p.m. to 5 p.m.; open public hearing, December 17, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 1 p.m.; closed committee deliberations, 2 p.m. to 3 p.m.; open committee discussion, 3 p.m. to 5 p.m.; Dr. George C. Murray, National Center for Devices and Radiological Health (HFK–460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7940.

*General function of committee.* The committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation. The committee also reviews data on new devices and makes recommendations regarding their safety

and effectiveness and their suitability for marketing.

*Agenda—Open public hearing.* Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the executive secretary before December 1, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

*Open committee discussion.* On December 16, the committee will discuss premarket approval applications (PMA's) for intraocular lenses (IOL's) and may discuss PMA's for other ophthalmic products. If discussion of all pertinent IOL issues is not completed, discussion will be continued the following day. On December 17, the committee may discuss PMA's or general issues relating to contact lenses or other ophthalmic products.

*Closed committee deliberations.* On December 16 and 17, the committee will conduct reviews of PMA's for IOL applications. On December 17, the committee may also discuss trade secret or confidential commercial information relevant to PMA's for contact lens products. These portions of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested persons who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94–409), permits such closed advisory committee meetings in certain circumstances. Those portions or a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

Dated: November 5, 1982.

**Arthur Hull Hayes, Jr.,**

*Commissioner of Food and Drugs.*

[FR Doc. 82–30964 Filed 11–10–82; 8:45 am]

BILLING CODE 4160–01–M

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**[Docket Nos. 77P–0403 et al.]**

## Availability of Approved Variances for Laser Light Shows

*Correction*

FR Doc. 82–22232 beginning on page 35868 in the issue of Tuesday, August 17, 1982 and corrected on page 42633 in the issue of Tuesday, September 28, 1982, is further corrected as follows:

1. On page 42634, first column, second line from the top, "1982" should read "1981".

BILLING CODE 1505–01–M

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**[Docket No. 82F–0320]**

## Calorie Control Council and Abbott Laboratories; Filing of Food Additive Petition

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that the Calorie Control Council and Abbott Laboratories have filed a petition proposing that the food additive

regulations be amended to provide the for the safe use of cyclamic acid, sodium cyclamate, and calcium cyclamate as nonnutritive sweetners.

**FOR FURTHER INFORMATION CONTACT:** Patricia J. McLaughlin, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

**SUPPLEMENTARY INFORMATION:** Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 2A3672) has been filed by the Calorie Control Council, 5775 Peachtree-Dunwoody Road, Suite 500–D, Atlanta, GA 30342, and Abbott Laboratories, North Chicago, IL 60064, proposing that the food additive regulations be amended to provide for the safe use of cyclamic acid, sodium cyclamate, and calcium cyclamate as nonutritive sweetners.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: November 3, 1982.

**Sanford A. Miller,**

*Director, Bureau of Foods.*

[FR Doc. 82–30962 Filed 11–10–82; 8:45 am]

BILLING CODE 4160–01–M

## Consumer Participation; Open Meeting

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing the following National Consumer Exchange Meeting to be chaired by the Commissioner of Food and Drugs.

**DATE:** 10 a.m. to 12 m., Monday, December 6, 1982.

**ADDRESS:** Hubert H. Humphrey Bldg. Auditorium, 200 Independence Ave. SW., Washington, DC 20201.

**FOR FURTHER INFORMATION CONTRACT:** Alexander Grant, Associate Commissioner for Consumer Affairs (HFE–1), Food and Drug Administration, 5600 Fishers Lane, Rm. 16–85, Rockville, MD 20857, 301–443–5006.

**SUPPLEMENTARY INFORMATION:** The purpose of this meeting is to encourage dialogue between consumers and FDA officials by providing an opportunity for consumer representatives to present their views directly to the Commissioner and to top agency managers, by seeking solutions to any problems agreed on during this communication, and by giving the agency an opportunity to discuss and communicate vital health and policy issues to the concerned public. Proposed discussion at the meeting will focus on FDA's authority with respect to the proposed changes to the new drug approval process and to food and drug diet products. Interpreter services are available for the deaf and hearing impaired consumers who wish to attend this meeting. Please contact the Office of Consumer Affairs staff at 301–443–5006 or TTY at 301–443–1818 to arrange for this service.

Dated: November 5, 1982.

**William F. Randolph,**

*Acting Associate Commissioner for Regulatory Affairs.*

[FR Doc. 82–30963 Filed 11–10–82; 8:45 am]

BILLING CODE 4160–01–M

## Health Resources and Services Administration

### Application Announcement for Grants for Establishment of Departments of Family Medicine

The Burea of Health Professions, Health Resources and Services Administration, announces that applications for Fiscal Year 1983 Grants for Establishment of Departments of Family Medicine are now being accepted under the authority of Section 780 of the Public Health Service Act, as amended by Pub. L. 97–35.

Section 780 of the Public Health Service Act authorizes the award of grants to public or private nonprofit schools of medicine and osteopathy to assist in meeting the costs of projects to establish, maintain, or improve academic administrative units which provide clinical instruction in family medicine.

Requests for application materials and questions regarding grants policy should be directed to: Grants Management Officer (D–32), Bureau of Health Professions, Health Resources and Services Administration, Center Building, Room 4–27, 370 East-West Highway, Hyattsville, Maryland 20782; telephone (301) 436–6098.

Should additional programmatic information be required, please contact: Multidisciplinary Resources Development Branch, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, Center Building, Room 3–22, 3700 East-West Highway, Hyattsville, Maryland 20782; telephone (301) 436–7350.

Based upon the President's budget, approximately $7 million is expected to be available in Fiscal Year 1983 for competitive grants. However, this amount may be changed by final action on the Fiscal Year 1983 appropriation. The deadline date for receipt of applications is December 10, 1982.

This program is listed at 13.984 in the Catalog of Federal Domestic Assistance. Applications submitted in response to this announcement are not subject to review by State and areawide clearinghouses under the procedures in the Office of Management and Budget Circular No. A–95.

Dated: November 3, 1982.

**Robert Graham, M.D.,**

*Administrator, Assistant Surgeon General.*

[FR Doc. 82–31005 Filed 11–10–82; 8:45 am]

BILLING CODE 4160–17–M

## Filing of Annual Reports of Federal Advisory Committees

Notice is hereby given that pursuant to section 13 of Pub. L. 92–463, the Annual Reports for the following Health Resources and Services Administration Federal Advisory Committees have been filed with the Library of Congress:

Advanced Financial Distress Review Panel

Maternal and Child Health Research Grants Review Committee

National Advisory Council, on Health Professions Education

Copies are available to the public for inspection at the Library of Congress, Newspaper and Current Periodical Reading Room, Room 1026, Thomas Jefferson Building, Second Street and Independence Avenue, SE. Washington, D.C. 20201, Telephone (202) 245–6791.

Copies may be obtained from the following committee contacts:

*Advanced Financial Distress Review Panel* and/or *National Advisory Council on Health Professions Education—Mr. Robert Belsley, Bureau of Health Professions, Health Resources and Services Administration, Room 4–27, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone (301) 436–6564.*

*Maternal and Child Health Research Grants Review Committee*—Dr. Contran Lamberty, Bureau of Health Care Delivery and Assistance, Health Resources and Services Administration, Room 7–44, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–2190.

Dated: November 4, 1982.

**Jackie E. Baum,**

*Advisory Committee Management Officer, HRSA.*

[FR Doc. 82-31025 Filed 11-10-82; 8:45 am]

BILLING CODE 4160-16-M

## Public Health Service

### Health Maintenance Organizations

**AGENCY:** Health Resources and Services Administration, HHS.

**ACTION:** Notice, Continued Regulation of Health Maintenance Organizations: Reestablishment of Compliance.

**SUMMARY:** On August 3, 1982, the Office of Health Maintenance Organizations (OHMO) notified Protective Health Providers (PHP), 150 West Washington Street, Suite 220, San Diego, California 92103, a federally qualified health maintenance organization (HMO), that PHP had successfully reestablished compliance with its assurance to the Secretary that it would (1) maintain a fiscally sound operation, (2) maintain satisfactory administrative and managerial arrangements, and (3) establish a satisfactory system of fixing rates of payments for health services. This determination took effect on July 1, 1982.

**FOR FURTHER INFORMATION CONTACT:** Frank H. Seubold, Ph.D. Acting Associate Director for Health Maintenance Organizations, Bureau of Health Maintenance Organizations and Resources Development, Park Building—3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443-4106.

**SUPPLEMENTARY INFORMATION:** Under section 1312(b)(1) of the Public Health Service Act (42 U.S.C. 300e-11(b)(1)), if the Secretary makes a determination under section 1312(a) that a qualified HMO is not organized or operated in the manner prescribed by section 1301(c), then the HMO shall be (1) notified in writing of the determination, and (2) directed to initiate corrective action to bring it into compliance with the assurances it provided to the Secretary under section 1310(d)(1). Section 1312(b)(1) also provides that the Secretary shall publish in the **Federal Register** notices of determinations made under that section.

On October 30, 1980, PHP was officially notified that it was not in compliance with the assurances it had given the Secretary that it would (1) maintain a fiscally sound operation, (2) maintain satisfactory administrative and managerial arrangements, and (3) maintain a satisfactory system of fixing rates of payments for health services. This determination of noncompliance, notice of which was published in the **Federal Register** at 46 FR 40093, did not affect PHP's status as a federally qualified HMO. Subsequently, PHP successfully implemented corrective action to return to compliance with its assurances. On August 3, 1982, PHP was notified by OHMO that it had reestablished compliance with the assurances it had given the Secretary. This determination took effect on July 1, 1982.

Dated: November 2, 1982.

**Robert Graham, M.D.,**

*Administrator, Assistant Surgeon General.*

[FR Doc. 82-31002 Filed 11-10-82; 8:45 am]

BILLING CODE 4160-16-M

### Health Maintenance Organizations

**AGENCY:** Health Resources and Services Administration, HHS.

**ACTION:** Notice, Continued Regulation of Health Maintenance Organizations: Reestablishment of Compliance.

**SUMMARY:** On July 16, 1982, the Office of Health Maintenance Organizations (OHMO) notified Av-Med Health Plan, Inc. (Av-Med), 9400 South Dadeland Boulevard, Miami, Florida 33156, a federally qualified health maintenance organization (HMO), that Av-Med had successfully reestablished compliance with its assurance to the Secretary that it would (1) maintain a fiscally sound operation and (2) maintain satisfactory administrative and managerial arrangements. This determination took effect on July 16, 1982.

**FOR FURTHER INFORMATION CONTACT:** Frank H. Seubold, Ph.D., Acting Associate Director for Health Maintenance Organizations, Bureau of Health Maintenance Organizations and Resources Development, Park Building—3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443-4106.

**SUPPLEMENTARY INFORMATION:** Under section 1312(b)(1) of the Public Health Service Act (42 U.S.C. 300e-11(b)(1)), if the Secretary makes a determination under section 1312(a) that a qualified HMO is not organized or operated in the manner prescribed by section 1301(c), then the HMO shall be (1) notified in writing of the determination, and (2) directed to initiate corrective action to bring it into compliance with the assurances it provided to the Secretary under section 1310(d)(1). Section 1312(b)(1) also provides that the Secretary shall publish in the **Federal Register** notices of determinations made under that section.

On May 23, 1980, Av-Med was officially notified that it was not in compliance with the assurances it had given the Secretary that it would (1) maintain a fiscally sound operation and (2) maintain satisfactory administrative and managerial arrangements. This determination of noncompliance, notice of which was published in the **Federal Register** at 46 FR 27769-70, did not affect Av-Med's status as a federally qualified HMO. Subsequently, Av-Med successfully implemented corrective action to return to compliance with its assurances. On July 16, 1982, Av-Med was notified by OHMO that it had reestablished compliance with the assurances it had given the Secretary. This determination took effect on July 16, 1982.

Dated: November 2, 1982.

**Robert Graham, M.D.,**

*Administrator, Assistant Surgeon General.*

[FR Doc. 82-31003 Filed 11-10-82; 8:45 am]

BILLING CODE 4160-16-M

### Health Maintenance Organizations

**AGENCY:** Health Resources and Services Administration, HHS.

**ACTION:** Notice, Continued Regulation of Health Maintenance Organizations: Reestablishment of Compliance.

**SUMMARY:** On July 9, 1982, the Office of Health Maintenance Organizations (OHMO) notified Michigan HMO Plans, Inc., (MHMOP), 660 Plaza Drive, Suite 2200, Detroit, Michigan 48226, a federally qualified health maintenance organization (HMO), that MHMOP had successfully reestablished compliance with its assurances to the Secretary that it would (1) maintain a fiscally sound operation and (2) maintain satisfactory administrative and managerial arrangements. This determination took effect on June 1, 1982.

**FOR FURTHER INFORMATION CONTACT:** Frank H. Seubold, Ph. D., Acting Associate Director for Health Maintenance Organizations, Bureau of Health Maintenance Organizations and Resources Development, Park Building—3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443-4106.

**SUPPLEMENTARY INFORMATION:** Under section 1312(b)(1) of the Public Health Service Act (42 U.S.C. 300e-11(b)(1)), if the Secretary makes a determination under section 1312(a) that a qualified HMO is not organized or operated in the manner prescribed by section 1301(c), then the HMO shall be (1) notified in

writing of the determination, and (2) directed to initiate corrective action to bring it into compliance with the assurances it provided to the Secretary under section 1310(d)(1). Section 1312(b)(1) also provides that the Secretary shall publish in the **Federal Register** notices of determinations made under that section.

On August 1, 1980, MHMOP was officially notified that it was not in compliance with the assurances it had given the Secretary that it would (1) maintain a fiscally sound operation and (2) maintain satisfactory administrative and managerial arrangements. This determination of noncompliance did not affect MHMOP's status as a federally qualified HMO. Subsequently, MHMOP successfully implemented corrective action to bring it into compliance with its assurances. On July 9, 1982, MHMOP was notified by OHMO that it had reestablished compliance with its assurances to the Secretary that it would (1) maintain a fiscally sound operation and (2) maintain satisfactory administrative and managerial arrangements. This determination took effect on June 1, 1982.

Dated: November 2, 1982.

**Robert Graham, M.D.,**

*Administrator, Assistant Surgeon General.*

[FR Doc. 82-31004 Filed 11-10-82; 8:45 am]

BILLING CODE 4160-16-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

### Issuance of Disclaimers of Interest to Lands in Oregon

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of issuance of disclaimers of interest in lands in Oregon.

**SUMMARY:** Notice is hereby given that the United States of America, pursuant to the provisions of section 315 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1745), does hereby give notice of its intention to disclaim and release all interest, except the reservation for a right-of-way thereon for ditches or canals constructed by the authority of the United States pursuant to the act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945, to the owners of the West one half of the Northwest one quarter of the Northeast one quarter of Section 9, Township 2 South, Range 5 West, Willamette Meridian, Yamhill County.

After review of the official records, it is the position of the Bureau of Land Management that the application for a disclaimer to the land mentioned above meets all necessary requirements.

Any person wishing to submit a protest or comments on the above disclaimer should do so in writing before the expiration of 90 days from the date of publication of this notice. If no protest(s) is received, the disclaimer will become effective on the date set out below.

**EFFECTIVE DATE:** Disclaimer of title and release of all interest, except the reservation for a right-of-way for ditches or canals, shall issue on February 15, 1983.

**ADDRESS:** Information concerning this land and the proposed disclaimer may be obtained from and the protest filed with: State Director (930), Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

**FOR FURTHER INFORMATION CONTACT:** David Estola (503) 231-6837.

Dated: November 1, 1982.

**William G. Leavell,**

*State Director.*

[FR Doc. 82-31043 Filed 11-10-82; 8:45 am]

BILLING CODE 4310-84-M

**[Serial No. I-14925]**

### Idaho; Proposed Withdrawal Continuation

November 5, 1982.

The Bureau of Reclamation proposes to continue, in part, the existing withdrawal for the following-described public lands, withdrawn by Secretarial Order dated March 26, 1930, for a 25-year period pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2751; 43 U.S.C. 1714):

**Boise Meridian, Idaho**

T. 9 N., R. 3 E.,
- Sec. 23, lots 1, 2 and 3, SW¼NW¼, NE¼SW¼, SW¼SE¼;
- Sec. 24, SW¼SE¼;
- Sec. 25, lots 1 to 8 inclusive;
- Sec. 26, lots 1 to 5 inclusive, W½NW¼, SE¼NW¼.

T. 9 N., R. 4 E.,
- Sec. 19, lots 3 and 4, SE¼SW¼;
- Sec. 20, lots 1, 2, 6, 7 and 8, E½SE¼;
- Sec. 21, lots 5 and 6;
- Sec. 29, lots 2 and 3, SE¼NW¼;
- Sec. 30, lots 6, 7, and 9 to 12, inclusive, SE¼.

The area described aggregates 1841.34 acres in Boise County.

The purpose of the withdrawal is for the protection of a proposed reservoir site along the Middle and South Fork of the Payette River. The withdrawal closed the described lands to all forms of appropriation under the public land laws, including the mining laws. No change in the segregative effect or use of the lands is proposed by this action.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned officer within 90 days of the date of publication of this notice. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuation may be filed with the undersigned officer within 90 days of the date of publication of this notice.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal justification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated, the area involved is the maximum essential to meet the desired needs, the maximum concurrent utilization of the land is provided for, and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawal will be continued and, if so, for how long. The final determination on continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

All communication in connection with this proposed withdrawal continuation should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Federal Building, Box 042, 550 West Fort Street, Boise, Idaho 83724.

**William E. Ireland,**

*Chief, Lands Section.*

[FR Doc. 82-31010 Filed 11-10-82; 8:45 am]

BILLING CODE 4310-84-M

### Lakeview Grazing District Advisory Board; Meeting

Notice is hereby given, in accordance with Pub. L. 94-579 and 43 CFR 4120.6-1(e) that a meeting of the Lakeview

District Grazing Advisory Board will be held on December 14, 1982 at 10:00 A.M. in the Lakeview District Office Conference Room at 1000 S. 9th Street, Lakeview, Oregon 97630.

The agenda will include the following topics:

1. Review of Final Rangeland Improvement Policy (Memo 83–27)
   a. Ranking of Allotments
   b. Liability Clause in Cooperative Agreements
2. Review of Grazing Regulations (Federal Register 9/21/82)
3. Rangeland Monitoring Program
4. Annual Workplan Summary
   a. 8100 Funds
5. Grazing Fee Study

The meeting will be open to the public parties who desire to attend. Interested persons may make oral statements to the Board or file a written statement for the Board's consideration.

Summary minutes of the Board Meeting will be maintained in the District Office and will be available for public inspection during regular business hours within 30 days following the meeting.

**Richard A. Gerity,**

*District Manager.*

[FR Doc. 82–31007 Filed 11–10–82; 8:45 am]

BILLING CODE 4310–84–M

## Platte River Resource Area, Casper District, Wyoming; Draft Amendment to Eastern Powder River Basin Management Framework Plan

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Availability of Draft Amendment to the Eastern Powder River Basin Management Framework Plan.

**SUMMARY:** The Casper District Platte River Resource Area has reviewed and amended the coal component of the Easter Powder River Basin (EPRB) Management Framework Plan pertaining to Converse County. The draft amendment document is available for public review and comment.

**LOCATION OF DOCUMENTS:** Copies of the draft amendment document are available at the address listed below.

**FOR FURTHER INFORMATION CONTACT:** To obtain copies of the draft amendment or for additional information contact: Jim Melton, Area Manager, Platte River Resource Area, BLM, 951 Rancho Road, Casper, Wyoming 82601, (307) 261–5556.

**SUPPLEMENTARY INFORMATION:** The Platte River Resource Area of the Casper, Wyoming District of the Bureau of Land Management has reviewed and is amending portions of the ERPB Management Framework Plan (MFP) related to coal. The amendment will ensure the MFP reflects, as completely as possible, current statutory requirements and policies regarding coal. Background standards and procedures for this MFP amendment preparation are contained in the department planning regulations 43 CFR Part 1600 and the coal regulations 43 CFR Part 3400. Standards for the coal review are also discussed in a final environmental statement describing the Secretary of the Interior's preferred coal program and alternatives, released in April 1979. The MFP was originally completed in 1977.

The MFP draft amendment identifies BLM administered public lands for further consideration for coal leasing in northern Converse County, Wyoming. The review area covered by the amendment is part of the Powder River Coal Region, and is entirely located within northern Converse County, exclusive of the Thunder Basin National Grassland which is administered by the U.S. Forest Service. The main review area is 4 to 16 miles wide. Also included are three small areas north and east of the town of Douglas, Wyoming along the northeast edge of Converse County. The review area contains a number of coal seams in the Wasatch and Fort Union formation with a high and moderate development potential.

Unsuitability criteria and a multiple use conflict evaluation were applied to the review area. Surface owners of record were identified and consulted. Approximately 30,000 acres with about 500 million tons of coal resource were identified as acceptable for further consideration for coal leasing.

The public is invited to comment on the draft amendment. The public comment period will run until February 22, 1983. A public meeting and hearing will be held at the County Courthouse in Douglas, Wyoming on December 7, 1982 at 7:00 p.m. An informal information session will precede the public meeting/hearing and will be held in the Courthouse from 2–4 p.m. All public comments will be considered in the preparation of the final MFP amendment.

Dated: November 2, 1982.

**Paul Arrasmith,**

*District Manager.*

[FR Doc. 82–31021 Filed 11–10–82; 8:45 am]

BILLING CODE 4310–84–M

[U–060]

## Rangeland Management Program in Price River Resource Area; Extension of Comment Period on Draft Environmental Impact Statement

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of extension of comment period on draft environmental impact statement.

**SUMMARY:** The Bureau of Land Management (BLM) has prepared a draft environmental impact statement (EIS) for the rangeland management program in the Price River Resource Area. The EIS area includes Carbon County and parts of Emery, Utah, Duchesne and Uintah Counties, Utah.

Due to public request, the comment period has been extended. Written comments should be received by November 30, 1982 at Price River Resource Area Office, P.O. Drawer AB, Price, Utah 84501. This notice amends the previous **Federal Register** announcement published September 3, 1982.

Copies of the draft EIS are available from the Price River Resource Area Office at 700 East 900 North, Price, Utah 84501, phone (801) 637–4584, or Moab District Office, P.O. Box 970, Moab, Utah 84532. Public reading copies are available for review at the following locations:

Office of Public Affairs, Bureau of Land Management, Interior Building, 18th and C Streets, NW., Washington, D.C. 20240

Utah State Office, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111

Written and oral comments concerning the adequacy of the draft EIS will be considered in the preparation of the final grazing management EIS for the Price River Resource Area.

**Gene Nodine,**

*District Manager.*

[FR Doc. 82–31017 Filed 11–10–82; 8:45 am]

BILLING CODE 4310–84–M

## Relocation of Idaho State Office; Boise, Idaho

The Bureau of Land Management, Idaho State Office, will relocate its office personnel, equipment, and functions from the present locations at 550 W. Fort Street, 230 Collins Road, and 1111 South Orchard, Boise, Idaho, to 3380 Americana Terrace, Boise, Idaho, during the week of December 13, 1982, through December 17, 1982.

The Public Land Records, Cashier's Office, and the Lands and Mineral Staff will be closed to the public from 7:45 a.m., December 13, 1982, through 4:15 p.m., December 17, 1982. The office will be open for business at 9:00 a.m., December 20, 1982.

In accordance with Title 43 CFR 1821.2, 2–1, 2–3, applications, payments and other documents received for filing in the Bureau of Land Management, Idaho State Office, during the normal course of business from December 13, 1982, through December 17, 1982, shall be deemed to be filed or received as of 7:45 a.m., December 20, 1982. Those documents required by regulations to be filed or received during the period 7:45 a.m., December 13, 1982, through 4:15 p.m., December 17, 1982, will be timely filed if received and time and date stamped in the Cashier's Office in its new location not later than 4:15 p.m., on December 20, 1982. The mailing address for the new office location will be effective December 20, 1982, and will be: Bureau of Land Management, Idaho State Office, 3380 Americana Terrace, Boise, Idaho 83702.

Dated: November 4, 1982.

**Guy E. Baier,**

*Acting State Director.*

[FR Doc. 82-31009 Filed 11-10-82; 8:45 am]

BILLING CODE 4310-84-M

## Worland District Office; Intent to Prepare an Environmental Analysis

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Prepare an environmental analysis.

**SUMMARY:** The U.S. Department of the Interior, Bureau of Land Management, Worland District Office, will prepare an Environmental Analysis on the proposed leasing, by application, of coal. Coal produced from this lease is expected to help meet local demand for stoker coal. The area under consideration consists of 440 acres of public lands near the old coal mining community of Gebo, in Hot Spring County, Wyoming. The legal description of the proposed lease area is:

T. 44 N., R. 95 W., 6th Principal Meridian,
NE¼, N½SE¼, N½SW¼, S½NW¼,
NE¼NW¼, Section 21

The proposed action would allow both surface and subsurface mining over part of the lease application area and construction of certain ancillary facilities only over the remainder. Alternatives to be considered will be (1) leasing for surface and subsurface mining over the entire lease area, (2) leasing for subsurface mining only, and (3) No Action (No leasing).

Impacts to be addressed in this Environmental Analysis will include (1) potential disturbance of wildlife habitat, (2) changes in the local water and air quality, and (3) the socio-economic effects of a small mining operation on local communities.

A public meeting on the scope of the issues to be addressed in the Environmental Assessment will be held on November 30 at 7 p.m. at the Hot Springs County Museum Cultural Center in Thermopolis, Wyoming. The purpose of this meeting will be to solicit public comments and concerns regarding the proposed leasing of coal.

For further information and access to related documents concerning the proposed action, contact: Mr. John Simms, Grass Creek Area Geologist, Bureau of Land Management, Worland District, 1700 Robertson Avenue, Worland, Wyoming 82401, Telephone: (307) 347–6151.

**Chester E. Conard,**

*District Manager.*

[FR Doc. 82-31014 Filed 11-10-82; 8:45 am]

BILLING CODE 4310-84-M

[M-56554]

## Montana; Notice of Realty Action; Exchange

**AGENCY:** Bureau of Land Management, Butte District Office, Interior.

**ACTION:** Notice of realty action, exchange of public lands in Silverbow and Beaverhead Counties, Montana.

**SUMMARY:** The following described lands have been determined as suitable for disposal under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Principal Meridian Montana

T2S, R9W,
Sec. 5: SE¼ of Lot 2, Lot 5, N½NE¼ SW¼NE¼, N½N½SE¼NE¼;
Sec. 4: SW¼ of Lot 3, S½ of Lot 4, N½N½ SW¼NW¼, N½NW¼SE¼NW¼.

Aggregating 89.12 acres of public land.

In exchange for these lands, the United States Government will acquire the following described lands:

Principal Meridian Montana

T2S, R9W,
Sec. 5: lots 6, 7, a portion of M.S. 5671.
T1S, R9W,
Sec. 32: a portion of M.S. 5671.

Aggregating 89.53 acres of private land.

**DATES:** For a period of 45 days from the date of first publication of this notice, interested parties may submit comments to the District Manager, Bureau of Land Management, Box 3388, Butte, Montana 59702. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any adverse comments, this realty action will become the final determination of this department.

**FOR FURTHER INFORMATION CONTACT:** Information related to this exchange is available for review at the Butte District Office, 106 N. Parkmont, P.O. Box 3388, Butte, Montana 59702.

**SUPPLEMENTARY INFORMATION:** The publication of this notice segregates the public lands described above from settlement, sale, location, and entry under the public land laws, including the mining laws, but not from exchange pursuant to Section 206 of the Federal Land Policy and Management Act of 1976.

The purpose of the exchange is to resolve an unauthorized occupancy problem on the previously described public lands. The exchange is consistent with the Bureau's planning system and has been discussed with Silverbow and Beaverhead County Commissioners. The public interest will be well served by completing this exchange.

The terms and conditions applicable to the public lands to be exchanged are:

1. The reservation to the United States of a right-of-way for ditches or canals.

2. Oil and gas leases and all other mineral leases will remain in effect under the terms and conditions of the lease. Upon expiration or termination of the leases, with the exception of phosphate leases, such rights shall automatically rest with Stauffer Chemical Company.

3. The reservation to the United States of all phosphate.

4. A perpetual powerline right-of-way granted to the Montana Power Company under serial number M–01320.

5. A perpetual railroad right-of-way granted to the Union Pacific Railroad under serial number M–067184.

6. Reserving to the U.S. a right-of-way 60 feet in width across Lot 5 and the SE¼ of Lot 2, Section 5 of T2S, R9W for the full use as a road by the U.S. and the people of the U.S. to lands administered by the U.S.

The terms and conditions applicable to the privately owned lands to be exchanged are:

1. A reservation to the United States of all phosphate.

2. Reserving to Stauffer a right-of-way 60 feet in width over an existing road

located in the NW corner of Lot 7 of Sections 5, T2S, R9W.

**Jack A. McIntosh,**

*District Manager.*

[FR Doc. 82-31079 Filed 11-10-82; 8:45 am]

BILLING CODE 4310-84-M

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**[NM 54141]**

## New Mexico; Legal Notice

November 4, 1982.

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Invitation to participate in coal exploration program; correction and amendment.

**SUMMARY:** This document amends and corrects a legal notice that appeared at page 46889 in the **Federal Register** of Thursday, October 21, 1982 (47 FR 46889). The action is necessary to make changes in the land description due to an amendment filed by the applicant and to correct some typographical errors made in that publication.

**DATE:** Written notice must be received from any party electing to participate in the exploration program by no later than November 22, 1982.

**ADDRESSES:** Any party electing to participate in the exploration program must notify the State Director, Bureau of Land Management, P.O. Box 1449, Sante Fe, New Mexico 87501 and Northwestern Resources Company, P.O. Box 1899, Billings, Montana 59103.

**FOR FURTHER INFORMATION CONTACT:** Tom Golden (505–988–6306).

**SUPPLEMENTARY INFORMATION:** The amendments and corrections to the legal notice are as follows:

1. Under "T. 16 N., R. 4 W.," for "Sec. 8," the "NW¼NW¼" should have read "NW¼NE¼."

2. Under "T. 16 N., R. 5 W.," for "Sec. 12," the "MW¼SE¼" should have read "NW¼SE¼."

3. In the last paragraph, line 4, the word "full" is corrected to read "fully."

4. Under "T. 16 N., R. 5 W.," for Sec. 10, the "NE¼SE¼;" is amended to read "SE¼SE¼;" Sec. 19 is amended to include the "SE¼SW¼;" Sec. 20 is amended to include the "SW¼SW¼."

5. The acreage is amended to read "2,960.00 acres" instead of "2,880.00 acres."

**Charles W. Luscher,**

*State Director.*

[FR Doc. 82-31078 Filed 11-10-82; 8:45 am]

BILLING CODE 4310-84-M

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**[OR 35341 (Wash.)]**

## Realty Action; Sale Public Lands in Chelan County Washington

The following described lands have been identified as suitable for disposal by sale under section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716, at no less than fair market value.

| Legal description | Acreage |
|---|---|
| Township 21 North, Range 22 East, Willamette Meridian NE¼SE¼, W½SE¼SE¼, Section 8 | 60 |

The 60 acre parcel will be offered for sale, by non-competitive bid, to Chelan County by January 1, 1983. In the event Chelan County declines the offer, in whole or in part, the parcel will be offered for sale at public auction, by competitive bid, with the adjoining landowners having preference rights.

The lands were identified through BLM planning for sale since they meet the sale criteria specified in section 203(a) of the Federal Land Policy and Management Act of 1976 (Pub. L. 94–579). This sale criteria is as follows:

1. The parcel, because of its location and physical characteristics, is difficult and uneconomical to manage as part of the public lands and is also unsuitable for management by another federal department or agency.

2. Disposal of the parcel to Chelan County could serve an important public objective such as helping to fulfill some of this county governmental agency's future land use needs.

3. As required in Section 202 of the Federal Land Policy and Management Act of 1976, the subject parcel has been identified for disposal in the Bureau of Land Management's Upper Columbia Management Framework Plan, completed in 1980.

Any subsequent transfers of title from federal ownership shall be subject to easements and reservations of record, including Section 24 of the Federal Power Act. The United States will reserve all minerals in any patents.

Detailed information concerning the sale, including the planning documents, environmental assessment, and lands report, is available for review at the Bureau of Land Management, Spokane District Office, East 4217 Main Avenue, Spokane, WA 99202.

For a period of 30 days from the date of this notice, interested parties may submit comments to the State Director, Bureau of Land Management, U.S. Department of the Interior, P.O. Box 2965, Portland, OR 97208. Any adverse comments will be evaluated by the State Director who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

**Roger W. Burwell,**

*District Manager.*

[FR Doc. 82-31011 Filed 11-10-82; 8:45 am]

BILLING CODE 4310-84-M

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# 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:** This Notice announces that Shell Offshore Inc., Unit Operator of the South Pass Block 27 Federal Unit Agreement No. 14–08–0001–12443, submitted on October 21, 1982, a proposed supplemental plan of development/production describing the activities it proposes to conduct on the South Pass Block 27 Federal Unit.

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 offices of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 47, Matairie, Lousiana 70002

**FOR FURTHER INFORMATION CONTACT:** Minerals Management Service, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Lousiana 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 on 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: November 2, 1982.

**John L. Rankin,**

*Acting Regional Manager, Gulf of Mexico OCS Region.*

[FR Doc. 82-31006 Filed 11-10-82; 8:45 am]

BILLING CODE 4310-31-M

## Oil and Gas and Sulphur Operations in the Outer Continental Shelf

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of the receipt of a proposed development and production plan.

**SUMMARY:** Notice is hereby given that McMoRan Offshore Exploration Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3394, Block 146, Vermilion 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: November 2, 1982.

**John L. Rankin,**

*Acting Minerals Manager, Gulf of Mexico OCS Region.*

[FR Doc. 82-31026 Filed 11-10-82; 8:45 am]

BILLING CODE 4310-31-M

## Outer Continental Shelf Advisory Board Policy Committee; Notice and Agenda of Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Board Committee Act, Pub. L. No. 92–463, 5 U.S.C. App. 1 and the Office of Management and Budget's Circular No. A–63, Revised.

The Policy Committee of the Outer Continental Shelf (OCS) Advisory Board will meet during the period 9:00 a.m. to 5:30 p.m., December 13, 1982, and 8:30 a.m. to 12:00 p.m., December 14, 1982, at the Sheraton-Sand Key, Clearwater, Florida (813/595–1611).

The meeting will cover the following principal subjects:

**December 13**

- 5-Year OCS Oil and Gas Leasing Program
- Coastal Zone Consistency: Procedures, content, and State roles
- Effect of the U.S. Rejection of Law of the Sea Treaty on Oil and Gas Development
- Environmental Studies Program
- Scientific Committee Briefing
- Revenue Sharing

**December 14**

- OCS Litigation
- Evolution of Offshore Production Units for Arctic Areas

Note.—After adjournment of the formal meeting, there will be a seminar on fair market value. All interested parties are invited to participate.

The meeting is open to the public. Upon request, interested parties may make oral or written presentations to the committee. Such requests should be made no later than November 30, 1982, to the OCS Policy Committee, Minerals Management Service, Department of the Interior, 18th & C Streets, N.W., Washington, D.C. 20240 (202/343–3530).

Requests to make oral statements should be accompanied by a summary of the statement to be made.

Minutes of the meeting will be available for public inspection and copying 8 weeks after the meeting at the Minerals Management Service, Department of the Interior, 18th & C Streets, N.W., Washington, D.C. 20240.

Dated: November 9, 1982.

**David C. Russell,**

*Deputy Director, Minerals Management Service.*

[FR Doc. 82-31210 Filed 11-10-82; 9:36 am]

BILLING CODE 4310-MR-M

## Scientific Committee of the Outer Continental Shelf (OCS) Advisory Board; Notice and Agenda of Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. 92–463, 5 U.S.C. App. I and the Office of Management and Budget's Circular A–63 Revised.

The Scientific Committee of the Outer Continental Shelf Advisory Board will meet on December 13–14, 1982. The Scientific Committee will meet with the OCS Advisory Board Policy Committee on December 13. On December 14, the Scientific Committee will meet in Conference Room 554 of the Sheraton-Sand Key Hotel at 1160 Gulf Blvd., in Clearwater Beach, Florida, from 9 a.m. to 4 p.m.

The agenda for the meeting will include the following subjects:

Review of Past Committee Activities
Reporting Structure
Status of the OCS Environmental Studies Program

The meeting of this committee is open to the public. Approximately 15 visitors can be accommodated on an first-come/first-served basis. All inquiries concerning this meeting should be addressed to: Dr. Piet deWitt, Acting Chief, Offshore Environmental Assessment Division, Minerals Management Service, Washington, D.C. 20240; Telephone: (202) 343–7744.

Dated: November 9, 1982.

**David C. Russell,**

*Deputy Director, Minerals Management Service.*

[FR Doc. 82-31211 Filed 11-10-82; 9:36 am]

BILLING CODE 4310-84-M

## National Park Service

## Intention to Negotiate Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession permit with Ms. Grace Laffoon authorizing her to continue to provide an interpretive exhibit of mountain textile craft and sales outlet facilities and services on the Blue Ridge Parkway for a period of four (4) years from January 1, 1983, through December 31, 1986.

This permit renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act and no environmental document will be prepared.

The foregoing concessioner has performed her obligations to the satisfaction of the Secretary under an existing permit which expires by limitation of time on December 31, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is

entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. This provision, in effect, grants Ms. Grace Laffoon the opportunity to meet the terms and conditions of any other proposal submitted in response to this notice which the secretary may consider better than the proposal submitted by Ms. Grace Laffoon. If Ms. Grace Laffoon amends her proposal and the amended proposal is substantially equal to the better offer, then the proposed new permit will be negotiated with Ms. Grace Laffoon.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Regional Director, Southeast Region, 75 Spring Street, S.W., Atlanta, Georgia 30303, for information as to the requirements of the proposed permit.

Dated: October 27, 1982.

**Neal G. Guse,**

*Regional Director, Acting Southeast Region.*

[FR Doc. 82-31027 filed 11-10-82; 8:45 am]

BILLING CODE 4310-70-M

### Intention To Negotiate Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 stat. 969; 16 U.S.C. 20), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession permit with Craftsmen's Guild of Mississippi, Inc., authorizing it to continue to provide sales, exhibits, workshops, and demonstrations of Mississippi crafts facilities and services for the public at Natchez Trace Parkway, Mississippi, for a period of three (3) years from January 1, 1983, through December 31, 1985.

This permit renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing permit which expires by limitation of time on December 31, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewall of the permit and in the negotiation of a new permit. This provision in effect, grants Craftsmen's Guild of Mississippi, Inc., the opportunity to meet the terms and conditions of any other proposal submitted in response to this Notice which the Secretary may consider better than the proposal submitted by Craftsmen's Guild of Mississippi, Inc. If Craftsmen's Guild of Mississippi, Inc., amends its proposal and the amended proposal is substantially equal to the better offer, then the proposed new permit will be negotiated with Craftsmen's Guild of Mississippi, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Regional Director, Southeast Region, 75 Spring Street, S.W., Atlanta, Georgia 30303, for information as to the requirements of the proposed permit.

Dated: October 26, 1982.

**Neal G. Guse,**

*Acting Regional Director, Southeast Region.*

[FR Doc. 82-31028 Filed 11-10-82; 8:45 am]

BILLING CODE 4310-70-M

## Bureau of Reclamation

### Grand Valley Unit, Colorado River Basin Salinity Control Project, Colorado; Intent To Prepare a Draft Environmental Impact Statement

Pursuant to Section 102(2)C of the National Environmental Policy Act of 1969, the Department of the Interior proposes to prepare an environmental impact statement on Stage Two of the Grand Valley Unit. The Grand Valley Unit is a component of the Colorado River Basin Salinity Control Project and was authorized for construction by the Colorado River Basin Salinity Control Act of 1974 (Pub. L. 93-320).

Technical investigations to date indicate the Grand Valley area contributes an estimated 580,000 tons of salt per year to the Colorado River system. Reclamation is studying several salinity control alternatives including various combinations of lining private and Federal canals and laterals in the Grand Valley. The alternatives are aimed at reducing conveyance system seepage, thereby decreasing the salt pickup from area soils.

Two scoping meetings will be held on the unit; the first at 7:30 p.m., Tuesday, December 7, 1982, at the Fruita City Hall Auditorium, Fruita, Colorado, and the second at 7:30 p.m., Thursday, December 9, 1982, at the Clifton Community Hall, Clifton, Colorado. These meetings are to be held in accordance with section 1508.22 of the final regulations of the Council on Environmental Quality. Information will be elicited from all interested public entities and individuals to assist in determining the scope of the environmental statement and to identify the significant issues related to the alternative plans. Inquiries should be addressed to Mr. J. F. Rinchkel, Projects Manager, Bureau of Reclamation, 764 Horizon Drive, Grand Junction, Colorado 81401, telephone (303) 243-4992.

Dated: November 5, 1982.

**Jed D. Christensen,**

*Commissioner.*

[FR Doc. 82-30932 Filed 11-10-82; 8:45 am]

BILLING CODE 4310-09-M

## INTERSTATE COMMERCE COMMISSION

### 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 242 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: November 5, 1982.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

**Agatha L. Mergenovich,**

*Secretary.*

MC–F–14971, filed October 8, 1982. DERVAN CARTAGE SERVICE, INC. (DERVAN) (952 N. Maple Street, Albany, GA 31705)—purchase (portion)—BRISTOW TRUCKING CO., INC., (BRISTOW) (P.O. Box 6355–A, Birmingham, AL 35217). Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209. Dervan seeks to purchase a portion of the authority of Bristow. Ray L. Millard, who controls Dervan through stock ownership, seeks to acquire control of said rights through the transaction. Dervan seeks to purchase the interstate operating rights contained in Bristow's Certificate No. MC–146646 (Sub-No. 103F), authorizing transportation of *rubber articles and plastic articles, and materials and supplies used in the manufacture and distribution of rubber articles and plastic articles* (except commodities in bulk, in tank vehicles), between points in the United States (except AK and HI), and a portion of the operating rights in Certificate No. MC–146646 (Sub-No. 151X), authorizing transportation of *metal products*, between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. Dervan is authorized to operate as a common carrier pursuant to certificates issued in No. MC–135656 and subs thereunder. Condition: Ray L. Millard controls Denver Cartage Service, Inc., through stock ownership and is required to join in the application. Although Mr. Millard signed the application on behalf of Dervan, as its president, he must also sign as the party in control. Accordingly, on approval is conditioned upon Ray L. Millard joining in the application as party in control of Dervan. This may be done whether by submission of a new signature page (page 3) or an affidavit by Mr. Millard requesting such joinder. Impediment: Inasmuch as transferor is retaining certain authority which duplicates that which is sought to be transferred, transferor shall either cancel the duplicating authority or provide public support for its retention.

Note.—An application for temporary authority has been filed.

Decided: September 2, 1982. MC–F–14936, filed August 20, 1982. KAIBAB TRANSPORTATION, INC. (KAIBAB) (43602 E. Thomas Road, Phoenix, AZ 85018)—purchase (portion)—ARROW FREIGHTWAYS, INC. (ARROW) (P.O. Box 25125, Albuquerque, NM 87125). Representative: Michael F. Morrone, 1150–17th Street, NW., Suite 1000, Washington, DC 20036. Kaibab seeks authority to purchase a portion of the operating rights of Arrow. Kaibab Industries, Inc., a non-carrier holding company and the sole stockholder of Kaibab, and, in term, A Milton Whiting, Chairman of Kaibab's Board of Directors and President, Chairman, and major stockholder of Kaibab Industries, Inc., seek authority to acquire control of said rights through the transaction. Kaibab is purchasing the interstate operating rights held by Arrow in Certificate No. MC–128279 (Sub-No. 41F), which authorizes the transportation of general commodities (except household goods as defined by the Commission and classes A and B explosives), between points in AZ, CA, CO, KS, NE, NM, NV, OK, TX, UT, and WY. Kaibab holds Permits No. MC–152109 and sub numbered permits authorizing operations as a contract carrier in behalf of specified shippers. Kaibab Industries, Inc., in addition to being the sole stockholder of Kaibab Distribution Corporation, which holds Permit No. MC–162645 authorizing operations as a contract carrier in behalf of two shippers. Conditions: Approval and authorization of this transaction is conditioned upon the prior receipt by the Commission of an affidavit signed by A. Miller Whiting stating that he joins in this application. Kaibab Industries, Inc., a non-carrier holding company, shall be considered a carrier within the meaning of 49 U.S.C. 11348 and is subjected to the requirements of 49 U.S.C. 11302 for those issuances of securities and assumptions of obligations which may relate to, or affect, the activities of its carrier subsidiaries. With respect to the reporting requirements of 49 U.S. 11145, Kaibab Industries, Inc., need only file such special reports as the Commission may from time to time require. Kaibab Industries, Inc., is not made subject to the accounting requirements of 49 U.S.C. 11142. Impediments: This proceeding shall be held open to enable applicants to submit (1) an affidavit setting forth all splits of duplicating operating rights and duplications in detail resulting from this transaction and (2) a request for cancellation of the duplicating rights being retained by Arrow in order to eliminate a split of operating rights, or the submission of acceptable reasons for permitting such splits of authority.

Note.—An application for TA has been filed.

[FR Doc. 82–30988 Filed 11–10–82; 8:45 am]

BILLING CODE 7035–01–M

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## Motor Carriers; Permanent Authority Decisions, Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment of applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become 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 maintaining 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 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 or 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."

For the following, please direct status inquiries to Team 1 at 202–275–7992.

**Volume No. OP1–194**

Decided: November 3, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 141751 (Sub-7), filed October 28, 1982. Applicant: M.P.C. TRUCKING, INC., Cold Stream Road, Kimberton, PA 19442. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110, (215) 561–1030. Transporting, for or on behalf of the United States Government *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 164411, filed October 25, 1982. Applicant: N. P. EXPRESS, INC., P.O. Box 216, Douglassville, PA 19518, Representative: Joseph T. Bambrick, Jr. (same address as applicant), (215) 385–6086. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

For the following, please direct status inquiries to Team 2 at 202–275–7030.

**Volume No. OP2–279**

Decided: November 2, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 164302, filed October 20, 1982. Applicant: C.T.I. BROKERS, INC., 824 S. Combee Rd., Lakeland, FL 33801. Representative: Louis Fingerhut, 525 Windsor St., Lakeland, FL 33802, (813) 688–1508. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 164332, filed October 21, 1982. Applicant: KENNETH D. GREENLEAF & IRVIN C. SHERIFF, d.b.a. G & S TRUCKING, 19435 244th S.E., Maple Valley, WA 98038. Representative: Kenneth D. Greenleaf (same address as applicant), 206–432–4116. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 164423, filed October 27, 1982. Applicant: ELWOOD COTTLE, d.b.a. CONSOLIDATED ENTERPRISES, 16525 Magnolia St., P.O. Box 12, Westminster, CA 92683. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609, (213) 945–2745. As a *broker of general commodities* (except household goods), between points in the U.S.

For the following, please direct status inquiries to Team 3 at 202–275–5223.

**Volume No. OP3–14**

Decided: November 2, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 153984 (Sub-2), filed October 25, 1982. Applicant: CHESS HESTER TRUCKING COMPANY, P.O. Box 567, Russellville, AL 35653. Representative: Jeffrey C. Kirby, 603 Frank Nelson Building, Birmingham, AL 35203–3668, (205) 251–2881. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 164234, filed October 15, 1982. Applicant: YOU TWO, INC., 10507 N. Church St., Huntley, IL 60142. Representative: Alfred C. Jensen (same address as applicant) (312) 669–5888. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestome and fertlizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 164374, filed October 21, 1982. Applicant: NATIONAL FORWARDING CO., INC., 2800 Roosevelt Rd., Broadview, IL 60153. Representative: John P. Torpats (same address as applicant) (312) 450–2900. As a *broker of general commodities* (except household goods), between points in the U.S.

**Volume No. OP3–17**

Decided: November 3, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 1515 (Sub-316), filed October 27, 1982. Applicant: GREYHOUND LINES, INC., Greyhound Tower, M.S. #1510, Phoenix, AZ 85077. Representative: R. L. Wilson (same address as applicant) (602) 248–5016. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI.)

MC 164024, filed October 26, 1982. Applicant: ROBERT F. SCHULZ, d.b.a. D & B ENTERPRISES, 6211 Park Ave.,

Downers Grover, IL 60516. Representative: Robert F. Schulz (same address as applicant) (312) 963–7638. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 164404, filed October 26, 1982. Applicant: WILBER M. HOPKINS, d.b.a. HOP'S TRUCKING COMPANY, 2500 Patrick Henry Blvd., Mechanicsville, VA 23111. Representative: Frank L. Willard, Suite 1001, First & Merchants Nat'l. Bank Bldg., Norfolk, VA 23510 (804) 627–0070. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 164415, filed October 26, 1982. Applicant: ANDREW W. WELCH, R.R. 4, Carbondale, IL 62901. Representative: Andrew W. Welch (same address as applicant) (618) 529–3959. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 164434, filed October 27, 1982. Applicant: D. R. WORKHORSE INC., 5410 Indian Head Hwy., Suite 300, Oxon Hill, MD 20745. Representative: Delma L. Reese II (same address as applicant) (301) 567–1322.Transporting (1) for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which on no one package exceeds 100 pounds, and (3) *used household goods* for the account of the U.S. Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S. (except AK and HI).

MC 164455, filed October 25, 1982. Applicant: WAYNE WORMINGTON, Rt. 1, Box 120, Verona, MO 65769. Representative: Wayne Wormington (same address as applicant) (417) 847–3370. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

For the following, please direct status inquiries to Team 4 at 202–275–7669.

**Volume No. OP4–026**

Decided: November 4, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 157857 (Sub-1), filed October 27, 1982. Applicant: BAKER RENTAL AND SALES, INC., 1151 Baker St., Costa Mesa, CA 92027. Representative: Floyd L. Farano, 2555 E. Chapman Ave., Suite 415, Fullerton, CA 92631 (714) 773–4111. Transporting, for or on behalf of the United States Government *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 164357, filed October 22, 1982. Applicant: UNIROYAL, INC., World Headquarters, Middlebury, CT 06749. Representative: John C. Taylor (same address as applicant) (203) 573–2071. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 164417, filed October 25, 1982. Applicant: B. EUGENE MANIFOLD, R.D. '1, Box 100, Airville, PA 17302. Representative: George E. Campbell, 985 Old Eagle School Rd., Wayne, PA 19087, (215) 293–9220. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone, fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

**Volume No. OP4–028**

Decided: November 5, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 99506 (Sub-4) filed October 25, 1982. Applicant: HAROLD M. SANDHAUS, 1295 W 71st Terrace, Kansas City, MO 64114. Representative: John T. Pruitt, 9832 Connell, Overland Pk, KS 66212, (913) 888–3386. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 150927 (Sub-4), filed October 19, 1982. Applicant: HORIZON TRANSPORT, INC., P.O. Box 20848, Portland, OR 97220. Representative: Michael D. Crew, 1618 S.W. 1st Ave., Suite 205, Portland, OR 97201, (503) 221–1529. (1) Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, sensitive weapons and munitions), between points in the U.S. (except AK and HI). (2) As a *broker of general commodities* (except household goods), between points in U.S. (except AK and HI).

MC 164327, filed October 21, 1982. Applicant: EDWARD WRAY LANG, 11444 Perry Hwy., Wexford, PA 15090. Representative: David W. Donley, 610 Smithfield St., Suite 400, Pittsburgh, PA 15222, (412) 471–6272. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 164416, filed October 26, 1982. Applicant: JOHN LUNDON TRUCKING, 1100 Saint Anne St., Crookston, MN 56716. Representative: John F. Lundon (same address as applicant) (218) 281–6484. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

**Volume No. OP4–030**

Decided: November 5, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams.

MC 164436, filed October 27, 1982. Applicant: TRAN–SPEC CORPORATION, 9260 Valley View Rd., Macedonia, OH 44056. Representative: Arthur E. Gogol, 7723 Greenwich Rd., Lodi, OH 44254 (216) 948–2531. As a broker of *general commodities* (except household goods), between points in the U.S.

MC 164457, filed October 26, 1982. Applicant: G.W. JACKSON, R.D. #1, Box 144, Kirkwood, PA 17536. Representative: G.W. Jackson, (same address as applicant), (717) 529–2559. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

For the following, please direct status inquires to Team 5 at 202–275–7289.

**Volume No. OP5–246**

Decided: November 2, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 164328, filed October 21, 1982. Applicant: PIONEER VALLEY BROKERAGE, INC., 454 Main Street, West Springfield, MA 01089. Representative: James L. Woods, 17

Andover Road, Longmeadow, MA 01106, (413) 567–8497. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 164338, filed October 21, 1982. Applicant: D.R. COAST TO COAST BROKERS, 5410 Indian Head Hwy., Suite 300, Oxon Hill, MD 20745. Representative: Delma L. Reese II (same address as applicant), (301) 567–1322. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 164359, filed October 22, 1982. Applicant: INTERMODAL WAREHOUSE AND SHIPPING CORP., Building 99, River Terminal, South Kearny, NJ 07032. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123, (212) 239–4610. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 164408, filed October 27, 1982. Applicant: H & E TRUCK BROKERS, INC., 12425 Telephone Avenue, Chino, CA 91710. Representative: Miles L. Kavaller, 315 S. Beverly Dr., Suite 315, Beverly Hills, CA 90212, (213) 277–2323. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 164409, filed October 27, 1982. Applicant: ROBERT B. SUTHERLAND d.b.a. SUTHERLAND TRUCKING, 143 Nash, San Antonio, TX 78223. Representative: Charles H. Wickman, 901 Burlington, P.O. Box 128, Western Springs, IL 60558, (312) 246–9090. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

**Agatha L. Mergenovich,**

*Secretary.*

[FR Doc. 82–30992 Filed 11–10–82; 8:45 am]

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[Volume No. 309]

## Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: November 5, 1982.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. 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.

### 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 92983 (Sub-548)X, filed October 20, 1982. Applicant: AMERICAN BULK TRANSPORT CO., P.O. Box 18, Kansas City, MO 64141–0018. Representative: William J. O'Neill (same as applicant). Sub 117 and 328: (1) Broaden (a) petroleum products (except cryogenic liquids), requiring temperature control in transit to maintain liquid form, in bulk, in tank vehicles to "petroleum, natural gas, and their products" in Sub-117; (b) acids and chemicals and acids and chemical (except derivatives of petroleum or petroleum products) in bulk, in tank or hopper vehicles to "chemicals and related products" in Sub 328; and (c) fats and oils (except petroleum and petroleum products, and molasses), in bulk, in tank vehicles to "food and related products" in Sub 328; (2) change one-way to radial authority; (3) broaden Saginaw, MO and points within 15 miles thereof to Newton and Jasper Counties, MO, Ottawa County, OK, and Cherokee County, KS, in Sub 328; and (4) remove the restrictions against service/transportation of specified products from and to specified points or areas in Sub 328.

MC 102679 (Sub-6)X, filed October 29, 1982. Applicant: COLLINS MOVING SYSTEMS, INC., 904 W. Morgan, Kokomo, IN 46901. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036. Sub 3F certificate: broaden to "household goods and furniture and fixtures" from household goods, new furniture, carpet and padding.

MC 104523 (Sub-87)X, filed October 4, 1982. Applicant: HUSTON TRUCK LINE, INC., P.O. Box 427, Seward, NE 68434. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Sub-Nos. 46, 48, 50, 51, 53, 55, 56, 58, 60, 62, 64, 65, 66, 70F, 71F, 73F, 74F, 75F, 77F, and 80F certificates: broaden (1)(a) Sub 46 to "furniture and fixtures" from store fixtures and store equipment; (b) Subs 48, 63, 58, and 65 to "clay, concrete, glass or stone products" from tile, and from stone and stone products; (c) Sub 50 to "rubber and plastic products" from plastic pipe and plastic tubing; (d) Sub 51 to "rubber and plastic products, metal products, and clay, concrete, glass or stone products," from pipe, tubing, pipe fittings, and pipe accessories; (e) Sub 55 to "pulp, paper and related products" from bags, containers and wrappers: and "food and related products, chemicals and related products, and metal products" from dry animal and polutry feed and mineral mixtures, animal and poultry tonics, insecticides (other than agricultural), and livestock feeders and equipment; (f) Sub 56 to "clay, concrete, glass or stone products, pulp, paper and related products, and chemicals and related products" from plasterboard joint compound, plaster, cement compound, plasterboard tape, and paint; (g) Sub 60 to "metal products" from iron and steel articles; (h) Sub 62 to "ores and minerals" from barite; (i) Sub 64 to "ores and minerals, clay, concrete, glass or stone products, and chemicals and related products" from bentonite, processed clay, and foundry molding sand treating compounds, in bulk: and "ores and minerals, clay, concrete, glass or stone products, and coal and coal products" from bentonite, processed clay, and lignite; (j) Subs 66 and 70 to "ores and minerals, coal and coal products, and clay, concrete, glass or stone products" from bentonite clay, lignite coal, and bentonite clay products; (k) Sub 71 to "ores and minerals, coal and coal products, and chemicals and related products" from barite, bentonite, lignite, soda ash, and starch; (l) Sub 73 to "clay, concrete, glass or stone products and ores and minerals" from bentonite clay, in bulk; (m) Sub 74 to "pulp, paper and related products" from paper bags and ancillary materials, equipment, and supplies; (n) Sub 75 to "textile mill products" from carpet padding; (o) Sub 77 to "chemicals and related products" from drilling fluids, drilling mud, and drilling and mud ingredients; and (p) Sub 80 to "ores and

minerals, clay, concrete, glass or stone products, and chemicals and related products" from bentonite, bentonite clay and drilling mud compounds; (2) city points or facility locations to countywide authority: Sub 46 to Kaufman County, TX (Terrell); Subs 48 and 50 to Harris, Brazoria, Galveston, Chambers, Liberty, Montgomery, Waller, Ft. Bend and San Jacinto Counties, TX (Houston and facilities near Houston); Sub 51 to Morris, Cass, Marion and Upshur Counties, TX (Lone Star and points within 5 miles thereof); Sub 55 to Adams County, IL and Marion and Lewis Counties, MO (Quincy, IL), Platte County, NE (Columbus), and Comanche and Deaf Smith Counties, TX (Comanche and Hereford); Subs 56 and 75 to Collin, Denton, Dallas, Ellis, Johnson, Kaufman, Rockwall and Tarrant Counties, TX (Dallas and facilities near Dallas); Sub 60 to Madison and Stanton Counties, NE (facilities near Norfolk); Sub 62 to Missoula County, MT (Missoula); Sub 64 to Butte County, SD (Belle Fourche), and Weston and Big Horn Counties, WY (Upton and Lovell); Sub 66 to Phillips County, MT (facilities near Malta); Sub 71 to McPherson County, KS (McPherson), Saint Louis County, MN (Burnett), Missoula, Valley and Phillips Counties, MT (Missoula, Glasgow, and Malta), Bowman County, ND (Gascoyne), Butte County, SD (Belle Fourche), Weston, Big Horn, Natrona and Sweetwater Counties, WY (Upton, Greybull, Casper, Colony, Green River, and Lovell); Sub 73 to Butte County, SD and Weston, Crook and Big Horn Counties, WY, and Phillips County, MT (facilities located therein); Sub 74 to Bowman County, ND and Butte County, SD (facilities located therein); and Sub 80 to Big Horn County, WY (Greybull and Lovell); (3) change one-way traffic to radial authority; and (4) remove various restrictions (a) which prohibit transportation of Mercer or earth-drilling commodities, commodities in bulk, and size and weight commodities, in Subs 50, 51, 56, 60, 64, and 74; (b) require the use of a described vehicle, in Sub 64; and (c) limit service to shipments originating at or destined to named plantsites or facilities, in Subs 48, 51, 55, 56, 60, 64, 65, 70, and 80.

MC 115955 (Sub-33)X, filed October 22, 1982. Applicant: SCARI'S DELIVERY SERVICE, INC., P.O. Box 2627, Wilmington, DE 19805. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113. Subs 2, 9, 13, 15, 18, 26, 27, 29F, and 32 certificates: (1) broaden (a) alcoholic beverages and malt beverages to "food and related products," Sub-32; (b) rotex dust to "chemicals and related products," Sub-32; (c) general commodities (with the usual exceptions and except motor vehicles) to general commodities (except classes A and B explosives, household goods and commodities in bulk), Subs 2, 13, 15, 26, 27, 29F, and 32; (2) delete the following restrictions: Operations to and from rail facilities at specified locations, "restricted to shipments having an immediately prior or subsequent movement by rail in trailer-on-flatcar service," "restricted to the transportation of shipments having an immediately prior or subsequent movement by aircraft and/or by air," "except in bulk, in tank vehicles" application to and from "rail ramps," shipments moving on air bills of lading," exceptions to service at (a) "Dover Air Force Base," (b) "New Castle County Airport," (c) "plantsites of International Latex Company at or near Dover, DE;" and (d) "except Wilmington, Newark, and the New Castle County airport at or near New Castle, DE." (3) broaden one-way to radial authority; (4) broaden cities, airports, and/or precisely located facilities as follows: Wilmington, facilities at Wilmington, Greater Wilmington Airport, Newport, facilities at Newport, Edgemoor, facilities at Edgemoor, New Castle, facilities at New Castle, New Castle Airport, and Glasgow, and facilities at Glasgow, DE to New Castle County, DE; Gibbstown and facilities at Gibbstown, NJ to Gloucester County, NJ; Carneys Point, facilities at Carneys Point, Deepwater, and facilities at Deepwater, NJ to Salem County, NJ; Camden, Gloucester City and Pennsauker, and facilities at Pennsauken, NJ to Camden County, NJ; Dover and Dover Air Force Base, DE to Kent County, DE; Newark, DE to New Castle County, DE; Elkton, MD to Cecil County, MD; Kenneth Square, PA to Chester County, PA; McGuire Air Force Base and Fort Dix, NJ to Burlington and Ocean Counties, NJ; Fort George G. Meade, MD to Anne Arundel County, MD; Fort Holabird, MD to Baltimore, MD; Downingtown, PA to Chester County, PA; Hartford, CT to Hartford County, CT; Winston-Salem, NC to Forsyth County, NC; Lewes, facilities at Lewes, Milford, Seaford, and facilities at Seaford, DE to Sussex County, DE; Philadelphia International Airport, North Philadelphia Airport, and facilities at Philadelphia to Philadelphia, PA.

MC 128159 (Sub-2)X, filed November 1, 1982. Applicant: WORDEN SONS OF COLDWATER, INC., d.b.a. McLAIN TRANSPORTATION, INC., 405 B. Arch Ave., Hillsdale, MI 49242. Representative: James R. Neal, 1200 Bank of Lansing Bldg., Lansing, MI 48933. Sub No. 1 permit: (1) Broaden meats, meat products, and meat by-products, spices, and lard cans to "food and related products", and (2) expand the territorial description to between points in the United States, under continuing contract(s) with a named shipper.

MC 129291 (Sub-21)X, filed October 14, 1982. Applicant: McDANIEL MOTOR EXPRESS, INC., 1115 Winchester Rd., Lexington, KY 40505. Representative: William L. Willis, Suite 702, McClure Bldg., Frankfort, KY 40601. Sub 16F certificate: broaden to "machinery, transportation equipment and rubber and plastic products" from automotive parts, automotive lifts, automotive lift parts, and materials, equipment and supplies used in the manufacture and distribution of such commodities.

MC 144732 (Sub-6)X, filed October 20, 1982. Applicant: S & S TRUCKING, INC., Alzada Star Route, Belle Fourche, SD 57717. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701. Lead MC–113635 and Sub 3 permits and MC–144732 Subs 1F, 2F and 3 certificates: broaden to (A)(1) Lead MC–113635 and Sub 3-part 2, "ores and minerals, and clay, concrete, glass or stone products" from bentonite, in bulk, in tank and hopper-type vehicles; (2) Sub 3-part 1, "petroleum or coal products" from ground lignite coal and ground leonardite; (3) Sub 3-part 3, "chemicals and related products" from soda ash; (B) MC–144732 Sub 3, "between points in the U.S. (except AK and HI)", under continuing contract(s) with named and unnamed shippers; and (D) MC–144732, Sub 3, add authorization of "materials, equipment, and supplies" to the commodity description.

MC 147293 (Sub-2)X, filed October 26, 1982. Applicant: JAMES LEWIS d.b.a. AJ TRUCKING CO., 11800 Brookpark Rd., Cleveland, OH 44130. Representative: Richard A. Zellner, 800 National City—E. 6th Bldg., Cleveland, OH 44114. Sub 1F permit: Broaden territorial description to between points in the United States under continuing contract(s) with a named shipper.

[FR Doc. 82-30991 Filed 11-10-82; 8:45 am]
BILLING CODE 7035-01-M

## Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent Corporation and address of principal office: Cooper Industries, 1st City Tower, 1001 Fannin St., P.O. Box 4446, Houston, Texas 77210.

2. Wholly-owned subsidiaries which will participate in the operations and addresses of their principal offices:

A. Crouse-Hinds Company, Wolf & 7th Streets, Syracuse, New York 13221
Crouse-Hinds Company, Lighting Products Division, Hwy. 61 S. Vicksburg, Mississippi
Crouse-Hinds Company, Arrow Hart Division, 103 Hawthorn Street, Hartford, Connecticut 06101
Crouse-Hands Company, Pfaff & Kendall, 84 Foundry Street, Newark, New Jersey 07105
B. Belden Wire & Cable, 2000 S. Batavia, Geneva, Illinois 60134
C. Cooper Group, 3535 Glenwood Avenue, Raleigh, North Carolina
D. Kirsch, 309 N. Prospect Street, Sturgis, Michigan
E. Demco, 845 Southeast 29th Street, Oklahoma City, Oklahoma 73143
F. Funk Manufacturing, Coffeyville Industrial Park, Highway 169 North, Coffeyville, Kansas 67337
G. Martin-Decker, 1928 South Grand Avenue, Santa Ana, California 92705
H. Portable Rig, 4400 Hatcher Street, P.O. Box 26208, Dallas, Texas 75226
I. Apex Machine & Tool Company, 1025 South Patterson Blvd., Dayton, Ohio 45402
J. Cooper Air Tools, 1333 Fulton Street, Grand Haven, Michigan 49417

1. Parent Corporation and address of principal office: Rich Products Corporation, P.O. Box 245, 1150 Niagara St., Buffalo, NY 14240.

2. Participating wholly-owned subsidiaries and States of incorporation:

(i) Casa Di Bertacchi Corporation (Delaware)
(ii) Rich Turner Foods (Georgia)
(iii) Refrigerated International Cargo Haulers, Inc. (Delaware)

1. Parent corporation and address of principal office: U.S. Plant Foods, Inc., 111 Foote St., Seymour, WI 54165.

2. Wholly-owned subsidiary which will participate in the operation and address of principal office: U.S. Plant Foods Transportation, Inc., 111 Foote St., Seymour, WI 54165.

Agatha L. Mergenovich,

*Secretary.*

[FR Doc. 82-30987 Filed 11-10-82; 8:45 am]

BILLING CODE 7035-01-M

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[Ex Parte No. 387]

## Exemptions for Contract Tariffs

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notices of provisional exemptions.

**SUMMARY:** Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the below-listed contract tariffs may become effective on one day's notice. These exemptions 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:**

Douglas Galloway (202) 275-7278

or

Tom Smerdon (202) 275-7277.

**SUPPLEMENTARY INFORMATION:** The 30-day notice requirement is not necessary in these instances 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 requests meet the requirements of 49 U.S.C. 10505(a) and are granted subject to the following conditions:

These grants neither shall be construed to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) not 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.

| Sub-No. | Name of railroad, contract No., and specifics | *Review board | Decided date |
|---|---|---|---|
| 365 | Missouri Pacific RR Co. Exemption for Contract Tariff ICC-MP-C-0154 Supp. 2 (Corn, Grain Sorghums, Soybeans and/or Wheat) via Ports served by MP in Louisiana and Texs. | 2 | 11-05-82 |
| 366 | Grand Trunk Western RR Co. Exemption for Contract Tariff ICC-GTW-C-0016 Supp. 2 (Isobutylenes). | 3 | 11-05-82 |
| 367 | Missouri Pacific RR Co. Exemption for Contract Tariff ICC-MP-C-0155. | 1 | 11-05-82 |
| 368 | Atchison, Topeka and Santa Fe Railway Co. Exemption for Contract Tariff ICC-ATSF-C-0151 (Steel Shipbuilding Plate). | 2 | 11-05-82 |
| 369 | Kansas City Southern Railway Co. Exemption for Contract Tariff ICC-KCS-C-0032 (Mill Feed). | 3 | 11-05-82 |
| 370 | Union Pacific RR Co. Exemption for Contract Tariff ICC-UP-C-0139 (Excavated Material, Fill Material and Crane). | 1 | 11-05-82 |
| 372 | Norfolk and Western Railway Co. Exemption for Contract Tariff ICC-NW-C-0009-A (Internal Combustion Engines, Motor Vehicle). | 2 | 11-05-82 |

*Review Board No. 1, Members Parker, Chandler, and Fortier.
Review Board No. 2, Members Carleton, Williams, and Ewing. (Member Ewing not participating.)
Review Board No. 3, Members Krock, Joyce, and Dowell.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505.)

By the Commission.

Agatha L. Mergenovich,

*Secretary.*

[FR Doc. 82-30990 Filed 11-10-82; 8:45 am]

BILLING CODE 7035-01-M

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[Docket No. AB-2 (Sub-40)]

## Louisville and Nashville Railroad Company—Abandonment—in Posey County, IN; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that the Commission, Review Board Number 3, has issued a certificate authorizing the Louisville and Nashville Railroad Company to abandon its rail line known as the Mt. Vernon line of its Evansville Division extending from railroad milepost ZJ-278 near Cynthiana, to milepost ZJ-300.5 near Mt. Vernon, a distance of 22.50 miles, in Posey County, IN, subject to certain conditions. Since no investigation was instituted, the requirement of § 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Louis E.

Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b)(2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

**Agatha L. Mergenovich,**

*Secretary.*

[FR Doc. 82-30986 Filed 11-10-82; 8:45 am]

BILLING CODE 7035-01-M

## INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

### Agency for International Development

### Board for International Food and Agricultural Development; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given of the fifty-third meeting of the Board for International Food and Agricultural Development (BIFAD) on December 2, 1982, and the first meeting of the Joint Committee on Agricultural Research and Development (JCARD) on November 30 and December 1, 1982.

The purposes of the BIFAD meeting are to: consider a progress report on the post-Cancun Presidential Missions on Agricultural Development; to receive a report by JCARD on planning of its work program; and to hear status reports on the Agricultural Development Support project being implemented in Yemen by the Consortium for International Development, and the proposed Cooperative Program between U.S. Research Institutions and International Agricultural Research Centers; and meet with the BIFAD Support Staff to discuss staff actions and operational procedures.

The purposes of the JCARD meeting are to: impart background information on JCARD and its predecessor committees; discuss operational matters; receive reports on AID activities related to the international agricultural research centers, participant training and university strengthening programs, and formulation of sectorial and regional strategies and priorities; and to consider JCARD's work program and priorities.

The BIFAD meeting will begin at 9:30 a.m. and adjourn at 12:00 noon, and will be held in Room 1107, New State Department Building, 22nd and C Streets, N.W., Washington, D.C. The meeting with the BIFAD Support Staff will begin at 8:00 a.m. and adjourn at 9:15 a.m. This meeting will be held in Room 2248, New State Department Building, 22nd and C Street, NW., Washington, D.C.

The JCARD meeting will include three sessions, from 1:00 p.m. to 5:00 p.m. on November 30, 1982, and 9:00 a.m. to 12:00 noon and 1:15 p.m. to 5:00 p.m. on December 1, 1982. All sessions will be held at the Holiday Inn, 1850 N. Fort Myer Drive, Rosslyn, Virginia.

The meetings are open to the public. Any interested person may attend, may file written statements with the Board or Committee before or after the meetings, or may present oral statements in accordance with procedures established, and to the extent the time available for the meetings permit. An escort from the "C" Street Information Desk (Diplomatic Entrance) will conduct you to the BIFAD meeting.

Erven J. Long, Coordinator, Title XII Strengthening Grants and University Relations, Bureau for Science and Technology, Agency for International Development, is designated as A.I.D. Advisory Committee Representative at the BIFAD meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, International Development Cooperation Agency, Washington, D.C. 20523, or telephone him at (703) 235-8929. For information about the JCARD meeting, write to John C. Rothberg at the same address, or telephone him at (202) 632-0228.

Dated: November 2, 1982.

**Erven J. Long,**

*A.I.D. Advisory Committee Representative, Board for International Food and Agricultural Development.*

[FR Doc. 82-31103 Filed 11-10-82; 8:45 am]

BILLING CODE 6116-01-M

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

### Manufacturer of Controlled Substances; Application

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on April 15, 1982, Johnson Matthey, Inc., 1401 King Road, West Chester, Pennsylvania 19380, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the Schedule II controlled substance Fentanyl Citrate (9811).

Any other such applicant and any person who is presently registered with DEA to manufacture such substance, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Acting Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than (30 days from publication).

Dated: November 4, 1982.

**Gene R. Haislip,**

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. 82-31050 Filed 11-10-82; 8:45 am]

BILLING CODE 4410-09-M

### Manufacturer of Controlled Substances; Registration

By Notice dated September 1, 1982, and published in the **Federal Register** on September 8, 1982; (47 FR 39632), Wyeth Laboratories, Inc., 611 East Nield Street, P.O. Box 565, West Chester, Pennsylvania 19380, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

| | Schedule |
|---|---|
| Drug: | |
| Pethidine (Meperidine) (9230) | II |
| Pethidine-Intermediate A (9232) | II |

No comments or objections having been received and pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, § 1301.54(e), the Acting Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: November 4, 1982.

**Gene R. Haislip,**

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. 82-31049 Filed 11-10-82; 8:45 am]

BILLING CODE 4410-09-M

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

### Advisory Committee on Construction Safety and Health; Meeting

Notice is hereby given that the Advisory Committee on Construction Safety and Health, established under section 107(e)(1) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) and section 7(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656) will meet on November 30 and December 1, 1982 in Room C–5515, Seminar Room 6, Frances Perkins Department of Labor Building, Washington, D.C. The meeting is open to the public and will begin at 9:30 a.m.

The agenda for this meeting will include a review of a draft proposal for the revision of Subpart Q-Concrete, Concrete Formwork and Precast Concrete, and a general discussion of construction safety and health matters.

Written data, views or comments may be submitted, preferably with 20 copies, to the Division of Consumer Affairs. Any such submissions received prior to the meeting will be provided to the members of the Committee and will be included in the record of the meeting.

Anyone wishing to make an oral presentation should notify the Division of Consumer Affairs before the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation.

Oral presentations will be scheduled at the discretion of the Chairman depending on the extent to which time permits. Communications may be mailed to: Ken Hunt, Committee Management Officer, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Rm N3635, Washington, D.C. 20210; Telephone: 202–523–8024.

Materials provided to members of the Committees are available for inspection and copying at the above address.

Signed at Washington, D.C. the 9th day of November 1982.

**Thorne G. Auchter,**

*Assistant Secretary.*

[FR Doc. 82–31213 Filed 11–10–82; 10:05 am]

BILLING CODE 4510–26–M

### National Advisory Committee on Occupational Safety and Health; Meeting

Notice is hereby given that the National Advisory Committee on Occupational Safety and Health will meet in Washington, D.C. on December 2 and 3, 1982. The meeting will begin at 9:30 a.m. on Thursday December 2 in Room S4215 of the Frances Perkins Department of Labor Building, Third Street and Constitution Avenue NW., Washington, D.C. The public is invited to attend.

The National Advisory Committee was established under Section 7(a) of the Occupational Safety and Health Act of 1970 (20 U.S.C. 656) to advise the Secretary of Labor and the Secretary of Health and Human Services on matters relating to the administration of the Act.

The meeting agenda will include: a report on the recent OSHA Health Planning Conference; a discussion of operational matters pertaining to the National Advisory Committee; and discussions of other safety and health matters relating to OSHA and NIOSH.

Written data or views concerning these agenda items may be submitted to the Division of Consumer Affairs. Such documents which are received before the scheduled meeting dates, preferably with 20 copies, will be presented to the Committee and included in the official record of the proceedings.

Anyone who wishes to make an oral presentation should notify the Division of Consumer Affairs before the meeting date. The request should include the amount of time desired, the capacity in which the person will appear and a brief outline of the content of the presentation. Oral presentations will be scheduled at the discretion of the Chairman of the Committee to the extent which time permits.

For additional information contact: Clarence Page, Division of Consumer Affairs; Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Rm N3635, Washington, D.C. 20210; Telephone: 202–523–8024.

Official records of the meetings will be available for public inspection at the Division of Consumer Affairs.

Signed at Washington, D.C. this 9th day of November 1982.

**Thorne G. Auchter,**

*Assistant Secretary.*

[FR Doc. 82–31214 Filed 11–10–82; 10:05 am]

BILLING CODE 4510–26–M

## NATIONAL SCIENCE FOUNDATION

### Subcommittee for Ocean Sciences Research of the Advisory Committee for Ocean Sciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L.92–463, the National Science Foundation announces the following meeting:

Name: Subcommittee for Ocean Sciences Research.

Date and Time: December 1, and 2, 1982, 9:00 am to 6:00 pm each day.

Place: Rooms 523 and 642, National Science Foundation, 1800 G Street, NW., Washington, D.C.

Type of Meeting: Closed.

Contact Person: Dr. Robert E. Wall, Head, Ocean Science Research section, room 611, National Science Foundation, Washington, D.C. 20550; telephone (202) 357–7924.

Purpose of Meeting: To provide advice and recommendations concerning support for research in Oceanography.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority To Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determination by the Director, NSF, on July 6, 1979.

**M. Rebecca Winkler,**

*Committee Management Coordinator.*

November 8, 1982.

[FR Doc. 82–31080 Filed 11–10–82; 8:45 am]

BILLING CODE 7555–01–M

## NATIONAL TRANSPORTATION SAFETY BOARD

### Responses; Availability

**Recommendation Responses from:**

*Federal Aviation Administration: Sep. 27: A–82–74:* FAA is preparing an Airworthiness Directive to require inspection of Aero-Commander model 685 aircraft and modification of the 90° induction elbow on the turbocharger inlet. *Sep. 28: A–82–56:* FAA is developing an Airworthiness directive concerning the isopropyl alcohol windshield deicing systems intalled on DHC–6 aircraft. *A–82–57:* FAA's Small Aircraft Certification Directorate in Kansas City is establishing a project to have all aircraft certification offices review and evaluate the design of all isopropyl alcohol windshield deice systems on small airplanes. *Sep. 28: A–82–58:* FAA will emphasize the need for accurate position reporting when communicating with air traffic control facilities to inspectors, pilot examiners, and flight instructors through operations bulletins and to pilots and industry through the FAA's Accident Prevention Program and General Aviation

News Publication. *A–82–59:* FAA will review and revise the helicopter routes at Teterboro, New Jersey, airport to provide for the segregation of helicopters and fixed-wing aricraft. *A–82–60:* Training on BRITE equipment is required, as outlined in the Instructional Program Guide TP12–0–1A, Phase 1X-Local control, of air traffic control specialists qualifying on the local control position equipped with BRITE units whether the facility is a nonradar or radar facility. *Sep. 28: A–82–62,* which requested a program to randomly check a representative sample of United Control Corporation (Sunstrand) V–557 cockpit voice recorders in operational use: FAA is obtaining maintenance information regarding the Pan American Boeing 727 which crashed in Kenner, Loiusiana, to confirm whether the cockpit voice recorder's performance as described by the NTSB is maintenance-related, and is determining the number of V–557 cockpit voice recorders currently in use and the inspection intervals the air carriers are using, before deciding to initiate a random sampling. *A–82–63:* After completing the evaluation proposed in Recommendation *A–82–62*, the FAA will study the feasibiliity of requiring the removal and replacement of all United Control Corporation V–557 cockpit voice recorders. *Oct. 4: A–82–163:* By letter to all regional Air Traffic Division managers dated Apr. 9, 1982, the FAA reminded all air traffic service facilities of their incident report responsibilities, especially with regard to violations of 14 CFR 105. *A–81–166:* Advisory Circular 90–48B and the September 1982 issue of the Airman's Information Manual have been revised to include detailed information regarding the psychophysiological factors affecting pilots' ability to see and avoid other aircraft. *A–81–167:* which recommended amending 14 CFR 105.14 to require that a parachute jump aircraft contact the air traffic control facility having jurisdiction of the airspace in which the jump is to be initiated rather than the "nearest FAA air traffic control facility of FAA flight service station": The NTSB proposal would add an unnecessary regulatory requirement because of existing regulations and procedures that insure pilot receipt of traffic information and that insure advance information is given to appropriate air traffic control facilities. *A–82–168,* which recommended amending 14 CFR 105 to require that the pilot of a jump aircraft contact all control facilities having jurisdiction of the airspace in which the aircraft will transit during the operation for the purpose of receiving traffic advisories: FAA states that jump operations must be performed VFR (visual flight rules) and that the flight to the area will be conducted VFR. A radio contact rule for in-transit VFR advisories is tantamount to establishing a special VFR service for a particular userclass, and requiring that user class to request service. Traffic advisories continue to be an added service contingent upon controller and system limitation. *Oct. 5: A–79–98:* The need to consider system protection has become an integral part of the certification engineers' assessment in design evaluation. FAA plans to release Advisory Circular 25.1309.1-System Design Analysis directly addressing the Failure Mode and Effects Analysis approach to aircraft design. Also, FAA has a current regulatory project for, and intends to issue an Advance Notice of Proposed Rulemaking on, the development of standards to assure that an aircraft is designed to fly after structural failures which, of themselves, do not preclude continued flight. *A–79–99:* FAA has contacted the principal airworthiness inspectors with DC–10 responsibility to determine the status of operator compliance progress regarding Airworthiness Directive (AD) 81–03–03. *A–79–100:* FAA has determined that additional service difficulty reporting requirements would cause an economic burden without yielding a corresponding increase in safety benefits. *A–79–101 and –102,* regarding airline/manufacturer maintenance programs and procedures: The relevance of statements made in NTSB letter of Jun. 8, 1982, concerning these recommendations is not clear to the FAA. Until they are clarified, FAA considers the action taken in its June 10, 1981, letter valid. *A–79–103:* Notices of Proposed Rulemaking 81–10 (46 CFR 38054, July 23, 1981) to remove Appendix A from FAR Part 43 and to incorporate the Appendix A material in an Advisory Circular (46 CFR 38056, July 23, 1981) have been withdrawn as a result of public comments which made no recommendation to further define "major or minor" airplane repairs, but made it clear that the public preferred an alternative solution to those that were proposed. FAA is initiating meetings with all segments of the aviation industry to solicit their input in a program to provide acceptable criteria for improved classification and disposition of "major and minor" repairs. *A–79–104:* FAA states that amending FAR 121.703 and 135.413 to include reporting maintenance-induced damage would cause an economic burden without yielding a corresponding increase in safety benefits. *A–79–105:* The Airplane Flight Manual one-engine inoperative procedures in transport category airplanes have been or will be revised to include recommended approved speeds in excess of V2 if either performance or flight characteristics are not degraded at the higher speed. *Oct. 5: A–78–61:* A note concerning limitations of airport lighting has been added to the legend on the Sectional Aeronautical Charts, effective Feb. 18, 1982. *Oct. 5: A–82–13:* FAA has issued Change 2 to Handbook 7110.65C, Air Traffic Control, which changes paragraph 972b regarding ground separation between aircraft taxiing for takeoff, holding in line for takeoff, and taking off. *A–82–14:* Informational data pertaining to the hazards associated with aircraft structural and engine icing will be published in the September or October 1982 issue of the Bulletin. *Oct. 6: A–81–161:* Information emphasizing the importance of following established procedures published in the manufacturer's engine overhaul manual was published in the June 1982 issue, No. 47, of Advisory Circular 43–16, General Aviation Airworthiness Alerts. *Oct. 6: A–81–30:* FAA has issued Advisory Circular 91–59, Inspection and Care of General Aviation Aircraft Exhaust Systems, dated Aug. 20, 1982, emphasizing the safety hazards of poorly maintained exhaust systems on single-engine airplanes. *Oct. 6: A–80–102:* FAA operations and maintenance inspectors have extended their inspection periods at Nome, Bethel, Ketchikan, and other smaller regional aviation hubs in Alaska, but because of the limited number of operators and the low workload activity for the inspectors at these locations, FAA does not see a need for permanent coverage. *A–80–103:* Funding for six additional "Meteor Burst" sites for transmission of weather observations has been requested in the FY–1983 Alaskan Leased Communications Budget. *A–80–104:* The television weather observation system test at Valdez, Alaska, continues to provide useful weather data to the parent facility at Cordova, Alaska. The Unalakleet, Alaska, system is being relocated to a remote location in southeastern Alaska and will provide data to the Juneau Flight Service Station. Also, installations are planned for Farewell, Fort Yukon, and Cape Spencer, Alaska. *Oct. 6: A–80–88:* Airworthiness Directive (AD) 80–21–04 was superseded by AD 81–07–11R1 which required retrofitting of all affected Cessna Model 335, 340, and 340A airplanes with a newly certificated horizontal tail. *Oct. 8: A–82–64:* FAA rejects the recommendation to require a retrofit of all turbojet airplanes certificated before Sep. 30, 1969, and manufactured before a specified date, with 11-parameter digital recorders because the cost involved exceeds the benefits by $53.9 million. *A–82–65:* FAA rejects the recommendation to replace all foil flight data recorders with compatible digital recorders because the cost involved exceeds the benefits by $25.5 million. *A–82–66:* FAA rejects the recommendation to install flight data recorders capable of recording data from which certain information can be determined for aircraft manufactured after a specific date regardless of the date of the original type certification because the costs involved exceed the benefits by $35.6 million. *A–82–67:* FAA is considering extensive amendment, or even cancellation, of 14 CFR 127. In its review, analysis, and any future rulemaking proceedings, FAA will consider requiring that rotor craft with a seating configuration of more than 30 seats or a payload capacity of more than 7,500 pounds include a requirement for flight data recorders. *Oct. 29: A–82–64:* FAA is reconsidering this recommendation to require a retrofit of all turbojet aircraft certificated before Sep. 30, 1969, and manufactured before a specified date, with 11-parameter digital recorders. While FAA analysis is not complete, it appears that some form of retrofit is in the public interest. *A–82–65:* Pending the results of FAA analysis regarding Recommendation A–82–64, FAA is reconsidering this recommendation to replace all foil flight data recorders with compatible digital recorders. A final determination will depend, in large part, on the time required to implement any retrofit actions which may be deemed necessary, since a short-term retrofit, if adopted, would obviate the need for this solution. *A–82–66:* FAA is reconsidering this recommendation to install flight data recorders capable of recording data from which certain information can be determined for aircraft manufactured after a specific date regardless of the date of the original type

certification. FAA analysis regarding Recommendation A–82–64 will include this recommended action. It appears that this recommendation, or adoption of a course of action very close to that recommended, may be in the public interest. *Oct. 13: A–82–77 and –78:* Airworthiness Directive 82–15–07, issued effective July 26, 1982, requires an improved tail rotor driveshaft assembly to be installed within 100 hours' additional time in service on Robinson R–22 helicopters. *Oct. 13: A–74–13:* A program for the design and testing of a Doppler weather radar that will detect and display turbulence and wind shear in both the en route and terminal environments is about 50 percent complete. The FAA, the U.S. Air Force, and the National Weather Service have established a joint unit to determine what and how the Doppler radar will be procured. *A–74–14:* In 1978, in cooperation with the National Weather Service, Center Weather Service Units were implemented in all domestic air route traffic control centers to improve the quality, quantity, and operational significance of weather information available to the center. *Oct. 18: A–82–70:* FAA is revising Order 8430.1B, "Inspection and Surveillance Procedures—Air Taxi Operators/Commuter Air Carriers and Commercial Operators," to emphasize ensuring compliance with oral briefings and the supplemental printed cards required bvy Section 135.17; ensuring compliance with oral briefings and supplemental briefing cards on fire extinguisher locations and use; and the importance of flight crews making public address announcements slowly and articulately. *A–82–71:* FAA has amended previously published Maintenance Bulletin 23–1, "Aircraft Public Address Systems" to reemphasize the need for properly functioning public address systems to assure that safety messages by the crew are understandable in all areas of the cabin both on the ground and in flight. *A–82–72:* FAA has determined that an amendment to Section 135.155 is not appropriate because the "conveniently located" requirement in Section 135.155 for fire extinguishers in crew and passenger compartments coupled with the requirement in Section 135.117 to orally brief the passengers on location and use of fire extinguishers, and supplement the oral briefing by printed briefing cards, exceed the requirements of Section 91.193(c)(4). *A–82–73:* FAA has initiated a formal cabin safety program at the Mike Monroney Aeronautical Center for its flight standards field inspectors. A revision to Order 8430.1B will emphasize cabin safety surveillance. *Oct. 25: A–80–22 and 23:* FAA states that present methods for determining visibility are adequate, and it would be inappropriate to require that Knox County (Maine) Regional Airport implement procedures or install equipment beyond that required by existing requirements. The Departments of Commerce, Defense, and Transportation are currently reviewing the subject of visibility to further define and refine "visibility" and to establish guidelines which make better use of existing technology to provide pilots with consistent weather reports that are representative of the conditions they are likely to encounter in the maneuvering area at an airport. *Oct. 25: A–82–68:* FAA's investigation to date of the McCauley Model 90–DHB type propellor indicates that the failed blade could be considered an isolated case, but its examination of blades is continuing. *A–82–69:* Manufacturer has examined approximately 800 forgings of the failed propellor type by chemically etching and dye penetrant inspection and has not found any forging defects. McCauley has been found to be in compliance with inspection procedures listed in Specification MC–1061B. *Oct. 25: A–78–27 and –28:* At FAA's request, the A–4 Committee of the Society of Automotive Engineers, Inc., is developing an Aerospace Standard (minimum performance standard) (AS–8039) for general aviation flight data recorders/cockpit voice recorders for multiengine turbine-powered aircraft (fixed and rotary wing).

*National Oceanic and Atmospheric Administration: Oct. 6: A–81–103:* Improvements in the forecasting of clear air turbulence is dependent on data acquisition beyond what is presently available. The technique proposed by the Safety Board has been found to be of negligible or no value.

*Aerospatiale Helicopter Corporation: Sep. 29: A–82–101 through –103:* If rotorcraft are required to have cockpit voice recorders and flight data recorders, the applicability should be consistent with FAA rules applying to aircraft with passenger capacity of 10 or more, excluding crew. If manufacturers have to prewire their aircraft for cockpit voice recorders and flight data recorders, the FAA Type Certificate regulations must be changed to require the prewiring. Prewiring requirements could not be made mandatory until the equipment was developed in order that the prewiring would be compatible with the equipment. The Safety Board and the FAA should make an economic impact study under Executive Order 12291 regarding equipping all applicable general aviation aircraft with a cockpit voice recorder and a flight data recorder.

*Gulfstream American: Oct. 1: A–82–101 through –103:* Gulfstream II (G–1159A) aircraft currently have a cockpit voice recorder installed as standard equipment, and a flight data recorder is a customer option. Advances in design of new aircraft and systems portend a greater need for installation of flight data recorders/cockpit voice recorders to provide information for accident/incident investigations.

*Fairchild Aircraft Corporation: Oct. 1: A–82–101 through –103:* The high cost of engineering the installation of cockpit voice recorders and flight data recorders in turbine-powered airplanes certificated to carry six or more passengers and of getting it FAA-approved, as well as the continuing cost of system maintenance, must be considered.

*National Business Aircraft Association, Inc.: Oct. 19: A–82–104 and –105:* The Safety Board is premature in asking NBAA to encourage its membership to put in "general aviation" cockpit voice recorders and flight data recorders when they do not exist. The corporate accident statistics do not support the need for recorders. Digital flight data recorders, not including installation charges, for all 2,640 corporate/business jet aircaft would cost nearly $32 million.

*General Aviation Manufacturers Association: Oct. 23: A–82–140 and –141:* GAMA has scheduled a meeting for Nov. 10 with representatives of the aviation petroleum industries to examine the practicality of standardizing and modifying nozzles and tank openings to prevent aircraft misfueling.

*State of Alaska: Oct. 19: A–80–96:* Most of the aviation improvement projects funded in Chapter 50, SLA 80 have been impelemented. *A–80–97:* Improvements to the level of runway maintenance at rural villages would be possible only with significant program expansion, which is not feasible at this time. *A–80–98:* Overall statewide responsibility for airport planning rests with the Planning and Programming staff of the Central Region of the Department of Transportafion and Public Facilities. The responsibility for airport operations is vested in the Maintenance and Operational Unit of the same region. *A–80–99:* The first phase of the Alaska Aviation System Plan has been completed, and the second phase is currently being negotiated. *A–80–100:* The Alaska Village Safety Officer Program, administered by the Maintenance and Operations Unit of the Department of Transportation and Public Facilities, has been used as a vehicle for impressing the public with the importance of respecting airports and reducing vandalism.

Note.—Single copies of recommendation letters (identified by recommendation number) and response letters are free on written request to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

**H. Ray Smith, Jr.,**

*Federal Register Liaison Officer.*

November 11, 1982

[FR Doc. 82–30968 Filed 11–10–82; 8:45 am]

BILLING CODE 4810–58–M

## NUCLEAR REGULATORY COMMISSION

**[Docket No. STN 50–528]**

## Arizona Public Service Co. et al. (Palo Verde Nuclear Generating Station, Unit 1;) Order Extending Construction Completion Date

Arizona Public Service Company, Salt River Project Agricultural Improvement and Power District, Southern California Edison Company, El Paso Electric Company, Public Service Company of New Mexico, Los Angeles Department of Water and Power, Southern California Public Power Authority and M–S–R Public Power Agency are holders of Construction Permit No. CPPR–141 issued by the Nuclear Regulatory Commission on May 25, 1976 for the Palo Verde Nuclear Generating Station, Unit 1. This facility is presently under construction at the applicants' site in Maricopa County, Arizona.

By letter dated October 12, 1982, Arizona Public Service Company filed a request for extension of the latest construction completion date for the facility. This request is to extend the latest completion date to August 31, 1983

Arizona Public Service Company stated that this extension is requested because construction has been delayed due to:

(1) Late delivery of key electrical and instrumentation and control equipment;

(2) Changes and additions to the Palo Verde design associated with TMI modifications necessary for an operating license;

(3) Changes in regulatory requirements other than those resulting from the TMI accident; and

(4) Lack of available qualified personnel to perform preoperational testing and other problems associated with the transition from the construction phase to the start-up phase.

Prior public notice of this extension was not required since the Commission has determined that this action involves no significant hazards consideration; good cause has been shown for the delays; and the requested extension is for a reasonable period of time. The staff's conclusions are set forth in the NRC staff's evaluation of the request for extension.

The Commission has determined that this action will not result in any significant environmental impact and, pursuant to 10 CFR 51.5(d)(4), and environmental impact statement, or negative declaration and environmental impact appraisal, need not be prepared in connection with this action.

The NRC staff's evaluation of the request for extension of the construction permit is available for public inspection at the Commission's public document Room, 1717 H Street, N.W. Washington, D.C. 20555, and at the Phoenix Public Library, Science and Industry Section, 12 East McDowell Road, Phoenix, Arizona 85004.

It is hereby ordered that the latest completion date for CPPR–141 is extended from November 1, 1982 to August 31, 1983.

Date of issuance: November 4, 1982.

For the Nuclear regulatory Commission.

**Robert A. Purple,**

*Acting Director, Division of Licensing, Office of Nuclear Regulatory Regulation.*

[FR Doc. 82–31044 Filed 11–10–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–237]

## Commonwealth Edison Co.; Systematic, Evaluation, Program; Availability of Draft Integrated Plant Safety Assessment Report for the Dresden Nuclear Power Station, Unit 2

The Nuclear Regulatory Commission's (NRC) Office of Nuclear Reactor Regulation (NRR) has published its Draft Integrated Plant Safety Assessment Report related to Commonwealth Edison Company's Dresden Nuclear Power Station, Unit 2 located in Grundy County, Illinois.

The report documents the review completed under the Systematic Evaluation Program (SEP). The SEP was initiated by the NRC to review the design of older operating nuclear reactor plants to reconfirm and document their safety. The review has provided for (1) an assessment of the significance of differences between current technical positions on selected safety issues and those that existed when Dresden Unit 2 was licensed, (2) a basis for deciding on how these differences should be resolved in an integrated plant review, and (3) a documented evaluation of plant safety. Equipment and procedural changes have been identified as a result of the review. It is expected that the Final version of this report and its supplements will be one of the bases for considering the issuance of a full-term operating license in place of the existing provisional operating license.

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the NRC's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Morris Public Library, 604 Liberty Street, Morris, Illinois 60451 for inspection and copying. Single copies of this report (Document No. NUREG–0823) may be requested from the U.S. Nuclear Regulatory Commission, Director, Division of Technical Information and Document Control, Washington, D.C. 20555, Attention: Publications Unit.

Dated at Bethesda, Maryland this 29th day of October 1982.

For the Nuclear Regulatory Commission.

**Dennis M. Crutchfield,**

*Chief, Operating Reactors Branch No. 5, Division of Licensing.*

[FR Doc. 82–31046 Filed 11–10–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 70–1308]

## General Electric Co. (General Electric Morris Operation Spent Fuel Storage Facility); Withdrawal of Application for Amendment To Expand Spent Fuel Storage Capacity

On August 27, 1982, counsel for General Electric Company filed a motion with the presiding Atomic Safety and Licensing Board ("ASLB" or "the Board") requesting the Board to enter an order(1) granting it leave to withdrawl its application, dated April 30, 1977, to expand the spent fuel storage capacity of its GE Morris Operation and (2) dismissing the proceeding without prejudice. A Notice of Consideration of Proposed Modification to GE Morris Operation Fuel Storage Facility was published in the **Federal Register** on August 18, 1977 (42 FR 41675). The proceedings related to the application have been suspended since December 14, 1977, when, prior to any ruling on petitions for leave to intervene, the Board suspended the proceedings at the Applicant's request, in view of the announcement by the Department of Energy ("DOE") of the proposed government policy concerning spent fuel. Thus, no safety or environmental hearings were held and no authorization was issued for expansion of the spent fuel storage capacity at GE Morris pursuant to the Applicant's proposal. In its motion of August 27, 1982 requesting permission to withdraw its application, the Applicant cited the DOE policy on spent fuel and 10 CFR Part 72, which would require a new application in the event that General Electric desired to expand the spent fuel storage capacity at the Morris Operation.

On September 21, 1982, the ASLB issued an order granting the Applicant's motion to withdraw its application without prejudice and dismissing the proceeding, also without prejudice.

In accordance with General Electric's request and with the ASLB's Order of September 21, 1982, and pursuant to 10 CFR 2.107(c), notice is hereby given that the application to expand the spent fuel storage capacity of the Morris Operation has been withdrawn and that the proceeding in this matter has been dismissed.

For further details with respect to this action see (1) the Applicant's motion to withdraw application and dismiss proceeding, dated August 27, 1982, and (2) the NRC Staff's answer to the Applicant's motion to withdraw the application and dismiss the proceeding, dated September 10, 1982, and (3) the ASLB's "Order Granting Motion to

Withdraw Application and Dismissing Proceeding Without Prejudice," dated September 21, 1982. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and the Morris Public Library, 604 Liberty Street, Morris, Illinois 60451.

Dated at Silver Spring, Maryland this 3d day of November 1982.

For the Nuclear Regulatory Commission.

**Leland C. Rouse,**

*Chief, Advanced Fuel and Spent Fuel Licensing Branch, Division of Fuel Cycle and Material Safety.*

[FR Doc. 82-31045 field 11-10-82; 8:45 am]

BILLING CODE 7590-01-M

## RAILROAD RETIREMENT BOARD

### Determination of Quarterly Rate of Excise Tax for Railroad Retirement Supplemental Annuity Program

In accordance with directions in section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C. 3221(c)), the Railroad Retirement Board has determined that the excise tax imposed by such section 3221(c) on every employer, with respect to having individuals in his employ, for each work-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning January 1, 1983, shall be at the rate of 18½ cents.

In accordance with directions in section 15(a) of the Railroad Retirement Act of 1974, the Railroad Retirement Board has determined that for the quarter beginning January 1, 1983, 24.4 percent of the taxes collected under sections 3211(b) and 3221(c) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Account and 75.6 percent of the taxes collected under such sections 3211(b) and 3221(c) plus one hundred percent of the taxes collected under section 3221(d) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Supplemental Account.

Dated: November 5, 1982.

By Authority of the Board.

**James T. Brown,**

*Chief Executive Officer.*

[FR Doc. 82-31008 Filed 11-10-82; 8:45 am]

BILLING CODE 7905-01-M

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 22696; (70-6800)]**

### Columbus and Southern Ohio Electric Co.; Proposed Issuance and Sale of First Mortgage Bonds

November 5, 1982.

Columbus and Southern Ohio Electric Company ("Company"), 215 North Front Street, Columbus, Ohio 43215, a public-utility subsidiary of American Electric Power Company, Inc., a registered holding company, has filed an application with this Commission pursuant to Section 6(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 thereunder.

The Company proposes to issue and sell up to $50,000,000 aggregate principal amount of its first mortgage bonds, in one or more series, each such series having a maturity of not less than 5 years and not more than 30 years. The terms will be determined by competitive bidding. If market conditions should not be propitious for the sale of the bonds on a competitive bidding basis, the Company intends to amend this application so as to provide for their sale on another basis. The proceeds of the bonds will be used to repay unsecured short-term indebtedness of the Company consisting of short-term notes and commercial paper which are estimated to aggregate not more than $68,000,000, to repay maturing long-term debt, to reimburse the Company's treasury for expenditures incurred in connection with the Company's construction program which is estimated at $140,000,000 in 1982, and for other corporate purposes.

The application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by December 2, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as filed or as it may be amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

**George A. Fitzsimmons,**

*Secretary.*

[FR Doc. 82-31095 Filed 11-10-82; 8:45 am]

BILLING CODE 8010-01-M

### The Montana Power Co.; Application and Opportunity for Hearing

November 5, 1982.

Notice is hereby given that The Montana Power Company (the "Company") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939, as amended ("the Act") for a finding that the trusteeship of Citibank, N.A. ("Citibank") under an indenture heretofore qualified under the Act (the "1973 Indenture"), and a new indenture not qualified under the Act (the "1982 Indenture"), is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Citibank from acting as trustee under the 1973 Indenture.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, the trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Company alleges that:

(1) The Company has outstanding on the date hereof $23,000,000 aggregate principal amount of its 7½% Sinking Fund Debentures due 1998 (the "Debentues") issued under the 1973 Indenture executed by the Company and Citibank, as Trustee. The Debentures were registered under the Securities Act of 1933, as amended (File No. 2-46553), and the Indenture was qualified under the Trust Indenture Act of 1939, as amended (File No. 22-7420). Citibank is

currently acting as trustee under the 1973 Indenture.

(2) Pursuant to the 1982 Indenture, there have been issued $50,000,000 aggregate principal amount of the 14¼% Guaranteed Notes due 1989 of Montana Power International Finance, N.V. ("Finance"), which are guaranteed by the Company (the "Guarantee Notes"). Inasmuch as the Guaranteed Notes are being offered and sold outside the United States, its territories and possessions to persons who are not national or residents thereof, the Guaranteed Notes are not being registered under the Securities Act of 1933 and the 1982 Indenture is not being qualified under the Act.

(3) Execution of the 1982 Indenture could involve Citibank in a conflict of interest within the meaning of Section 10.09 of the 1973 Indenture since the 1982 Indenture is not being qualified under the Act.

(4) Section 10.09 of the 1973 Indenture provides in part as follows:

"(IV) The Trustee shall be deemed to have a conflicting interest if:

(1) The Trustee is trustee under another indenture under which any other Securities, or certificates of interest or participation in any other Securities, of the Obligor are Outstanding unless such other indenture is a collateral trust indenture under which the only collateral consists of Debentures issued under this Indenture; provided, however, that there shall be excluded from the operation of this paragraph another indenture or indentures under which other Securities or certificates of interest or participation in other Securities of the Obligor are Outstanding if (i) this Indenture and such other indenture or indentures are wholly unsecured and such other indenture or indentures are hereafter qualified under the Trust Indenture Act of 1939, unless the Securities and Exchange Commission shall have found and declared by order pursuant to subsection (b) of Section 305 or subsection (c) of Section 307 of the Trust Indenture Act of 1939 that differences exist between the provisions of this Indenture and the provisions of such other indenture or indentures which are so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Trustee from acting as such under one of such indentures, or (ii) the Obligor shall have sustained the burden of proving, on application to the Securities and Exchange Commission and after opportunity for hearing thereon, that the trusteeship under this Indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Trustee from acting as such under one of such indentures; and provided further, that there shall be excluded from the operation of this paragraph the Agreement, dated as of May 1, 1954, between the Company and City Bank Farmers Trust Company (now First National City Bank), Trustee, under which the Company's 3¾% Sinking Fund Debentures due 1979 [1] are outstanding;"

(5) The 1973 and 1982 Indentures are wholly unsecured. The guaranty of the Guaranteed Notes by the Company under the 1982 Indenture ranks equally with the Company's other unsecured and unsubordinated indebtedness, including the Debentures. The primary differences between the 1973 Indenture and the 1982 Indenture, and between the rights of the holders of the Debentures and the holders of the Guaranteed Notes, relate to aggregate principal amounts, dates of issue, denominations, events of default, maturity and interest payment dates, interest rates, places of payment of interest and principal, form of registration, redemption or prepayment procedures, Trustee's reports, restrictions on transferability, provisions for conflicting interest of the Trustee, special provisions relating to the non-United States offering of the Guaranteed Notes and other provisions of a similar nature. Any such difference and any other difference in the provisions of the 1973 and the 1982 Indentures is not so likely to involve any material conflict of interest between the respective trusteeships of Citibank under these Indentures so as to make it necessary in the public interest or for the protection of investors to disqualify Citibank from acting as trustee under the 1973 Indenture.

(6) The Company is not in default under the 1973 or the 1982 Indenture.

(7) In 1981, Finance sold $50,000,000 aggregate principal amount of its 15⅞% Guaranteed Notes due 1987, pursuant to an indenture dated as of December 15, 1981 entered into among Finance, the Company, as guarantor, and Citibank, as trustee. Those Notes and that Indenture are substantially identical to the Guaranteed Notes and the 1982 Indenture. Pursuant to the Company 's application in File No. 22-11471, the Commission on March 18, 1982, issued an order finding and declaring that the trusteeship of Citibank under the 1973 and 1981 Indentures was not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Citibank from acting as trustee under the 1973 Indenture.

The Company has waived notice of hearing, and hearing, in connection with the matter referred in this application.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to the application, which is a public document on file in the office of the Commission at 450 Fifth Street, NW., Washington, D.C. 20549.

Notice is further given that any interested persons may, not later than November 30, 1982, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

*Secretary.*

[FR Doc. 82-31092 Filed 11-10-82; 8:45 am]

BILLING CODE 8010-01-M

[1] Since retired.

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[Release No. 22697; (70-6691)]

## Ohio Power Co.; Proposed Extension of Time for and Changes in the Terms of the Issuance and Sale of Short-Term Notes to Banks and Commercial Paper

November 5, 1982.

Ohio Power Company ("OPCo"), 301 Cleveland Avenue, S.W., Canton, Ohio 44702, an electric utility subsidiary of American Electric Power Company, Inc., a registered holding company, has filed with this Commission, a post-effective amendment to the application in this proceeding pursuant to Section 6(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(5) promulgated thereunder.

By order in this proceeding dated January 28, 1982 (HCAR No. 22372), OPCo was authorized to issue and sell short-term notes to a number of banks and commercial paper to a dealer in commercial paper in an aggregate amount not to exceed $160,000,000 outstanding at any one time. The notes to banks and commercial paper were to

be issued from time to time and renewed from time to time prior to September 30, 1982, as funds were required, provided that none of such notes to banks and commercial paper would mature later than March 30, 1983.

OPCo now proposes, in lieu of the above notes, to issue and sell short-term notes to banks and commercial paper to a dealer in an aggregate amount not to exceed $155,000,000 outstanding at any one time. The notes to banks and commercial paper will be issued from time to time and renewed from time to time subsequent to December 31, 1982, and prior to January 1, 1984, as funds may be required, provided that none of such notes to banks and commercial paper will mature later than June 30, 1984.

OPCo has credit arrangements totaling $472,025,000 with two groups of banks. OPCo's credit arrangements with the Ohio banks do not require it to maintain additional balances as compensation for the line of credit made available by the bank since OPCo maintains deposit balances at such banks for its operational and financial needs in amounts sufficient to satisfy any compensating balances required with respect to borrowings from such banks. Borrowings from these banks will generally bear interest at an annual rate not greater than the bank's prime commercial rate in effect from time to time. The other banks include larger nationally known commercial banks and four non-domestic banking institutions. The total cost of borrowings from these banks will not be greater than the effective rate for borrowings bearing interest at the prime rate with compensating balances equal to 10 percent of the line of credit and 10 percent of the amount borrowed. If the balances maintained and fees paid by OPCo with respect to the banks were maintained and paid solely to fulfill requirements for borrowing by OPCo, the effective annual interest cost to OPCo under any of the arrangements, assuming full use of the line of credit, would not exceed 125 percent of the prime commercial rate in effect from time to time, or not more than 15 percent on the basis of a prime commercial rate of 12 percent. The commercial paper will be sold at a discount rate not in excess of the discount rate per annum prevailing at the time of issuance for commercial paper of comparable quality and maturity.

OPCo also proposes to issue and sell its demand notes to the Trust Department of AmeriTrust Company of Cleveland, Ohio ("AmeriTrust"), in the maximum amount of $10,000,000. AmeriTrust has a flow of funds, as fiduciary for various trust accounts, which would be available for investments in such demand notes. These demand notes will be in the form of promissory notes in denominations of not less than $1,000 bearing an annual interest rate equivalent to not more than the sum of ¼ percent and the highest rate paid daily by General Motors Acceptance Corporation on its commercial paper with a maturity of less than 180 days. It is stated that, based on past experience, the rate of these demand notes will consistently be lower than the comparable rates for commercial paper and bank borrowings including the effect of compensating balances. On September 30, 1982, the highest rate paid by General Motors Acceptance Corporation on commercial paper with a maturity of less than 180 days was 10.50 percent.

The proceeds of the short-term debt incurred by OPCo will be added to its general funds and used to pay the general obligations of OPCo, including expenses incurred in its various construction projects, and for other corporate purposes. The presently estimated cost of OPCo's net construction program for the year 1983 is approximately $152,000,000.

The post-effective amendment and any further amendments are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by December 6, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as now amended or as it may be further amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

**George A. Fitzsimmons,**

*Secretary.*

[FR Doc. 82-31096 Filed 11-10-82; 8:45 am]

BILLING CODE 8010-01-M

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**[Release No. 34-19218; File No. SR-AMEX-82-8, Amdt. No. 1]**

## Self-Regulatory Organizations; Proposed Rule Change by the American Stock Exchange, Inc.; Relating to Options on Stock Indices

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on November 1, 1982, the American Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange, Inc. (the "Exchange") is amending its proposal to trade stock index options (File No. SR-AMEX-82-8 as set forth below. Italics indicate material to be added to the proposed rules set forth in File No. SR-AMEX-82-8, and brackets [ ] indicate material to be deleted from those proposed rules.

*Rule 900C Applicability and Definitions—*

(a) APPLICABILITY—No change.

(b) DEFINITIONS—The following terms as used in the Rules in this Section shall, unless the context otherwise indicates have the meanings herein specified:

(1) Through (11)—No change.

(12) Covered—(i) The term "covered" in respect of a short position in a call stock index option contract means that [the writer's obligation is secured by a "specific deposit" or an "escrow deposit" meeting the conditions of Rule 610(f) or 610(h), respectively, of the rules of the Options Clearing Corporation or] the writer holds in the same account as the short position, on the basis of [market value ("covering" underlying stock) or of] the *same* index multiplier [(covering option contracts)], a long position [either in the underlying stock index group or] in an option contract of the same class of options having an exercise price equal to or less than the exercise price of the option contract in such short position.

(ii) The term "covered" in respect of a short position in a put stock index option contract means that the writer holds in the same account as the short position, on the basis of the *same* index multiplier, a long position in an option contract of the same class of options

having an exercise price equal to or greater than the exercise price of the option contract in such short position.

(13) No change.

(14) No change.

*Rule 905C Exercise Limits—*

[The limitations on the exercise of options set forth in Rule 905 shall not be applicable to stock index options.]

*(a) Exercise limits relating to stock index options shall be governed by the provisions of Rule 905 except that the exercise limit applicable to each account with respect to each stock index group shall be 40,000 contracts.*

*(b) In determining compliance with exercise limits applicable to stock index options, option contracts on a stock index group shall not be aggregated with option contracts on an underlying stock or stocks included in such group, and option contracts on one stock index group shall not be aggregated with option contracts on any other stock index group.*

* * * * *

*Rule 906C Reporting of Options Positions—*

Positions in stock index options shall be reported pursuant to Rule 906 except that the minimum position in an account which must be reported shall be [500] *200* or more stock index option contracts. In computing reportable options positions and in reporting options positions under Rule 906, option contracts on a stock index group shall not be aggregated with option contracts on an underlying stock or stocks included in such group and option contracts on one stock index group shall not be aggregated with option contracts on any other stock index group.

*Rule 916C. Withdrawal of Approval—*

Whenever the Exchange determines that an underlying stock index group previously approved for Exchange option transactions does not meet the then current requirements for continuance of such approval or for any other reason should no longer be approved, the Exchange shall not open for trading any additional series of the class covering that underlying stock index group and may thereafter prohibit any opening purchase transactions in series of options of that class previously opened to the extent it shall deem such action necessary or appropriate. The fact that one or more underlying stocks included in a stock index group approved for Exchange option transaction shall subsequently [be deleted from such stock index group, or shall] fail to meet the guidelines set forth in Rule 916 for continued approval by the Exchange as an underlying security, *or shall for any other reason be deleted from such stock index group,* will not in itself result in the withdrawal of approval of such stock index group for Exchange option transactions: *provided, however, that nothing contained herein shall authorize the Exchange to open for trading additional series of a class of options on an underlying stock index group which does not include the minimum number of stocks required for initial approval of such stock index group under Rule 901C.*

*Rule 918C. Trading Rotations, Halts and Supension—*

[The opening] trading rotations for [each] *a* class of Opening stock index options shall not be commenced until the current numerical index value of the underlying stock index group, derived from the current market prices of the underlying stocks in such group, is being disseminated in a normal manner. Trading on the Exchange in options on a stock index group shall be halted or suspended whenever *trading has been halted or suspended in the primary market(s) for any combination of underlying stocks accounting for 10% or more of the current index group value if the group is comprised of less than 50 stocks, or any combination of underlying stocks accounting for 20% or more of the current index group value if the group is comprised of 50 stocks or more, or whenever* the Exchange *otherwise* deems such action appropriate in the interests of a fair and orderly market and to protect investors. Among the factors that may be considered are that:

[(1) all trading has been halted or suspended in the market which is the primary market for the plurality of the underlying stocks included in such stock index group, or]

[(2)] (1) the current calculation of the numerical index value derived from the current market prices of the underlying stocks in such stock index group is not available, or

[(3)] (2) other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present.

Trading in any class or series of stock index options that has been the subject of a halt or suspension by the Exchange may be resumed upon a determination by the Exchange that the conditions which led to the halt or suspension are no longer present and that the interests of a fair and orderly market are best served by a resumption of trading.

*Commentary*

*.01 For the purposes of this rule, trading in an underlying stock which is not subject to real-time last sale reporting shall be deemed to be halted when the dissemination of quotations for such stock on an interdealer communications system has been halted.*

* * * * *

*Rule 980C. Exercise of Stock Index Options—*

Upon the exercise of a stock index option the market closing index group value shall be established as of the close of business on the day on which the exercise notice is delivered to the Options Clearing Corporation provided that, except on the last business day of trading in any series prior to expiration, the exercise notice is actually received by the Options Clearing Corporation at or prior to 4:00 P.M., e.s.t. (3:00 P.M., c.s.t.). Exercise notices received after such time will be treated as having been received the following day. Except as above provided, the exercise of stock index options shall be governed by the provisions of Rule 980 and the applicable rules of the Options Clearing Corporation.

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C), below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change*

The reason for revising the proposed definition of "covered" is to eliminate the provisions of the definition which contemplate that a group of underlying stocks may serve as "cover" for a stock index call option. As explained in the Exchange's initial submission of proposed rules to govern stock index options, the references to "covering" underlying stocks in paragraph (b)(12) of proposed Rule 900C were intended to reflect the Exchange's plan to allow a representative sub-group of stocks included in a stock index group to serve as "cover" for a call option on the stock index group if the sub-group met certain criteria. Although the Exchange is continuing its developmental efforts in this regard, it may wish to implement

trading in stock index options before a plan has been developed to permit writers of index options to use stocks as "cover." Therefore, the Exchange is deleting the reference to this practice from its rules.

The purpose of Rule 905C is to establish exercise limits for options on stock index groups comprised of 50 stocks or more. This rule would correspond with Rule 904C which, as explained in File No. SR–AMEX–82–8, would establish a 40,000 contract position limit for options on stock index groups comprised of 50 stocks or more. The Exchange will amend both rules at a later date to provide position limits and exercise limits for options on narrower stock index groups.

The revision of Rule 906C would provide more extensive reporting of options positions than was previously proposed, in order to allow more thorough monitoring of the market in stock index options at the commencement of trading. After experience has been gained with respect to stock index options, the Exchange may propose to raise the reporting threshhold.

The revision of proposed Rule 916C clarifies that the Exchange will not open new option series on a stock index group at any time when the number of stocks in the underlying group is below the minimum number required for initial approval of the option contract.

The revision of Rule 918C would require the Exchange to halt trading in a stock index option when stocks accounting for the specified current index group value are subject to a trading halt or suspension. This new requirement supplements the Exchange's discretionary authority to impose trading halts or suspensions when appropriate in the interests of a fair and orderly market and investor protection. In connection with this revision, the Exchange is deleting the section of the rule which would authorize the Exchange, in deciding whether to halt trading in an index option, to take into account whether trading has been halted or suspended in the primary market for the plurality of the stocks in the underlying stock index group. Since the plurality of stocks comprising a stock index group would encompass at least 20% of the then current index group value, the new requirement renders unnecessary the guideline which is being deleted.

The Exchange is deleting proposed Rule 980C from its submission because the Exchange believes that it would be more appropriate to handle the subject matter of the proposed rule in the context of the rules of The Options Clearing Corporation concerning exercise and settlement.

The above revisions of the Exchange's proposed rules concerning stock index options are consistent with the purposes of the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder, and, in particular, Section 6(b)(5) of the Act in that they would facilitate the maintenance of a fair and orderly market in stock index options and would help to protect investors.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange believes that the proposed rule changes set forth herein will not impose any burden on competition.

*(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

Comments on the proposed rule changes set forth herein were neither solicited nor received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, Judiciary Plaza, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: November 8, 1982.

**George A. Fitzsimmons,**

*Secretary.*

[FR Doc. 82–31090 Filed 11–10–82; 8:45 am]

BILLING CODE 8010–01–M

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**[Release No. 34–19219; File No. SR–CBOE–82–11]**

## Self-Regulatory Organizations; Proposed Rule Change, Chicago Board Options Exchange, Inc.; Relating to Index Options

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on November 1, 1982, the Chicago Board Options Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Text of Proposed Rule Change**

*Rule 24.5 Exercise Limits*

[Index option contracts shall not be subject to an exercise limit].

*In determining compliance with Rule 4.12, index option contracts shall be subject to a contract limitation fixed by the Board, which shall not be larger than the equivalent of a $300 million position.*

*Rule 24.6 Reports Related to Position Limits*

[In determining compliance with Rule 4.13, the reporting threshold shall be contracts representing an underlying securities position valued at 10% of the position limit]

(*Reserved*)

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at

the places specified in Item IV below and is set forth in sections (A), (B), and (C) below.

*(A) Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change*

*Rule 24.3 Dissemination of Information*

At the present time, CBOE intends to calculate and disseminate the current index value *once a minute.* [every fifteen (15) minutes.] CBOE will have the capacity to increase the frequency of the calculation up to a real-time basis, and will increase the frequency if there is a request from those who trade the option or if market conditions make it reasonable to increase the frequency.

*Rule 24.5 Exercise Limits*

[CBOE believes that exercise limits are not necessary in the context of options that are settled with cash. Because the deliverable supply is available currency, if does not seem possible for the price of dollars to be changed by options positions of less than $300 million being exercised against short writers. Similarly, it does not seem possible to squeeze the market by staying in it as a long when the deliverable supply is scarce because cash is the deliverable supply, nor is it possible to corner the supply of United States currency through the index option market. For those reasons the Exchange proposes to not have an exercise limit for index options.]

*The initial rule change filing did not provide for any exercise limits. The Exchange has reconsidered whether there should be exercise limits on index options and has determined to establish such limits at a level consistent with position limits. After a reasonable amount of experience has been gained in the trading of index options, the Exchange will evaluate the function of exercise limits in a cash-settlement context, and at that time may amend this rule.*

*Rule 24.6 Reports Related to Position Limits*

[The reporting threshold has been set at 10% of the position limit for index option contracts. The Exchange will consider revising this standard after it has gained experience in trading index options.]

*The initial rule filing set forth the reporting threshold at 10% of the position limit for index option contracts. In consultation with the Commission, the Exchange has determined that, at least during the early stages of the index options market, the 200 contract threshold in Rule 4.13 will be retained. The Exchange will consider revising the figure after experience has been gained with the index option market.*

*Expanded discussion on uses of the index option*

*The total price risk from holding an equity security can be partitioned into two types of risk: market risk (or "systematic risk") and firm-specific risk (or "unsystematic risk"). The market risk component represents that portion of a security's price risk due to economy-wide factors affecting all stocks. This systematic risk is measured by a stock's beta. The beta is a measure of how the stock moves relative to the market as a whole. A beta of one (1.0) indicates that, in general, the stock moves with the market on a one for one basis (i.e., if the market rises 10% the stock would also be expected to rise by 10% on average). Similarly, betas of 2.0 and 0.5 would indicate that the respective stocks tend to move twice as much as and half as much as the market.*

*The firm-specific risk component in a security's price is due to factors which affect the particular firm alone. Such factors influence the firm's stock price but are unrelated to the general economic conditions affecting stocks as a whole. By holding a single stock unhedged, an investor assumes both market and firm specific risk, since the price of his stock is subject to both.*

*Through portfolio diversification, an investor can eliminate most of the firm specific risk in securities, while maintaining the market risk component. The beta of the portfolio indicates the amount of market risk assumed. Market risk can not be diversified away in the same way that firm-specific risk can. Thus the beta of the portfolio will be the weighted average of the betas of the component securities.*

*The proposed Index Option is designed to fill the needs of investors for a tool to manage market risk. While portfolio diversification can be used to reduce firm-specific risk, and downside risk can be truncated on optionable stocks, the proposed contract expands the risk management opportunities available. An investor with a well-diversified portfolio can use the contract to hedge market risk, thereby eliminating most of the portfolio risk, since a well-diversified portfolio is subject to almost no firm specific risk. An investor with a single stock, or a small number of stocks, on the other hand, could use the contract to hedge the market risk alone while choosing to bear the firm-specific risk.*

*The examples which follow show how the proposed Index Option would be used by market participants to hedge market-risk.*

*Index options will provide useful ways for investors to hedge against market decline. To achieve this, an investor could sell Index Option calls or buy puts so that in the event of a market decline, the gain on the option position fully or partially offsets the loss on the long stock position. The nature of the hedged position will depend on the type of portfolio being hedged. These strategies may be used to manage the full portfolio risk for a well-diversified portfolio, while hedging only the market risk component for an undiversified portfolio. This distinction should become clear in the examples below.*

*Mutual funds, insurance companies and pension funds investing in equities generally purchase a large number of different stocks in order to diversify away firm-specific risk. The remaining portfolio risk is thus almost completely limited to market risk. Index Options could be used to hedge this remaining risk component.*

*For example, a portfolio manager with a well-diversified stock portfolio may expect a near-term market decline. However, it may not be possible to sell the portfolio and move into cash for a number of reasons: (1) Constant movement between stocks and cash would involve high trnsaction costs, (2) sale of large blocks of securities may drive down the price of the securities being sold, and (3) the manager may be constrained by covenant from having more than a certain percentage of funds in cash. By selling calls on Index Options the portfolio manager can partially hedge the portfolio against a market decline without incurring the high transaction costs involved in actively trading the portfolio. Since a well-diversified portfolio is subject to very little firm-specific risk, by using Index Options to hedge market risk, a portfolio manager could insulate his portfolio from a general market decline to the extent of the premium received in the call-writing transaction.*

*For an individual investor with a single stock, or a small portfolio, Index Options could be used ot lay off the market risk component of the portfolio, while leaving the investor the firm-specific risk. This would be a very important strategy for an investor who believes himself able to pick stocks which will outperform the market, yet is unable to time the market. Such an investor could then buy what he believes to be high performance stocks and sell an equivalent amount of Index option calls. If the market declines by more than the stocks in his porfolio, the investor should gain more on his short option position than he loses on his long*

*stock position. And if his stocks rise more than the market during a rally, he should gain more on his long stock position than he loses on his short contract position. Thus, so long as an investor can pick stocks which outperform the market, he will be able to establish positions whereby he gains whether the overall market rises or declines.*

*Another strategy involves the purchase of an Index option position to lock in current stock price levels for funds to be invested in the future. This strategy would be very useful for institutional investors with well-defined future cash flows.*

*Many institutions receive cash inflows on a regular basis which they then invest in common stocks. However, if a fund manager anticipates a strong market rally before the investment funds become available, he may want to insure that his fund participates in the rising market now. This manager would purchase Index call options in the amount of the future cash inflow. When the funds are finally received at the later date, the contracts would be sold and stocks would be purchased. If stock prices have risen in the interim, the gain on the long contract position should help offset the higher share prices paid to acquire the stocks. And if the market has declined, the lower share prices paid for the stocks would approximately offset the loss on the long contract position. Either way, the manager locks in the present price level for his future investments.*

*(B) Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe the proposed amendment will impose any burden on competition.

*(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

Comments on the proposed amendment were neither solicited nor received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, DC. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section. Copies of the filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: November 8, 1982.

**George A. Fitzsimmons,**

*Secretary.*

[FR Doc. 82-31091 Filed 11-10-82; 8:45 am]

BILLING CODE 8010-01-M

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**[Release No. 19215; File No. SR-DTC-82-8]**

## Self-Regulatory Organizations; Filing and Immediate Effectiveness of Proposed Rule Change by the Depository Trust Co.

November 5, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on October 1, 1982, the Depository Trust Company ("DTC") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change revises DTC's fee schedule for municipal bond deposits. Pre-arranged bulk municipal bond deposits of DTC-eligible issues that are interchangeable between registered and bearer form will be charged at a rate of $6.00 for all certificates deposited by a participant in a single issue during any day. Bulk deposits of all other DTC-eligible municipal issues deposited by a participant in a single issue on one day will be discounted by one-third from DTC's present fee for municipal bond deposits($4.00 per issue plus a charge after the first 10 certificates of $2.00 per group of 10 certificates, with a maximum total deposit charge of $12.00 for 150 certificates). DTC believes that the revised fee will attract deposits from holders of large positions in municipal bonds, thereby encouraging the immobilization of securities in accord with the purposes of Section 17A of the Securities Exchange Act of 1934.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549. Reference should be made to File No. SR-DTC-82-8.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 5th Street, N.W., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

*Secretary.*

[FR Doc. 82-31094 Filed 11-10-82; 8:45 am]

BILLING CODE 8010-01-M

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**[Release No. 34-19216; File No. SR-NYSE-82-2; Amdt. No. 2]**

## Self-Regulatory Organizations; Proposed Rule Change; New York Stock Exchange, Inc.; Relating To Proposed Rules for the Trading of Index Stock Group Options

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 10, 1982, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

On February 8, 1982, the Exchange filed a proposed rule change respecting index stock group options, File No. SR-NYSE-82-2, that was subsequently modified by an Amendment No. 1 filed on April 8, 1982 (collectively, the "index stock group option filing"). Amendment No. 2 incorporates as appropriate into the index stock group option filing comments received from the Commission staff on a pending proposed rule change of the Exchange respecting mini stock group options, File No. SR-NYSE-82-6 (the "mini stock group option filing"). Concurrently with its filing of this Amendment No. 2, the Exchange is also filing with the Commission an Amendment No. 1 to the mini stock group option filing.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

*(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

(1) *Purpose.* The purpose of Amendment No. 2 is to modify the index stock group option filing in order to incorporate as appropriate comments received from the Commission staff following its review of the mini stock group option filing and to make minor technical corrections. More specifically, the purposes of the principal changes are as follows:

*Opening of Series*—Amendment No. 2 provides that, except with respect to series with less than 45 days to expiration, the Exchange will introduce additional series of options with new exercise prices when the market price or value of the underlying security or stock group coincides with the exercise price of options series which are currently open for trading. The change is in conformity with policies adopted by the American Stock Exchange, Inc. ("AMEX") in File Nos. SR-AMEX-80-24 and SR-AMEX-81-14 and approved by the Commission. (Rule 703.)

*Trading Rotations, Halts and Suspensions*—Amendment No. 2 incorporates the provisions of AMEX Rule 1.02 that permit the completion of one trading rotation in any class of options outside normal trading hours under certain specified circumstances and with the authorization of Floor Officials. (Rules 717.50 and 792.)

*Floor Rules*—In order to prevent a member from taking advantage of non-member customers, Amendment No. 2 requires that when a member (other than a specialist) takes or supplies and option for an account in which he is interested for the purpose of filling an order accepted for execution from a non-member customer, the member must obtain the customer's consent. (Rule 750(g).)

*Competitive Option Traders*—In order to further strengthen Rule 758's scheme of conditioning the right to effect on-Floor proprietary transactions upon the undertaking of market-making responsibilities, Amendment No. 2 (1) deletes bona fide arbitrage transactions from the exceptions to the requirement for registration as a Competitive Option Trader ("COT") (Rule 758(a)(iii)), (2) confines the registration exception for on-Floor proprietary transactions made with Floor Official's approval to COTs registered in other kinds of options (Rule 758(a)(iii)) and (3) adds an explicit prohibition constraining a COT from delegating his COT function to a floor broker (Rule 758(e)).

The amendment also makes clear that the requirement that a broker announce when he is acting for a COT applies in all instances. (Rule 758.85(b) and .90.) In addition, Rule 758 is modified in a number of places to clarify that while a COT registers as to, and has market-making responsibilities for, all classes of options of the same kind (e.g., as to all index stock group options), he has certain special responsibilities for those classes to which he is assigned. Finally, the rule's prohibition on executing on the same day both an on-Floor and an off-Floor proprietary order in options on the same stock group having the same expiration date and exercise price is revised to make clear that it does not preclude an off-Floor transaction in a put if the on-Floor proprietary transaction is in a call, and vice versa. The change recognizes the near impossibility of manipulating the market in one type of option through activity in the other type. (Rule 758(b)(ii)(A).)

(2) *Statutory Basis.* The additional changes to the index stock group option filing proposed in Amendment No. 2 have the same statutory basis as the index stock group option filing.

*(B) Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange believes that the changes proposed to the index stock group option filing will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, and that the changes will contribute to the competitive benefits noted in the index stock group option filing.

*(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

The Exchange has considered the comments from the Commission staff on the mini stock group option filing that are relevant to the index stock group option filing. Amendment No. 2 incorporates those comments into the index stock group options filing to the extent such incorporation seems appropriate to the Exchange. The

Exchange has not solicited, and does not intend to solicit, comments regarding the amendment. The Exchange has not received any unsolicited written comments from members or other interested parties.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Dated: November 8, 1982.

**George A. Fitzsimmons,**

*Secretary.*

[FR Doc. 82-31097 Filed 11-10-82; 8:45 am]

BILLING CODE 8010-01-M

**[Release No. 34-19217; File No. SR-NYSE-82-2; Amdt. No. 3]**

## Self-Regulatory Organizations; Proposed Rule Change; New York Stock Exchange, Inc.; Relating to Proposed Rules for the Trading of Index Stock Group Options

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on October 18, 1982, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

On February 5, 1982, the Exchange filed a proposed rule change respecting index stock group options, File No. SR-NYSE-82-2, that was subsequently modified by an Amendment No. 1 filed on April 8, 1982, and an Amendment No. 2 filed on June 9, 1982 (collectively, the "index stock group option filing"). Amendment No. 3 incorporates as appropriate into the index stock group option filing comments received from the Commission staff on the filing. As more specifically described in Item II(A)(1), the amendment (A) incorporates exercise intervals into the filing, (B) restates the position and exercise limits in terms of the aggregate value covered and (C) states specific parameters for halting trading in an index stock group option when the stocks contributing a substantial portion of the index value are not trading.

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

*(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

(1) *Purpose.* The purpose of Amendment No. 3 is to incorporate into the index stock group option filing as appropriate comments received from the Commission staff following its review of the filing. More specifically, the nature and purpose of the changes are as follows:

*Exercise Intervals*—Amendment No. 3 incorporates into the filing exercise intervals of two points for index stock group options having a current index group value of $50 or less and five points for index stock group options having a current index group value of more than $50. (Rule 703.)

*Position and Exercise Limits*—The index stock group option filing as heretofore amended provided for position and exercise limits of 40,000 contracts. That limit was derived with particular reference to the proposed option on a stock group comprised in accordance with the NYSE Composite Index. In order to provide standardized position and exercise limits regardless of the index value or the index multiplier, Amendment No. 3 reexpresses the 40,000 contract limit in terms of the number of contracts covering an aggregate value of $300 million (original limit X current composite index group value X multiplier=40,000 X $71 X 100=$284 million). (Rules 704 and 705.)

*Trading Halts and Suspensions*—In order to take into account the possibility that trading in underlying stocks that contribute a substantial portion of the value of an index may be halted or suspended even though the markets for the underlying stocks are generally open, Amendment No. 3 establishes thresholds for halting or suspending trading of 10 percent of the weighted value for index groups of 50 or fewer stocks and of 20 percent for groups of more than 50 stocks. (Rule 717.)

(2) *Statutory Basis.* The changes to the index stock group option filing proposed in Amendment No. 3 have the same statutory basis as the index stock group option filing.

*(B) Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange believes that the changes proposed to the index stock group option filing will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, and that the changes will contribute to the

competitive benefits noted in the index stock group option filing.

*(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange has considered the comments from the Commission staff on the index stock group option filing. Amendment No. 3 incorporates those comments to the extent such incorporation seems appropriate to the Exchange. The Exchange has not solicited, and does not intend to solicit, comments regarding Amendment No. 3. The Exchange has not received any unsolicited written comments from members or other interested parties.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: November 8, 1982.

**George A. Fitzsimmons,**

*Secretary.*

[FR 82-31098 Filed 11-10-82; 8:45 am]

BILLING CODE 8010-01-M

## Research Forum

The Securities and Exchange Commission will hold a Research Forum on Wednesday, November 17, 1982, from 2:00 p.m.–5:00 p.m. in Room 1C30, 450 5th Street, N.W., Washington, D.C. Representatives of various users of the Commission's documents have been invited to the Forum to discuss the form and content of disclosure requirements in annual reports to shareholders, annual reports on Form 10–K and proxy statements and to discuss ways in which the Commission may encourage interested members of the public to be more responsive to Commission releases issuing rulemaking proposals for public comment. Members of the public are invited to attend, insofar as seating is available.

For further information, please contact Susan P. Davis at (202) 272–2589.

**George A. Fitzsimmons,**

*Secretary.*

November 5, 1982.

[FR Doc. 31093 Filed 11-10-82; 8:45 am]

BILLING CODE 8010-01-M

**[Release No. 22693; 70–6793]**

## Alabama Power Co. et al.; Proposed Issuance of First Mortgage Bonds for Sinking Fund Purposes

November 4, 1982.

In the matter of Alabama Power Co., 600 North 185th Street, Birmingham, Alabama 35291; Georgia Power Co., 333 Piedmont Avenue, Atlanta, Georgia 30308; Gulf Power Co., 75 North Pace Boulevard, Pensacola, Florida 32520; Mississippi Power Co., 2992 West Beach Boulevard, Gulfport, Mississippi 39501 (70–6793).

Alabama Power Company ("Alabama"), Georgia Power Company ("Georgia"), Gulf Power Company ("Gulf") and Mississippi Power Company ("Mississippi") ("Companies"), public utility subsidiaries of The Southern Company, a registered holding company, have filed an application-declaration with this Commission pursuant to Sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(5) thereunder.

Alabama, Georgia, Gulf and Mississippi propose to obtain the authentication and delivery of certain series of their respetive First Mortgage Bonds ("Bonds") and to surrender such Bonds to the trustee under the indenture of the respective Companies to satisfy, in whole or in part, the sinking fund (improvement fund in the case of Alabama) requirements provided for in their indentures to be satisfied on or prior to June 1, 1983.

The indentures provide for annual sinking fund (improvement fund) payments on or before June 1 of each year in an amount equal to 1% of the principal amount of bonds authenticated under the respective indentures prior to the preceding January 1 (less bonds retired directly or indirectly as a result of the release of property and less bonds authenticated to refund other bonds). Payment may be made in cash or in principal amount of bonds authenticated under the indenture, whether or not such bonds have previously been disposed of by the respective company. Any cash so deposited is to be used by the trustee under the respective indenture for the redemption or other retirement of bonds of such series as may be designated by the respective company or may be withdrawn by said company against the deposit of bonds.

The maximum amounts and the series of Bonds proposed to be issued to satisfy said obligations for 1983 are:

| Name of company | Amount | Series |
|---|---|---|
| Alabama | $24,063,000 | 3½% Series due 1985. |
| Georgia | 33,016,000 | 3⅞% Series due 1984. |
| Gulf | 4,150,000 | 3¼% Series due 1984. |
| Mississippi | 3,004,000 | 3⅜% Series due 1983. |

The Bonds will be issued on the basis of unfunded net property additions. Under the indentures the Bonds may be issued in principal amounts not exceeding 60% of the amount of unfunded net property additions. The approximate amounts of such unfunded net property additions available for the issuance of the Bonds are:

| Name of company | Amount | As of |
|---|---|---|
| Alabama | $824,038,000 | Aug. 31, 1982. |
| Georgia | 460,590,000 | Aug. 31, 1982. |
| Gulf | 7,662,000 | Aug. 31, 1982. |
| Mississippi | 86,024,800 | Aug. 31, 1982. |

The surrender of the Bonds in satisfaction of the respective sinking

fund (improvement fund) requirements by the Companies will make available for general corporate purposes cash which would otherwise have to be used to satisfy such requirements or to purchase bonds to be used for such purposes, while at the same time reducing the principal amount of bonds which they could otherwise issue under the indentures at a later time by an equal principal amount. The Bonds will not be delivered by the respective Companies in such manner as to constitute obligations for the payment of money and, therefore, they will not be included on the books or in the published statements as liabilities of the respective Companies.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by November 29, 1982, to the Secretary, Securies and Exchange Commission, Washington, D. C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

**George A. Fitzsimmons,**

*Secretary.*

[FR Doc. 82-30983 Filed 11-10-82; 8:45 am]

BILLING CODE 8010-01-M

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**[Release No. 12780; 812-5238]**

## Bankers Security Variable Annuity Fund M, et al.; Filing of Application

November 2, 1982.

In the matter of Bankers Security Variable Annuity Fund M, Bankers Security Variable Annuity Fund P, Bankers Security Variable Annuity Fund Q and Bankers Security Life Insurance Society, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006, and Oppenheimer Investors Services, Inc., 2 Broadway, New York, New York 10004 (812-5238).

Notice is hereby given that Bankers Security Life Insurance Society ("Bankers Security" or the "Company"), a stock life insurance company, and Bankers Security Variable Annuity Funds M, P and Q ("Separate Accounts"), a registered unit investment trust (the "Trust") under the Investment Company Act of 1940 (the "Act"), and Oppenheimer Investor Services, Inc., principal underwriter for the contracts issued through the Separate Accounts (hereinafter collectively referred to as ("Applicants")), filed an application on September 27, 1982 and an amendment thereto on October 28, 1982 for an order of the Commission pursuant to Section 11 of the Act approving the terms of certain offers of exchange and pursuant to Section 6(c) of the Act granting exemptions from Sections 2(a)(32), 2(a)(35), 22(c), 26(a), 26(a)(2)(C), 27(c)(1), 27(c)(2) and 27(d) of the Act and Rule 22c-1 thereunder to the extent necessary to permit Applicants to offer the variable annuity contracts as described in this application. All interested persons are referred to the application on file with the Commission for a statement of the facts and representations contained therein, which are summarized below.

Applicants state that the purpose of Separate Accounts M and P is to fund variable annuity contracts offered by Bankers Security for non-tax qualified retirement programs for individuals. The purpose of separate Account Q is to fund variable annuity contracts offered by Bankers Security for tax-qualified retirement programs for individuals, through investments in Centennial Cash Accumulation Fund, Inc. ("Centennial Cash"), Centennial Capital Appreciation Fund, Inc. ("Centennial Capital") and Centennial High Yield Bond Fund, Inc. ("Centennial High Yield"), no-load diversified open-end investment companies registered under the Act (collectively referred to as "Funds"). As described in the application, contracts issued through Separate Account M are no longer being offered for sale. Separate Account P contracts are presently being funded by the investment of Separate Account P assets at net asset value in shares of Centennial Cash. Funding of future Separate Account P contracts will also be available through the use of Centennial Capital and Centennial High Yield Funds.

The application describes the contracts as having the following charges and deductions:

1. Purchase payments that are partially or totally withdrawn prior to 96 months from the issue date of the contract will (with certain exceptions) be subject to a charge (a "Contingent Deferred Sales Charge") of 4% of the amount of the purchase payments withdrawn. No such Contingent Deferred Sales Charge will be applied against withdrawals of purchase payments if the Contract has been in existence for at least 96 months. Applicants assert that in no event will the Contingent Deferred Sales Charge exceed 4% of the gross purchase payments. Within the 96 month period applicable to the Contingent Deferred Sales Charge, the owner may surrender up to 8% each year of such purchase payments held in the contract for at least one year without paying a Contingent Deferred Sales Charge. To the extent that the owner does not utilize withdrawals that are not subject to the Contingent Deferred Sales Charge, they may be carried forward, although the total amounts surrendered without a charge from each purchase payment may not exceed 56% of such payment during the applicable 96 month period.

2. A daily charge equal to an annual rate of 1.0% of the daily asset value of the Separate Accounts as a charge for the mortality and expense risk assumed by the Company. This deduction consists of approximately 0.8% for mortality risks and 0.2% for expense risks. Applicants assert that this charge is reasonable in amount in relation to the risks assumed and consistent with industry practice.

3. On each anniversary, the Company will deduct an annual Contract Maintenance Charge of $30 from the contract value under such contracts. If the contract is surrendered in full on other than the contract anniversary, the Contract Maintenance Charge will be deducted at the time of such surrender. Applicants assert that they do not expect to recover from this charge any amount in excess of accumulated expenses whether collected on the anniversary date or upon surrender.

4. Any applicable actual premium taxes are deducted from purchase payments or at the annuity commencement date.

The application also states that the Company proposes to be the custodian of the assets of the Separate Accounts and that the Separate Accounts be allowed to accept "book shares" issued by the underlying Funds in open account in lieu of actual share certificates.

*Section 6(c)*

Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction from the provisions of the Act and rule promulgated thereunder, if and to the entent that such exemption is consistent with the protection of investors and the

purposes fairly intended by the policy and provisions of the Act. Applicants request exemption pursuant to Section 6(c) from certain provisions of the Act as summarized below.

Applicants propose that they be granted exemptions from Sections 26(a), 26(a)(2)(C) and 27(c)(2) to the extent necessary to permit the Company (a) to be the custodian of the assets of the Separate Accounts, under an open account arrangement without holding actual share certificates, (b) to deduct the 1.00% annual asset charge, (c) to deduct the annual administration fee, (d) to deduct the Contingent Deferred Sales Charge and (e) to deduct premium taxes when applicable.

Applicants also assert that the provisions of Sections 2(a)(32), 2(a)(35), 22(c), 27(c)(1), and 27(d) of the Act and Rule 22c-1 thereunder, to varying degrees, might be inconsistent with the proposed Contingent Deferred Sales Charge, and therefore request an order exempting them from these provisions to the extent necessary to permit the deductions as described above.

*Section 11*

As set forth in the application, Applicants propose that contractowners be permitted to transfer all or part of their investment in the Separate Accounts P and Q to the respective sub-accounts representing investment in the differing underlying Funds. Applicants request approval pursuant to Sections 11(a) and 11(c) of the Act to the extent requested to permit the transfers described in the contracts.

Notice is further given that any interested person may, not later than November 23, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the addresses stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. An order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon its own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

**George A. Fitzsimmons,**

*Secretary.*

[FR Doc. 82-30978 Filed 11-10-82; 8:45 am]

BILLING CODE 8010-01-M

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**[Release No. 12779; 812-5320]**

## Cash Reserve Management, Inc.; Filing of an Application

November 2, 1982.

Notice is hereby given that Cash Reserve Management, Inc. ("Applicant"), an open-end, diversified, management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on September 17, 1982, for an order of the Commission, amending a previous order, pursuant to Section 6(c) of the Act exempting Applicant from the provisions of Section 2(a)[41] of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit Applicant to value its assets according to the amortized cost valuation method. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a professionally managed, diversified, open-end investment company whose investment objective is the maximization of current income consistent with the maintenance of liquidity and a high-quality portfolio of short-term "money market" instruments. Applicant seeks to accomplish its objective by investing in, or entering into agreements, including repurchase, reverse repurchase and loan agreements, relating to the following "money market" instruments: (i) U.S. Treasury Bills and other obligations issued or guaranteed by the U.S. Government, its agencies or instrumentalities; certificates of deposit and bankers' acceptances of United States banks (including foreign branches thereof) or savings and loan associations with $2 billion in total assets (as shown by their most recent annual financial statements) other than those for which Morgan Guaranty Trust Company of New York ("Morgan Guaranty") or Bank of New England, National Association ("Bank of New Emgland") is the ultimate obligor or accepting bank; (ii) commercial paper (including variable amount master demand notes which are demand obligations that permit the investment of fluctuating amounts at varying market rates of interest pursuant to arrangements between the issuer and a commercial bank acting as agent for the payees of such notes) issued by U.S. corporations or foreign corporations directly related to U.S. corporations and rated at the date of investment Prime-1 by Moody's Investors Service, Inc. ("Moody's") or A-1 by Standard & Poor's Corporation ("Standard & Poor's") or, if not rated by either Moody's or Standard & Poor's, issued by a corporation having an outstanding debt issue rated Aa or better by Moody's or AA or better by Standard & Poor's, provided that, if issued by a foreign corporation, such commercial paper (not to exceed in the aggregate 10% of the Applicant's net assets) is U.S. dollar-denominated and not subject at the time of purchase to foreign tax withholding; (iii) bonds issued by U.S. corporations which at the date of investment are rated Aa or better by Moody's or AA or better by Standard & Poor's; and (iv) obligations of the International Bank for Reconstruction and Development. Applicant states that it will not seek profits through short-term trading; however, Applicant's investment adviser may, on behalf of Applicant, dispose of any portfolio security prior to its maturity if it believes such disposition advisable.

Applicant states that prior to receipt of the exemptive order sought, all portfolio securities having more than 60 days to maturity have been valued on the basis of available market information. Portfolio securities with remaining maturities of 60 days or less have been valued on an amortized cost basis as permitted by the Commission's interpretation of Rule 2a-4 in Investment Company Act Release No. 9786, May 31, 1977. Subject to receipt of the exemptive order requested in the application, Applicant intends to maintain its net asset value per share at $1.00 pursuant to an exemptive order of the Commission, dated March 18, 1982, which permits Applicant to round its net asset value per share to the nearest one cent, a method commonly referred to as "penny rounding".

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (i) With respect to securities for which market quotations are readily available, the market value of such securities, and (ii) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c-1 adopted under the Act provides, in

part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Rule 2a–4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and other securities and assets shall be valued at fair value as determined in good faith by the board of directors. The Commission has expressed the view that, among other things: (i) Rule 2a–4 under the Act requires that portfolio instruments of money market funds be valued with reference to market factors, and (ii) it would be inconsistent, generally, with the provisions of Rules 2a–4 for a money market fund to value its portfolio instruments on an amortized cost basis. (Investment Company Act Release No. 12206, February 1, 1982; Investment Company Act Release No. 9786, May 31, 1977). In view of the foregoing, Applicant requests an exemption from Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant to use the amortized cost method to value its portfolio securities.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of the Act or of any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the requested exemption, Applicant states its belief that the amortized cost method of valuation will permit the Applicant to provide the stability of principal and steady flow of income demanded by investors. Applicant has determined that maintaining an average portfolio maturity of 120 days or less will achieve the goals of Applicant's investors by reducing the risk of signficant volatility in the value of portfolio instruments while at the same time producing a yield commensurate with those available in the same short-term money market. Prior to instituting the amortized cost method of valuation, Applicant states that its board of directors will determine, in good faith, that, absent unusual or extraordinary circumstances, the amortized cost method of valuing securities will reflect the fair value of such securities. Finally, Applicant represents that granting its requested exemptive order is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant expressly agrees that the following conditions may be imposed in any order of the Commission granting such relief:

1. In supervising the Applicant's operations and delegating special responsibilities involving management to the Applicant's investment adviser, Applicant's board of directors undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of directors shall be the following:

(a) Review by the board of directors as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from Applicant's $1.00 amortized cost price per share exceeds one-half of one percent, a requirement that the board of directors will promptly consider what action, if any, should be initiated by it.

(c) Where the board of directors believes the extent of any deviation from the Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, the board shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses or to shorten the average portfolio maturity of the Applicant; reducing or withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that the Applicant will not (a) purchase any instrument with a remaining naturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity that exceeds 120 days.[2]

4. Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above. The Applicant will also record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of meetings of the board of directors. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments that the

[1] To fulfill this condition, Applicant states that it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by the board of directors in the exercise of its discretion to be appropriate indicators of value which may include, among other things: (1) Quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] Should the disposition of a portfolio instrument result in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant, in fulfilling this condition, will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

board of directors determines present minimal credit risks, and that are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the board of directors.

6. The Applicant will include as an attachment to each Form N–1Q it files, a statement indicating whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than November 29, 1982, at 5:30 p.m., submit to the Commission, in writing, a request for a hearing on the application accompanied by a statement as to the nature of his/her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he/she may request that he/she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as a matter of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

**George A. Fitzsimmons,**

*Secretary.*

[FR Doc. 82–30979 Filed 11–10–82; 8:45 am]

BILLING CODE 8010–01–M

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[Release No. 22691; 70–6798]

## Central Power and Light Co.; Proposed Amendment of Charter To Increase Authorized Preferred Stock and Order Authorizing Solicitation of Proxies

Central Power and Light Company ("CPL"), an electric utility subsidiary company of Central and South West Corporation, a registered holding company, has filed a declaration with this Commission pursuant to Sections 6(a), 7, and 12(e) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 62 promulgated thereunder.

CPL proposes to amend its charter to increase its authorized preferred stock, $100 par value per share, from 1,435,000 shares to 3,035,000 shares. There are presently 1,335,000 shares of such preferred stock outstanding. It is stated that present forecasts of the capital expenditures and internal generation of funds for CPL for 1983–1987 indicate that an additional $170,000,000 or 1,700,000 shares of preferred stock will be required over this period.

CPL intends to submit the proposed charter amendment to its stockholders for their approval at a special meeting of stockholders to be held on January 11, 1983. In connection therewith, CPL proposes to solicit proxies from the holders of its outstanding preferred stock to be voted at the meeting.

No state or federal regulatory authority, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the proposed transactions are estimated at $22,000.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing with respect to the proposed charter amendment should submit their views in writing by November 29, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective with respect to the charter amendment.

It appearing to the Commission that CPL's declaration regarding the proposed solicitation of proxies should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered that the declaration regarding the proposed solicitation of proxies be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

**George A. Fitzsimmons,**

*Secretary.*

[FR Doc. 82–30977 Filed 11–10–82; 8:45 am]

BILLING CODE 8010–01–M

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[Release No. 22694; 70–6738]

## Consolidated Natural Gas Co. et al.; Proposed Issuance and Sale by Subsidiary and Purchase by Parent of Common Stock and Long Term Notes and of Increase in Capital Stock of Subsidiary

November 4, 1982.

Consolidated Natural Gas Company ("Consolidated"), 100 Broadway, New York, New York 10000 a registered holding company, and certain of its subsidiaries, CNG Coal Company, CNG Producing Company, CNG Research Company, Consolidated Gas Supply Corporation, Consolidated System LNG Company, The East Ohio Gas Company, The Peoples Natural Gas Company, The River Gas Company, West Ohio Gas Company and Consolidated Natural Service Gas Company, Inc. ("Service"), have filed a post-effective amendment to an application-declaration with this Commission pursuant to Sections 6(a), 6(b), 7, 9(a), 10, 12(b) and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 43, 45 and 50(a)(2) thereunder.

It is proposed that additional financing of $3,750,000 be provided to Service by the issuance and sale by Services and purchase by Consolidated of 15,000 shares of Service's capital stock, $100 par value, aggregating $1,500,000 and of $2,250,000 principal amount of non-negotiable long-term notes ("Notes"). The Notes would bear interest at a rate substantially equal to the effective rate paid by Consolidated on its long-term financing to be consummated in 1982, or subject to Commission authorization in 1983.

Service's authorized capital stock is not sufficient to cover the additional shares it proposes to issue. At present Consolidated holds 5,000 shares of Service's capital stock. Therefore, in order to accommodate the proposed transaction and to provide for future issues, Service proposes to amend its certificate of incorporation to increase its authorized capital stock from 10,000 shares to 25,000 shares.

Prior to completion of the long-term financing, such loans to Service by Consolidated will be in the form of interim construction advances, payable on or before May 31, 1983, with interest

at the prime commercial rate in effect from time to time at The Chase Manhattan Bank, N.A. The proceeds of the proposed transactions would be used by Service to purchase a new computer which the Consolidated System requires at a total approximate cost of $3,750,000.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by November 29, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

*Secretary.*

[FR Doc. 82-30982 Filed 11-10-82; 8:45 am]

BILLING CODE 8010-01-M

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[Release No. 12787; 812-5333]

## Mutual Life Insurance Co. of New York and MONY Variable Account-B; Filing of Application

November 4, 1982.

Notice is hereby given that the Mutual Life Insurance Company of New York ("MONY") and the MONY Variable Account-B ("VA-B"), a separate account of MONY registered under the Investment Company Act of 1940 ("Act") as an open-end investment company ("Applicants"), filed an application on October 1, 1982 pursuant to Section 6(c) of the Act for an order of exemption extending the term of a previous order granting an exemption from provisions of Section 22(d) of the Act to the extent necessary to permit the transactions described in the application. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below, and are referred to the Act for a statement of the relevant statutory provisions.

Applicants state that (i) VA-B was established for the purpose of providing an investment medium, during the accumulation period, for certain variable accumulation (fixed payout) annuity contracts funded through VA-B ("VA-B Contracts"); (ii) VA-B Contracts are offered to plans qualified under Section 403(b) of the Internal Revenue Code; and (iii) MONY also issues to 403(b) plans certain companion fixed-dollar deposit administration group annuity contracts ("Fixed Dollar Contracts").

In Investment Company Act Release No. 12560 (July 26, 1982), the Commission issued an order ("prior order") granting Applicants an exemption from provisions of Section 22(d) of the Act to the extent necessary to permit the elimination of charges for sales and administrative expenses with respect to a payment made on behalf of an individual employee participant pursuant to a VA-B Contract, when the payment represents a transfer by such participant of all (or a designated portion) of the accumulated funds to his account under a Fixed Dollar Contract, to a companion VA-B Contract, but only to the extent of accumulated funds representing plan contributions received by MONY during the period from October 1, 1981 through June 30, 1982 and interest credited thereon. The prior order states that participants choosing to make an election to transfer the funds without paying the sales and administrative charges would have to do so within four months after the issuance of that order.

MONY did not receive formal written approval of the VA-B Contracts from the New York Insurance Department until September 14, 1982, and it does not expect to have received separate policy form approvals in all other states relevant prior to expiration of the four month period specified in the prior order. Therefore, Applicants respectfully request an amendment to the prior order to exempt them from the provisions of Section 22(d) of the Act to the extent necessary to permit participants to transfer funds into VA-B without any deduction for sales and administrative charges under the following conditions: Within four months after the later of (1) the date of issuance of the amended exemptive order requested in the application or (2) the date on which the state insurance department or other regulatory authority with jurisdiction over the VA-B Contracts in a particular state shall have granted all requisite approvals (but in no event later than June 30, 1983), a participant in a state which has granted such approvals may, if his employer adopts a VA-B Contract, make a one-time election to transfer to such VA-B Contract all or a specified portion of accumulated funds representing deposits received by MONY, together with interest credited thereon, under a companion Fixed Dollar Contract between October 1, 1981 and the date on which such participant enrolls in the VA-B Contract (the "Enrollment Date"). Each participant will be required to specify on the Enrollment Date whether he elects to make the transfer. No such election may be made after June 30, 1983. Applicants will provide copies of the prospectuses for the VA-B contracts to prospective contractholders and to prospective participants whose employers have adopted a VA-B Contract. When Applicants provide such prospectuses to participants, Applicants will draw attention to the limited no-load transfer privilege from a companion Fixed Dollar Contract to the VA-B Contract.

Section 6(c) of the Act generally authorizes the Commission to exempt any person, security or transaction from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested party may, not later than November 29, 1982 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549.

A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. An order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon its own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing, of ordered, and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

**George A. Fitzsimmons,**

*Secretary.*

[FR Doc. 82-30976 Filed 11-10-82; 8:45 am]

BILLING CODE 8010-01-M

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**[Release No. 12789; 812-5294]**

## Nuveen Cash Reserves, Inc.; Filing of Application

November 4, 1982.

Notice is hereby given that Nuveen Cash Reserves, Inc. (the "Fund"), 115 South LaSalle Street, Chicago, Illinois 60603, a noload, open-end diversified, management investment company registered under the Investment Company Act of 1940 (the "Act"), filed an application on August 30, 1982, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting the Fund from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit the fund to compute its net asset value per share using the amortized cost method of valuing its portfolio securities. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and such persons are referred to the Act for the complete text of those provisions of the Act from which an exemption is being sought.

The Fund states that it is a "money market" fund designed as a vehicle for direct investment of temporary cash balances in a professionally managed portfolio of high-quality short term money market instruments with the objective of obtaining as high a level of current income as is consistent with stability of principal and maintenance of liquidity.

The Fund represents that all of its assets will consist of (1) securities issued or guaranteed as to principal and interest by the Untied States Government or issued or guaranteed by agencies or instrumentalities thereof; (2) bank certificates of deposit and bankers' acceptances issued by domestic banks having total assets in excess of one billion dollars; (3) certificates of deposit issued by London branches of domestic banks having total assets in excess of five billion dollars; (4) commercial paper rated A-1 by Standard & Poor's Corporation, Inc. ("S&P") or Prime-1 by Moody's Investors Service, Inc. ("Moody's") or F-1 by Fitch Investors Service, or issued by companies with an unsecured debt issue outstanding currently rated AA or better by Moody's or AA or better by S&P; (5) corporate obligations such as publicly traded bonds, debentures and notes rated AA or better by Moody's or AA or better by S&P; (6) repurchase agreements of securities which qualify for investment under one of the categories set forth above; and (7) cash.

The Fund states that it may invest a substantial portion of its assets in variable rate or floating rate obligations. The Fund states further that such obligations will satisfy the requirements of, and the maturities thereof will be determined in accordance with the procedures set forth in, the Commission's proposed Rule 2a-7 (Investment Company Act Release No. 12206, February 1, 1982) or, if proposed Rule 2a-7 is ultimately adopted, the Rule as so adopted.

The Fund states that its investment portfolio will be limited to obligations maturing within one year from the date of acquisition and that the Fund will maintain a dollar-weighted average portfolio maturity of not more than 120 days. The Fund represents that, with the exception of variable and floating rate paper, the maturity of an instrument will be deemed to be its stated maturity and that the maturity of variable and floating rate paper will be determined as stated above.

The Fund states that under the amortized cost valuation method, portfolio instruments are valued at their cost as of the date of acquisition and thereafter assuming a constant rate of amortization to maturity of any discount or premium, regardless of the impact of fluctuating interest rates on the market value of such instruments. It is also stated that, prior to the filing of the application, the Commission expressed its view that, among other things, (1) Rule 2a-4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a-4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Section 6(c) of the Act provides, in pertinent part, that upon application the Commission may conditionally or unconditionally exempt any person, security or transaction or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

The Fund states that it wishes to attract investors that require an investment company with a portfolio of short-term money market obligations that maintains a constant net asset value per share and pays dividends that do not fluctuate due to daily changes in the values of its portfolio securities. The Fund believes that in order to attract such investors and retain them as shareholders, it must have a stable net asset value, preferably $1.00 per share, and a steady flow of investment income.

The Fund believes that the valuation of the investment securities in its portfolio on the amortized cost basis will benefit its shareholders by enabling it to maintain a $1.00 price per share while providing shareholders with the opportunity to receive a flow of income less subject to fluctuation than under procedures whereby its daily dividend would be adjusted by all realized and unrealized gains and losses on its portfolio securities. The Fund's board of directors has determined that the amortized cost method of calculating its net asset value per share under such circumstances is appropriate and in the best interests of shareholders.

The Fund agrees that the following conditions may be imposed in any order of the Commission granting the exemptive relief requested:

1. In supervising the operations of the Fund and delegating special responsibilities involving management of its portfolio to the Fund's investment adviser, the Fund's board of directors undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and the Fund's investment objective, to stabilize the Fund's net asset value per share, as computed for the purpose of distributions, redemptions and repurchases, at $1.00 per share.

2. Included within the procedures to be adopted by the board of directors shall be the following:

(a) Review by the board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the Fund's net asset value per share as determined by using available market quotations from the $1.00 amortized cost price per share, and maintenance of records of such review. To fulfill this

condition, the Fund intends to use actual quotations, or estimates of market value reflecting current market conditions chosen by its board of directors in the exercise of its discretion to be appropriate indicators of value, which may include, inter alia, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds ½ of 1%, a requirement that the board of directors will promptly consider what action, if any, should be initiated.

(c) Where the board of directors believes the extent of any deviation from the Fund's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the Fund's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. The Fund will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that the Fund will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity in excess of 120 days. In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, the Fund will invest its available cash in such a manner as to reduce its dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

4. The Fund will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and the Fund will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board's meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. The Fund will limit its portfolio investments, including repurchase agreements, to those U.S. dollar-denominated instruments which the Fund's board of directors determines present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the board of directors.

6. The Fund will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 2(c) above was taken during the preceding fiscal quarter, and, if any action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than November 29, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Fund at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. An order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon its own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

**George A. Fitzsimmons,**

*Secretary.*

[FR Doc. 82–30984 Filed 11–10–82; 8:45 am]

BILLING CODE 8010–01–M

**[Release No. 12788; (812–5298)]**

## Nuveen Tax-Free Reserves, Inc.; Filing of Application

November 4, 1982.

Notice is hereby given that Nuveen Tax-Free Reserves, Inc.; (the "Fund"), 115 South LaSalle Street, Chicago, Illinois 60603, a no-load, open-end, diversified, management investment company registered under the Investment Company Act of 1940 (the "Act"), filed an application on August 30, 1982, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting the Fund from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit the Fund to compute its net asset value per share using the amortized cost method of valuing its portfolio securities. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and such persons are referred to the Act for the complete text of those provisions of the Act from which an exemption is being sought.

The Fund represents that is a tax-exempt "money market" fund designed as a vehicle for direct investment of temporary cash balances in a professionally managed portfolio of high-quality short term municipal obligations with the objective of obtaining as high a level of current interest income that is exempt from Federal income tax as is consistent with stability of principal and maintenance of liquidity.

The Fund represents further that all of its assets will consist of (1) municipal obligations which are rated at the time of purchase Aaa or Aa by Moody's Investors Service, Inc. ("Moody's"), or AAA or AA by Standard & Poor's Corporation, Inc. ("S&P"), or in the case of municipal notes, rated MIG 1 by Moody's or A–1 by S&P, or F–1 by Fitch Investors Service ("Fitch"); (2) unrated municipal obligations which, as determined by the Fund's investment adviser in accordance with standards established by the board of directors to ensure that such securities are deemed "high quality", have credit characteristics equivalent to obligations rated Aa or MIG 1 by Moody's, or AA or A–1 by S&P, or F–1 by Fitch; (3) obligations exempt from federal income tax which at the time of purchase are backed by the full faith and credit of the U.S. Government as to payment of principal and interest; (4) certain temporary investments; and (5) cash. The Fund states that except to the

extent that it is invested in temporary investments for defensive purposes, it will, at all times, invest at least 80 percent of its assets in obligations exempt from federal income tax.

The Fund may also purchase short term high quality municipal obligations on a "when issued" or delayed delivery basis. The Fund states that such securities will be carried or treated on its books and will be valued in accordance with all the conditions set forth in Investment Company Act Release No. 10666, dated April 18, 1979. The Fund may also invest a substantial portion of its assets in variable rate or floating rate obligations. The Fund states that such obligations will satisfy the requirements of, and the maturities thereof will be determined in accordance with the procedures set forth in, the Commission's proposed Rule 2a–7 (Investment Company Act Release No. 12206, February 1, 1982) or, if proposed Rule 2a–7 is ultimately adopted, the Rule as so adopted.

The Fund states that all of its investments will have a remaining maturity of less than one year, and the dollar-weighted average maturity of its portfolio will not exceed 120 days. The Fund represents that, with the exception of variable and floating rate paper, the maturity of an instrument will be deemed to be its stated maturity and that the maturity of variable and floating rate paper will be determined as stated above.

The Fund states that under the amortized cost valuation method, portfolio instruments are valued at their cost as of the date of acquisition and thereafter assuming a constant rate of amortization to maturity of any discount or premium, regardless of the impacts of fluctuating interest rates on the market value of such instruments. It is also stated that, prior to the filing of the application, the Commission expressed its view that, among other things, (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Section 6(c) provides, in pertinent part, that upon application the Commission may conditionally or unconditionally exempt any person, security or transaction or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

The Fund represents that it wishes to attract investors that require an investment company with a portfolio of short-term municipal obligations that maintains a constant net asset value per share and pays dividends that do not fluctuate due to daily changes in the values of its portfolio securities. The Fund believes that in order to attract such investors and retain them as shareholders, it must have a stable net asset value, preferably $1.00 per share, and a steady flow of investment income.

The Fund believes that the valuation of the investment securities in its portfolio on the amortized cost basis will benefit its shareholders by enabling it to maintain a $1.00 price per share while providing shareholders with the opportunity to receive a flow of investment income less subject to fluctuation than under procedures whereby its daily dividend would be adjusted by all realized and unrealized gains and losses on its portfolio securities. The Fund's board of directors has detemined that the amortized cost method of calculating its net asset value per share under such circumstances is appropriate and in the best interests of shareholders.

The Fund agrees that the following conditions may be imposed in any order of the Commission granting the exemptive relief requested:

1. In supervising the operations of the Fund and delegating special responsibilities involving management of its portfolio to the Fund's investment adviser, the Fund's board of directors undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and the fund's investment objective, to stabilize the fund's net asset value per share, as computed for the purpose of distributions, redemptions and repurchases, at $1.00 per share.

2. Included within the procedures to be adopted by the board of directors shall be the following:

(a) Review by the board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the Fund's net asset value per share as determined by using available market quotations from the $1.00 amortized cost price per share, and maintenance of records of such review. To fulfill this condition, the Fund intends to use actual quotations, or estimates of market value reflecting current market conditions chosen by its board of directors in the exercise of its discretion to be appropriate indicators of value, which may include, inter alia, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of directors will promptly consider what action, if any, should be initiated.

(c) Where the board of directors believes the extent of any deviation from the Fund's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the Fund's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. The Fund will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that the Fund will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity in excess of 120 days. In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, the Fund will invest its available cash in such a manner as to reduce its dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

4. The Fund will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and the fund will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above,to be included in the

minutes of the board's meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. The Fund will limit its portfolio investments, including repurchase agreements, to those U.S. dollar denominated instruments which the Fund's board of directors determines present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the board of directors.

6. The Fund will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 2(c) above was taken during the preceding fiscal quarter, and, if any action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than November 29, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Fund at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. An order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon its own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

**George A. Fitzsimmons,**

*Secretary.*

[FR Doc. 82-30985 Filed 11-10-82; 8:45 am]

BILLING CODE 8010-01-M

**[File No. 1-7625]**

## MetPath, Inc.; Application To Withdraw From Listing and Registration

November 4, 1982.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2–2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

On February 26, 1982, a wholly-owned subsidiary of Corning Glass Works ("Corning") merged into MetPath Inc. ("Company") and each share of the Company's common stock was converted into .4488 of a share of common stock of Corning. As a result of that merger, the Company became a wholly-owned subsidiary of Corning, and, consequently, Amex removed the common stock of the Company from listing and registration.

The Company has been advised that as of October 4, 1982, the number of registered holders of the debentures was 35. In addition, only $69,000 and $72,000 principal amount of the debentures was traded on the Amex during the 1981 calendar year and the nine months ended September 30, 1982, respectively. In this regard, the Company has determined that because of the small number of holders, the limited trading and the expense of filing annual and quarterly reports, continued listing of the debentures is no longer justified.

Any interested person may, on or before November 26, 1982, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

**George A. Fitzsimmons,**

*Secretary.*

[FR Doc. 82-30981 Filed 11-10-82; 8:45 am]

BILLING CODE 8010-0-M

**[Release No. 19167; File No. SR-NYSE-82-16]**

## Self-Regulatory Organizations; Filing of Proposed Rule Change by New York Stock Exchange, Inc.

October 22, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on October 8, 1982, the New York Stock Exchange ("NYSE") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change would amend current NYSE Rule 248 to permit the listing of certain types of debt issues currently precluded by Rule 248. Rule 248 presently requires a due bill to accompany registered bonds traded "and interest" and delivered between record date and interest payment date. According to the NYSE, Rule 248 is based on the assumption that the payment date will immediately follow the date interest accrual ends for the particular interest period, and that this is currently the case for all listed debt on the exchange. The NYSE states, however, that the recent trend in debt securities has been towards variable interest rates, leading to a departure from the standard method and time frames in which to complete the interest calculation payments. According to the NYSE, under the terms of these new issues the payment date is several days after the close of the interest period. The NYSE has indicated that it has been approached to list several issues of floating rate notes which have payment dates some time after the close of the interest period, but that current Rule 248 would incorrectly require due-bills to accompany trades up to the payment date when in actuality these should cease at the end of the accrual period. By prefacing current Rule 248 with the words "unless otherwise directed by the Exchange," the NYSE proposes to provide for situations which may warrant departure from the usual application of the rule. The NYSE states that the statutory basis for the proposed rule change is Section 6(b)(5) of the Act, in that it would serve investors by providing a convenient, efficient and effective marketplace to facilitate transactions.

In order to assist the Commission in determining whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be

disapproved, interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register.** Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR–NYSE–82–16.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 5th Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

**George A. Fitzsimmons,**

*Secretary.*

[FR Doc. 82-30980 Filed 11-10-82; 8:45 am]

BILLING CODE 8010-01-M

## SMALL BUSINESS ADMINISTRATION

**[License No. 05/05-0162]**

### Detroit Metropolitan Small Business Investment Corp.; Issuance of a Small Business Investment Company License

On January 21, 1982, a notice was published in the **Federal Register** (47 FR 3057) stating that an application has been filed by Detroit Metropolitan Small Business Investment Corporation, 150 Michigan Avenue, Detroit, Michigan 48226, with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1981)) for a license as a small business investment company.

Interested parties were given until close of business February 5, 1982, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 05/05–0162 on August 16, 1982, to Detroit Metropolitan Small Business Investment Corporation to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: November 5, 1982.

**Robert G. Lineberry,**

*Deputy Associate Administrator for Investment.*

[FR Doc. 82-31048 Filed 11-10-82; 8:45 am]

BILLING CODE 8025-01-M

## DEPARTMENT OF STATE

### Office of the Secretary

**[Public Notice CM-8/575]**

### Shipping Coordinating Committee; Subcommittee on Safety of Life at Sea; Meeting

The U.S. SOLAS Working Group on Stability, Load Lines and Safety of Fishing Vessels will conduct an open meeting on Tuesday, November 30, 1982, at 10:00 a.m., in room 1303 of the Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593.

The purpose of the meeting will be a review of the agenda items in preparation for the next Session of the Subcommittee (now sheduled for February 7–11, 1983).

The agenda for the meeting will consist of a general review of all items scheduled for the Subcommittee with particular attention to any session papers from other countries received by that time.

Members of the public may attend up to the seating capacity of the room.

For further information contact Mr. William A. Cleary, Jr., U.S. Coast Guard (G-MTH-5/TP13), 2100 Second Street, SW., Washington, D.C. 20593. Telephone: (202) 426–2188.

Dated: October 26, 1982.

**Gordon S. Brown,**

*Chairman, Shipping Coordinating Committee.*

[FR Doc. 82-30987 Filed 11-10-82; 8:45 am]

BILLING CODE 4710-07-M

**[Public Notice CM-8/574]**

### Shipping Coordinating Committee; Subcommittee on Safety of Life at Sea; Meeting

The SOLAS Working Group on Bulk Chemicals will conduct an open meeting on November 29, 1982, at 9:30 a.m., in room 1303 of the Coast Guard Headquarters, 2100 Second Street, SW. Washington, D.C. 20593.

The purpose of this meeting will be to discuss the agenda for the eleventh session of the IMO Subcommittee on Bulk Chemicals which will be held December 6–10 in London. Major items on the agenda are:

a. Procedures and arrangements for the discharge of noxious liquid substances;

b. Extension of the Bulk Chemical Code to cover pollution aspects;

c. Review and updating of the Bulk Chemical Code; and

d. Review and updating of the Gas Carrier Code.

Members of the public may attend up to the seating capacity of the room.

For further information contact Mr. Frits Wybenga, U.S. Coast Guard (G-MTH-1), Washington, D.C. 20593. Telephone: (202) 426–1217.

Dated: November 1, 1982.

**Gordon S. Brown,**

*Chairman, Shipping Coordinating Committee.*

[FR Doc. 82-30966 Filed 11-10-82; 8:45 am]

BILLING CODE 4710-07-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

**[CGD 82-099]**

### International Convention for the Prevention of Pollution From Ships, 1973, as Modified by the Protocol of 1978 Relating Thereto (MARPOL 73/78)

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of ratification and entry into force of international convention.

**SUMMARY:** The *International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto* (MARPOL 73/78) requires that not less than 15 States, the combined merchant fleets of which constitute not less than 50 percent of the gross tonnage of the world's merchant shipping, must become parties to this Convention before it shall enter into force. On October 1, 1982, Italy became the fifteenth State to ratify MARPOL 73/78. With this ratification by Italy, the total gross tonnage of States that are party to the Convention consitutes 53.65 percent of the world's gross tonnage. Therefore, on October 2, 1983, MARPOL 73/78, including Annex I *(Regulations for the Prevention of Pollution by Oil)* will enter into force. By the terms of the Convention, Annex II *(Regulations for the Control of Pollution by Noxious Liquid Substances in Bulk)* will enter

into force on October 2, 1986, or at a later date as may be decided by a two-thirds majority of the States party to this Convention. Upon the entering into force of MARPOL 73/78, the Act to Prevent Pollution from Ships (the Act) (Pub. L. 96–478, 94 Stat. 2297, 33 U.S.C. 1901), which is the implementing legislation for MARPOL 73/78, will become effective. On that date, as mandated in sections 12 (a) and (b) of the Act, the Oil Pollution Act, 1961, as amended (75 Stat. 402, 33 U.S.C. 1001 et seq.) and the Oil Pollution Act Amendments of 1973 (Pub. L. 93–119, 87 Stat. 428) are repealed. However, in accordance with section 14(c) of the Act, regulations promulgated in accordance with the Oil Pollution Act, 1961, as amended, remain in effect until they are modified or superseded by regulations promulgated under the authority of MARPOL 73/78 or the Act. Additionally, MARPOL 73/78 will supersede the *International Convention for the Prevention of Pollution of the Sea by Oil*, done at London on May 12, 1954 (12 UST 2989, TIAS 4900, 327 UNTS 3).

The Coast Guard is the agency responsible for implementing and enforcing the requirements of MARPOL 73/78. The majority of the requirements of Annex I pertaining to tankers have already been implemented. The Coast Guard is currently in the process of developing regulations to implement the outstanding provisions to the Convention and developing administrative procedures for the issuance of the International Oil Pollution Prevention (IOPP) Certificate to U.S. flag vessels as required by Annex I.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant J. R. Ditto, U.S. Coast Guard, (202) 426–9573.

**B. F. Hollingsworth,**

*Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.*

November 3, 1982.

[FR Doc. 82-31034 Filed 11-10-82; 8:45 am]

BILLING CODE 4910-14-M

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[CGD 82-106]

## Rules of the Road Advisory Council; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Rules of the Road Advisory Council. The Meeting will be held on Tuesday and Wednesday, December 7 and 8, 1982, at the Maritime Institute of Technology & Maritime Studies (MITAGS), 5700 Hammonds Ferry Road, Linthicum Heights, MD. On both days the meeting is scheduled to begin at 8:30 a.m. and end at 4:30 p.m. The agenda for the meeting consists of the following items:

1. Rule 24:
(a) Barge lighting-sidelights.
(b) Barge lighting-flashing yellow light.
(c) Towing vessel-masthead light placement.
(d) Problems in conjunction with definition of "Western Rivers Rules" below Huey P. Long bridge.
2. Applicability of special rules for Western Rivers to certain other waters.
3. Use of "strobe lights" as an anti-collision device.
4. Bridge-to-Bridge Radiotelephone Act.
(a) Bring Great Lakes under Act.
(b) Amend Act to extend coverage.
5. Western Rivers towboats masthead lights, special problems concerning.
6. Examination of possible mandatory use of "maneuvering light".
7. Necessity of an interpretive rule for a composite unit.
8. Revision or deletion of 33 CFR 163—Towing of Barges.
9. Lighting of barges at a bank or dock.

Attendance is open to the public. With advanced notice, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should notify the Executive Director no later than the day before the meeting. Any member of the public may present a writen statement to the Council at any time.

Additional information may be obtained from Commander Galen R. Siddall, Executive Director, Rules of the Road Advisory Council, U.S. Coast Guard (G–NSR/14), Washington, DC 20593, telephone (202) 426–0980.

Dated: November 1, 1982.

**R. A. Bauman,**

*Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.*

[FR Doc. 82-31035 Filed 11-10-82; 8:45 am]

BILLING CODE 4910-14-M

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## Federal Aviation Administration

## National Airspace Review; Meeting

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of meeting.

**SUMMARY:** Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 1) notice is hereby given of a meeting of Task Group 1–2 of the Federal Aviation Administration (FAA) National Airspace Review Advisory Committee. The agenda for this meeting is as follows: A review of Air Traffic Control services provided in Terminal Areas to validate pilot/controller understanding, requirements and application within the Air Traffic System. In addition, consideration will be given to ATC services as they would relate to previous NAR studies.

**DATE:** Beginning November 29, 1982, 11 a.m., continuing daily, except Saturdays, Sundays, and holidays, not to exceed three weeks.

**ADDRESS:** The meeting will be held at the Federal Aviation Administration, conference room 9A/B, 800 Independence Avenue, S.W., Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** National Airspace Review Program Management Staff, room 1005, Federal Aviation Administration, 800 Independence Avenue, S.W., AAT–30, Washington, D.C. 20591, (202) 426–3560. Attendance is open to the interested public, but limited to the space available. To insure consideration, persons desiring to make statements at the meeting should submit them in writing to the Executive Director, National Airspace Review Advisory Committee. Air Traffic Service, AAT–1, 800 Independence Avenue, S.W., Washington, D.C. 20591, by November 22, 1982. Time permitting and subject to the approval of the chairman, these individuals may make oral presentations of their previously submitted statements.

Issued in Washington, D.C., on November 3, 1982.

**L. Lane Speck,**

*Acting Program Manager, National Airspace Review Advisory Commission.*

[FR Doc. 82-30659 Filed 11-10-82; 8:45 am]

BILLING CODE 4910-13-M

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## Federal Highway Administration

## Draft Environmental Impact Statement; Orange County, California

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that a Draft Environmental Impact Statement will be prepared for a transportation study in the Cities of Newport Beach and Costa Mesa, Orange County, California.

**FOR FURTHER INFORMATION CONTACT:** Albert J. Gallardo, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 94809, telephone (916) 440–2804.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the California Department of Transportation (Caltrans), will prepare a Draft Environmental Impact Statement covering a transportation study of Route 55 (Newport Boulevard) from Route 1 (Pacific Coast Highway) to Route 73, a distance of 4.5 miles. The study limits are within Orange County in the Cities of Newport Beach and Costa Mesa.

The E.I.S. describes existing and future transportation problems and considers eight highway alternatives in the Route 55 corridor; three alternatives for improving the Route 1/55 Interchange; and three levels of transit development; and taking no action.

No scoping meetings are scheduled at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the DEIS should be directed to the FHWA at the address provided above.

**Albert J. Gallardo**

*District Engineer, Sacramento, California.*

[FR Doc. 82-31113 Filed 11-10-82; 8:45 am]

BILLING CODE 4910-22-M

## Supplemental Environmental Impact Statement; City of Pittsburgh, Allegheny County, Pa.

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that a supplemental Environmental Impact Statement will be prepared for a proposed highway project in the city of Pittsburgh, Allegheny County, Pennsylvania.

**FOR FURTHER INFORMATION CONTACT:** John R. Krause, Division Environmental Engineer, Federal Highway Administration, 228 Walnut Street, P.O. Box 1086, Harrisburg, Pennsylvania 17108-1086, Telephone (717) 782-2276, or Roger E. Carrier, District Engineer, Pennsylvania Department of Transportation, Engineering District 11-0, Four Parkway Center, 875 Greentree, Pittsburgh, Pennsylvania 15220.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the Pennsylvania Department of Transportation, will prepare a single Supplemental Environmental Impact Statement (SEIS) on a proposal to construct 14.4 miles of Interstate 279 (I-279) from the Ft. Duquesne Bridge on the northside of Pittsburgh to I-79 in Franklin Park Borough, and Interstate 579 (I-579) from the existing Crosstown Boulevard in Downtown Pittsburgh to the East Street Interchange (I-279) on the northside. Both Interstates are four lane, limited access facilities with auxiliary lanes as required. The SEIS will evaluate proposed revisions to the design of the approved alternatives in the following interrelated Final Environmental Impact Statements (FEIS's) in the Pittsburgh area:

1. North Shore Expressway and the East Street Interchange (I-279) Legislative Route 1021, Section 1 and 2 approved October 16, 1981. This FEIS addressed proposed construction of 2.1 miles I-279 from the Fort Duquesne Bridge, east along the North Shore of Pittsburgh to the proposed East Street Interchange, where I-279 will connect with the Crosstown Boulevard to the south, Traffic Route 28 to the east and the East Street Valley Expressway to the north.

2. East Street Valley Expressway (I-279) Legislative Route 1021, Section 3, approved June 7, 1976. (Final EIS reevaluation approved November 23, 1979). This FEIS addressed proposed construction of 2.8 miles of I-279 from the East Street Interchange north to the vicinity of the Pittsburgh city line, with an interchange at McKnight Road.

3. North Hills Expressway (I-279) Legislative Route 1021, Sections 4, 5, 6, and 7 approved September 28, 1981. This FEIS addressed proposed construction of 7.9 miles of I-279, from north of the McKnight Road interchange, north to an interchange with I-79 in the area known as Five Points.

4. Crosstown Boulevard (I-579) Legislative Route 1026, Section 2, 3, and 4, approved November 9, 1981. This FEIS addressed construction of 1.6 miles of I-579 from the existing Crosstown Boulevard in the vicinity of the Civic Arer a in downtown Pittsburgh north across the Allegheny River to the East Street interchange.

Recently completed traffic projections prepared by the Southwestern Pennsylvania Regional Planning Commission, show a decrease in traffic compared with the projections used to develop the previously approved documents. Lower projected traffic volumes and need to reduce construction costs in light of limited availability of funding have caused the Pennsylvania Deaprtment of Transportation to consider downscaling the previously approved design, with a goal of providing for more efficient usage of both the expressways and the local street system. The SEIS will discuss current traffic projection data, and the proposed design revisions, which include changes in number of lanes, revisions to points of access, changes in interchange configurations, and inclusion of high occupancy vehicle (HOV) lanes in the median of the expressways. HOV lanes are provided for exclusive use of buses, carpools, and vanpools.

A letter describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies. A public display of plans will be presented in Pittsburgh in February 1983. In addition, a public hearing will be held. Public notice will be given of the time and place of the display and hearing. The draft SEIS will be available for public and agency review and comment. No formal scoping is planned.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and questions concerning this proposed action and the SEIS should be directed to the FHWA or Pennsylvania Department of Transportation at the address provided above.

Issued on November 2, 1982.

**George L. Hannon,**

*Assistant Division Administrator, Harrisburg, Pennsylvania.*

[FR Doc. 82-30857 Filed 11-10-82; 8:45 am]

BILLING CODE 4910-22-M

## National Highway Traffic Safety Administration

### National Highway Safety Advisory Committee; Public Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., App. I), notice is hereby given of subcommittee meetings of the National Highway Safety Advisory Committee to be held December 8-10, 1982. The subcommittees will be meeting to discuss agendas, strategies and goals for the upcoming year.

The agenda for the meetings is as follows: December 8, from 9 a.m. to 4 p.m., the Accident Investigation and Records Subcommittee will meet in room 4436 and at the same time the Highway, Environment/55 m.p.h. Subcommittee will meet in room 4440. On December 9 from 9 a.m. to 4 p.m., in room 2230, the Alcohol Subcommittee and the Safety Belt Subcommittee will meet together to hear briefings and discussion on activities in these two

areas. On December 10 the subcommittee on 402/Government, Public, Private Relationship will meet from 9 a.m. to 4 p.m. in room 4436.

All meetings will be held in the DOT Headquarters Building, 400 Seventh Street, S.W., Washington, D.C. Attendance is open to the interested public, but may be limited to the space available. Members of the public may present a written statement to the Committee at any time.

This meeting is subject to the approval of the appropriate DOT officials. Additional information may be obtained from the NHTSA Executive Secretariat, 400 Seventh Street, SW., Washington, D.C. 20590, telephone 202–426–2870.

Issued in Washington, D.C. on November 8, 1982.

Robert E. Doherty,

*Executive Secretary.*

[FR Doc. 82-30973 Filed 11-10-82; 8:45 am]

BILLING CODE 4910-59-M

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[Docket No. IP78-11; Notice 3]

## American Honda Motor Co., Inc.; Appeal of Denial of Petition for Inconsequential Noncompliance

American Honda Motor Co., Inc. of Gardena, California, has appealed the denial of a petition to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act for a noncompliance with 49 CFR 571.105, Motor Vehicle Safety Standard No. 105, *Hydraulic Brake Systems.* The basis of the petition was that the noncompliance is inconsequential as it related to motor vehicle safety.

Notice of the petition was published on December 7, 1978, (43 FR 57366) and an opportunity afforded for comment. A notice granting the petition in part and denying it in part was published on December 6, 1979 (44 FR 70268).

This notice of appeal of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417), and 49 CFR 556.8 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Paragraph S5.3.2 of Standard No. 105 requires that all brake system indicator lamps shall be activated as a check of lamp function when the ignition switch is turned to the "on" position when the engine is not running. Honda informed NHTSA that this will not occur in Honda passenger cars manufactured between January 1, 1976, and the end of the 1978 model year unless the hand brake is applied when the ignition switch is turned "on". The total number of vehicles involved was 600,000. NHTSA had initially discovered this failure in compliance tests of the 1978 Honda Accord (CIR File 1985). For several reasons Honda argued that the noncompliance was inconsequential as it relates to motor vehicle safety. It has never received any complaint relating to the warning system. Its operator manuals recommend starting the car with the hand brake applied and if this procedure is followed, the lights would be checked. Finally, in order to constitute a hazard, several events would have to occur in sequence—failure of the driver to apply the hand brake during parking and starting, followed by failure of the lamp, followed by failure of the brake system.

Three comments were received on the original petition, from private individuals, all of whom supported it.

NHTSA granted Honda's petition with respect to vehicles with manual transmissions, and denied it with respect to those equipped with automatic transmissions ("Hondamatics"). In NHTSA's opinion, lacking the parking pawl provided by the automatic transmission, a vehicle with a manual transmission is likely to be parked with the hand brake applied which, under normal driving practice, is not released until after the ignition is on and the engine started. With this sequence of events the warning function will be provided. But NHTSA went on to say, many drivers of cars with automatic transmissions do not apply the hand brake when the vehicle is at rest. The transmission is usually placed in "Park" before the ignition key is removed. When this is done, the transmission and driveline are automatically locked and this holds the vehicle in a stationary position. NHTSA believed that the hand brake is rarely applied in this instance. Thus, under the Honda noncompliance, few drivers of cars with automatic transmissions would ever experience the warning light check.

Honda has formally appealed the denial of its petition covering "Hondamatic" vehicles. In support of its appeal it has submitted two surveys. The first covers 1,000 questionnaire returns from owners of 1978 "Hondamatics", 800 of whom claimed that they used the hand brake when parking the cars. From this Honda concludes that more than 85% of owners are using the hand brake at least once a month. The second survey consists of 200 interviews collected at a Los Angeles area shopping center. The objective of the study was to judge awareness of brake warning lights and their functions. A majority of those surveyed were aware of the light but only 11% felt that it was a warning to tell them that their brakes had failed. As for usage of the parking brake, 77% of owners with automatic transmission models stated that they had applied the brake three or more times in the week preceding the survey. Honda also argues that the "check" function is unimportant because of test data (generated by Honda) showing that the bulbs have a high life expectancy and rarely need replacing.

Interested persons are invited to submit written data, views and arguments on the petition of American Honda Motor Co., 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, S.W., 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.

Comment closing date: December 13, 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 November 2, 1982.

Courtney M. Price,

*Associate Administrator for Rulemaking.*

[FR Doc. 82-30699 Filed 11-10-82; 8:45 am]

BILLING CODE 4910-59-M

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[Docket No. IP82-8; Notice 2]

## Bridgestone Tire Co.; Grant of Petition for Determination of Inconsequential Noncompliance

This notice grants the petition by Bridgestone Tire Company of America, Inc. of Torrance, California, 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 noncompliance with 49 CFR 571.119, Motor Vehicle Safety Standard No. 119, *New Pneumatic Tires for Vehicles Other Than Passenger Cars.* The basis of the petition was that the noncompliance is

inconsequential as it relates to motor vehicle safety.

Notice of receipt of a petition was published on March 22, 1982, and an opportunity afforded for comment (47 FR 12257).

Bridgestone manufactured in 1980 and 1981 and imported into the United States 915 truck tractor tires known as 10R22.5 14PR V-Steel Mix (VSX). Paragraph S6.5 of Standard No. 119 requires each truck tire to be labeled with certain information. Much of this information was missing from the Bridgestone tires: DOT certification symbol, maximum load rating and corresponding inflation pressure, and number of plies and composition of the ply material. In addition, the tire identification number consisted of only the first four digits though the tires have a Bridgestone identification number. On the other hand, the markings present included tire size designation and the words "Tubeless" or "Tube Type." At the time the petition was filed, 355 tires remain in inventory and 560 have been sold.

Petitioner argued that these noncompliances are inconsequential because the 14 PR VSX tires have proven "troublefree in practice all over the world." Test data submitted with the petition demonstrates, according to Bridgestone, that the tires meet the performance requirements of Standard No. 119 notwithstanding the lack of certification. Trucking companies, the most likely purchasers of the tires, "follow procedures that do not rely on sidewall information as much as general consumers do." These procedures "employ a set inflation pressure per tire size" which will result in a conservative operation of the tires. In addition, Bridgestone says that it will "take all available steps to supply appropriate information to purchasers." Bridgestone also submitted data comparing "load rating at inflation pressure" with other available tires including its own 12PR, for both single and dual applications, which, petitioner argued, show that they are superior or equivalent to any tire which it might replace or be replaced with.

No comments were received on the petition.

In reviewing this petition, NHTSA was primarily concerned with the total absence of the maximum load rating and corresponding inflation pressure, having concluded in other instances that failure to provide the DOT symbol, the number of plies, and the composition of the ply material had an inconsequential relationship to motor vehicle safety (see e.g., Firestone, IP81–3, 46 FR 56295, Nov. 16, 1981). The DOT symbol certifies conformance to the standard and NHTSA has no information that the tires, in fact, fail to conform to any but the labeling requirements. Similarly, the failure to state the number of plies and composition of ply material is an informational failure and does not affect the ability of the tires to meet the performance requirements of Standard No. 109.

In the case under consideration, there are 560 14PR-type tires involved. There are no 16PR tires available in this size and the 14PR has a higher load carrying capability than the 12PR tire with which it might possibly be confused. Further, assuming that the owner of the truck on which the tire is installed has made the proper choice, the missing information is required by Motor Vehicle Safety Standard No. 120, *Tire Selection and Rims for Vehicles Other Than Passenger Cars*, to be either on the vehicle's certification label or on a spare tire information label that is permanently affixed. Because the tires are tubeless radials, requiring single piece rims, they would be mounted in a qualified shop by personnel with the knowledge and experience to properly inflate them. The tire identification number is sufficient to identify the manufacturer and to facilitate recall if necessary by their clear distinction from conforming tires. Finally, Bridgestone has notified NHTSA that it will send purchasers of the VSX tire the missing information.

On the basis of the foregoing, petitioner has met its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety and its petition is granted.

The engineer and attorney primarily responsible for this notice are Art Neill and Taylor Vinson, respectively.

(Sec. 102, Pub. L. 93–492, 99 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on November 2, 1982.

**Courtney M. Price,**

*Associate Administrator for Rulemaking.*

[FR Doc. 82-30698 Filed 11-10-82; 8:45 am]

BILLING CODE 4910-59-M

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**[Docket No. IP82-11; Notice 2]**

## Firestone Tire & Rubber Co.; Grant of Petition for Determination of Inconsequential Noncompliance

The Firestone Tire & Rubber Co. of Akron, Ohio has petitioned to be exempted from the notification and remedy requirements of the National Trafffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.)* for two noncompliances with 49 CFR 571.109, Motor Vehicle Safety Standard No. 109, *New Pneumatic Tires—Passenger Cars.* The basis of the petition is that the noncompliances are inconsequential as they relate to motor vehicle safety.

Notice of the receipt of the petition was published on June 17, 1982, and an opportunity afforded for comment (47 FR 26272).

The noncompliances exist on approximately 9,100 155–13/6.15–13 Firestone Special Spare tires manufactured by Ohtsu Tire & Rubber Co. of Osaka, Japan, and used as spare tires on Plymouth Champ and Dodge Colt passenger cars.

Paragraph S4.3 requires, in part, that the tire size designation and the descriptive word "tubeless" shall be permanently molded into both sidewalls, and located, on at least one sidewall, "in an area between the maximum section width and bead of the tire." On the tires in question, this information is located one-half inch above the maximum section width. With respect to the second noncompliance, paragraph S4.3.2. requires the sidewall to be labeled with the tire identification number in the manner specified in 49 CFR Part 574, *Tire Identification and Recordkeeping.* Figure 1 of this regulation establishes a maximum spacing of three-quarters of an inch between the symbols designating size and those designating type (fourth and fifth symbol). This maximum was exceeded by three-sixteenths of an inch on the tires in question.

Firestone argued that the first noncompliance is inconsequential because the tires are clearly marked for temporary use and the warning "NOT FOR RETREADING", so that "the concern regarding loss of identification prior to or after retreading would not be applicable". Firestone also believed that the spacing noncompliance "will not cause any likelihood of misreading or misinterpreting the TIN".

No comments were received on the petition.

The agency concurs with Firestone's argument that identification will not be lost through retreading of tires that are clearly marked "NOT FOR RETREADING". Further, because the tires are driven relatively few miles, there is little chance of obliterating the identification mark should it be positioned incorrectly. As for the spacing error, it does not affect the legibility of the tire identification number, which can still be read.

Accordingly, petitioner has met its burden of persuasion that the noncompliances herein described are inconsequential as they relate to motor

vehicle safety and its petitions are hereby granted.

The engineer and attorney primarily responsible for this notice are Art Neill and Taylor Vinson, respectively.

(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 November 2, 1982.

**Courtney M. Price,**

*Associate Administrator for Rulemaking.*

[FR Doc. 82-30697 Filed 11-10-82; 8:45 am]

BILLING CODE 4910-59-M

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

**[Supplement to Department Circular, Public Debt Series No. 29-82]**

### Treasury Notes; Series C-1992

November 5, 1982.

The Secretary announced on November 4, 1982, that the interest rate on the notes designated Series C-1992, described in Department Circular—Public Debt Series—No. 29-82 dated October 28, 1982, will 10½ percent. Interest on the notes will be payable at the rate of 10½ percent per annum.

**Gerald Murphy,**

*Acting Fiscal Assistant Secretary.*

[FR Doc. 82-30975 Filed 11-10-82; 8:45 am]

BILLING CODE 4810-40-M

**[Supplement to Department Circular, Public Debt Series No. 28-82]**

### Treasury Notes; Series P-1985

November 4, 1982.

The Secretary announced on November 3, 1982, that the interest rate on the notes designated Series P-1985, described in Department Circular—Public Debt Series—No. 28-82 dated October 28, 1982, will be 9¾ percent. Interest on the notes will be payable at the rate of 9¾ percent per annum.

**Gerald Murphy,**

*Acting Fiscal Assistant Secretary.*

[FR Doc. 82-30974 Filed 11-10-82; 8:45 am]

BILLING CODE 4810-40-M

# Sunshine Act Meetings

Federal Register
Vol. 47, No. 219
Friday, November 12, 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

**FEDERAL DEPOSIT INSURANCE CORPORATION**

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 7:40 p.m. on Friday, November 5, 1982, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to (1) receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in Texas Bank of Amarillo, Amarillo, Texas, which was closed by the Banking Commissioner of the State of Texas on November 5, 1982; (2) accept the bid for the transaction submitted by First Bank of Amarillo, Amarillo, Texas; (3) approve the applications of First Bank of Amarillo, Amarillo, Texas for Federal deposit insurance, and for consent to purchase the assets of and assume the liability to pay deposits made in Texas Bank of Amarillo, Amarillo, Texas; and (4) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to effect the purchase and assumption transaction.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsection (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: November 9, 1982.

Federal Deposit Insurance Corporation.

**Hoyle L. Robinson,**

*Executive Secretary.*

[S–1638–82 Filed 11–9–82; 3:34 pm]

BILLING CODE 6714–01–M

### 2

**FEDERAL DEPOSIT INSURANCE CORPORATION**

Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, November 8, 1982, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days; notice to the public, of the following matter:

Application of First Bank of Southwest Mississippi, McComb, Mississippi, for consent to merge, under its charter and title, with South Central Bank, Silver Creek, Mississippi, and for consent to establish the four offices of South Central Bank as branches of the resultant bank.

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: November 8, 1982.

Federal Deposit Insurance Corporation.

**Hoyle L. Robinson,**

*Executive Secretary.*

[S–1639–82 Filed 11–9–82; 3:33 pm]

BILLING CODE 6714–01–M

### 3

**FEDERAL ELECTION COMMISSION**

**DATE AND TIME:** Tuesday, November 16, 1982 at 10 a.m.

**PLACE:** 1325 K Street, NW., Washington, D.C.

**STATUS:** This meeting will be closed to the public.

**MATTERS TO BE CONSIDERED:**

Compliance. Litigation. Audits. Personnel.

* * * * *

**DATE AND TIME:** Thursday, November 18, 1982 at 10 a.m.

**PLACE:** 1325 K Street, NW., Washington, D.C. (fifth floor).

**STATUS:** This meeting will be open to the public.

**MATTERS TO BE CONSIDERED:**

Setting of dates for future meetings
Correction and approval of minutes
Proposed rules for candidate's use of property in which spouse has an interest 11 CFR 110.10(b)
Proposed revision to the Presidential Primary Matching Fund Regulations and related sections
Routine Administrative matters

**PERSON TO CONTACT FOR INFORMATION:**

Mr. Fred Eiland, Public Information Officer; telephone 202–523–4065.

**Marjorie W. Emmons,**

*Secretary of the Commission.*

[S–1637–82 Filed 11–9–82; 3:30 pm]

BILLING CODE 6715–01–M

### 4

**SECURITIES AND EXCHANGE COMMISSION**

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of November 15, 1982, at 450 5th Street, N.W., Washington, D.C.

A closed meeting will be held on Tuesday, November 16, 1982, at 10:00 a.m. An open meeting will be held on Thursday, November 18, 1982, at 10:00 a.m. in Room 1C30.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has

certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(A)(4), (8), (9)(i) and (10).

Chairman Shad and Commissioners Evans, Thomas, Longstreth and Treadway voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, November 16, 1982, at 10:00 a.m., will be:

Formal orders of investigation.
Access to investigative files by Federal, State, or Self-Regulatory authorities.
Litigation matter.
Institution of administrative proceeding of an enforcement nature.
Institution of injunctive action.
Settlement of administrative proceeding of an enforcement nature.
Opinion.

The subject matter of the open meeting scheduled for Thursday, November 18, 1982, at 10:00 a.m., will be:

1. Consideration of whether to issue a release adopting (1) an integrated disclosure system for foreign private issuers that would involve three forms under the Securities Act of 1933 and related rules; (2) revisions to Form 20–F, a consolidated registration and annual report form under the Securities Exchange Act of 1934; (3) a rule relating to the age of financial statements in filings by foreign private issuers; (4) a rule concerning the currency in which the financial statements of foreign issuers must be stated; (5) a requirement for a history of exchange rates; and (6) a rule requiring information concerning the effect of changing prices for certain foreign registrants. For further information, please contact Ronald Adee at (202) 272–3250.

2. Consideration of whether to issue a release soliciting comments on proposals that would (1) consolidate two existing forms for the registration of American Depositary Receipts (ADR's) into a single form; (2) permit depositary banks to specify the date and time of effectiveness of certain registration statements for ADRs; and (3) various other technical changes to up-date and simplify the registration of ADRs. For further information, please contact Ronald Adee at (202) 272–3250.

3. Consideration of whether to adopt amendments to Rule 17f–2 granting exemptions from the fingerprinting requirements under the Securities Exchange Act of 1934. The amendments to Rule 17f–2 are intended to simplify the process of complying with and claiming exemptions from that requirement and to reduce the cost and burden of record maintenance. For further information, please contact Ester Saverson, Jr., at (202) 272–2906.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Bob Zutz at (202) 272–2091.

November 8, 1982.

[S–1636–82 Filed 11–9–82; 10:32 am]

BILLING CODE 8010–01–M

federal register

Friday
November 12, 1982

Part II

# Environmental Protection Agency

## Copper Forming Point Source Category Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 468**

**[OW-FRL-2230-5]**

# Copper Forming Point Source Category Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing effluent limitations under the Clean Water Act to limit effluent discharges to waters of the United States and the introduction of pollutants into publicly owned treatment works (POTW's) from copper forming facilities. The Clean Water Act and a consent decree require EPA to propose and promulgate this regulation. The purpose of this action is to propose effluent limitations based on best practicable technology and best available technology, new source performance standards based on best demonstrated technology, and pretreatment standards for existing and new indirect dischargers.

**DATES:** Comments on this proposal must be submitted by January 11, 1983.

**ADDRESSES:** Send comments to: Mr. David Pepson, Effluent Guidelines Division (WH-552), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460, Attention: Copper Forming Rules. Technical information and copies of technical documents may be obtained from the National Technical Information Service, Springfield, Virginia 22161 (703/487-4600), or from Mr. David Pepson, Effluent Guidelines Division, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460 or call 202/382-7157. The economic analysis may be obtained from Ms. Ann Watkins, Economic Analysis Staff (WH-586), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460, or call 202/382-5387. The supporting information and all comments on this proposal will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2402 (Rear) (EPA Library). The EPA public information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

**FOR FURTHER INFORMATION CONTACT:** Ernst P. Hall, 202/382-7126.

**SUPPLEMENTARY INFORMATION:** These proposed regulations are supported by three major documents available from EPA. Analytical methods are discussed in *Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants.* EPA's technical conclusions are detailed in the *Development Document for Effluent Limitations Guidelines and Standards for the Copper Forming Point Source Category.* The Agency's economic analysis is found in *Economic Impact Analysis of Effluent Limitations Guidelines and Standards for the Copper Forming Industry.*

**Organization of This Notice**



## I. Legal Authority

EPA is proposing the regulation described in this notice under the authority of Sections 301, 304, 306, 307, 308, and 501 of the Clean Water Act (the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1251 *et seq.*, as amended by the Clean Water Act of 1977, P.L. 95-217) ("the Act"). These regulations also are proposed in response to the Settlement Agreement in *Natural Resources Defense Council, Inc.* v. *Train*, 8 ERC 2120 (D.D.C. 1976), *modified*, 12 ERC 1833 (D.D.C. 1979).

## II. Background

### A. The Clean Water Act

The Federal Water Pollution Control Act Amendments of 1972 established a comprehensive program to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters," Section 101(a).

Section 301(b)(1)(A) set a deadline of July 1, 1977 for existing industrial direct dischargers to achieve "effluent limitations requiring the application of the best practicable control technology currently available" ("BPT").

Section 301(b)(2)(A) set a deadline of July 1, 1983 for these dischargers to achieve "effluent limitations requiring the application of the best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants" ("BAT").

Section 306 required that new industrial direct dischargers comply with new source performance standards ("NSPS"), based on best available demonstrated technology.

Sections 307(b) and (c) require pretreatment standards for new and existing dischargers to publicly owned treatment works ("POTW"). While the requirements for direct dischargers were to be incorporated into National Pollutant Discharge Elimination System (NPDES) permits issued under Section 402, the Act made pretreatment standards enforceable directly against dischargers to POTW's (indirect dischargers).

Section 402(a)(1) of the 1972 Act does allow requirements for direct dischargers to be set case-by-case; however, Congress intended control requirements to be based for the most part on regulations promulgated by the Administrator of EPA.

Section 304(b) required regulations that establish effluent limitations reflecting the ability of BPT and BAT to reduce effluent discharge.

Sections 304(c) and 306 of the Act require regulations for NSPS.

Sections 304(f), 307(b), and 307(c) require regulations for pretreatment standards.

In addition to these regulations for designated industry categories, Section 307(a) required the Administrator to promulgate effluent standards applicable to all dischargers of toxic pollutants.

Finally, Section 501(a) authorizes the Administrator to prescribe any additional regulations "necessary to carry out his functions" under the Act.

EPA was unable to promulgate many of these regulations by the deadlines contained in the Act, and as a result, EPA was sued in 1976 by several environmental groups. In settling this lawsuit, EPA and the plaintiffs executed a "Settlement Agreement" which was approved by the Court. This agreement required EPA to develop a program and meet a schedule for controlling 65 "priority" pollutants and classes of pollutants. In carrying out this program, EPA must promulgate BAT effluent limitations guidelines, pretreatment standards, and new source performance standards for 21 major industries. See *Natural Resources Defense Council, Inc.* v. *Train*, 8 ERC 2120 (D.D.C. 1976), *modified*, 12 ERC (D.D.C. 1979).

Several of the basic elements of the Settlement Agreement were incorporated into the Clean Water Act of 1977. This law also makes several important changes in the federal water pollution control program.

Sections 301(b)(2)(A) and 301(b)(2)(C) of the Act now set July 1, 1984 as the deadline for industries to achieve effluent limitations requiring application of BAT for "toxic" pollutants. "Toxic" pollutants here include the 65 toxic pollutants and classes of pollutants which Congress declared "toxic" under Section 307(a) of the Act.

Likewise, EPA's programs for new source performance standards and pertreatment standards are now aimed principally at controlling toxic pollutants.

To strengthen the toxics control program, Section 304(e) of the Act authorizes the Administrator to prescribe certain "best management practices" ("BMP's"). These BMP's are to prevent the release of toxic and hazardous pollutants from (1) plant site runoff, (2) spillage or leaks, (3) sludge or waste disposal, and (4) drainage from raw material storage if any of those events are associated with, or ancillary to, the manufacturing or treatment process.

In keeping with its emphasis on toxic pollutants, the Clean Water Act of 1977 also revises the control program for nontoxic pollutants.

For "conventional" pollutants identified under Section 304(a)(4) (including biochemical oxygen demand, suspended solids, fecal coliform, and pH), the new Section 301(b)(2)(E) requires "effluent limitations requiring the application of the best conventional pollutant control technology" ("BCT")–instead of BAT—to be achieved by July 1, 1984. The factors considered in assessing BCT for an industry include the relationship between the cost of attaining a reduction in effluents and the effluent reduction benefits attained and a comparison of the cost and level of reduction of such pollutants by publicly owned treatment works and industrial sources.

For those pollutants which are neither "toxic" pollutants nor "conventional" pollutants, Sections 301(b)(2)(A) and (b)(2)(F) require achievement of BAT effluent limitations within three years after their establishment or by July 1, 1984, whichever is later, but not later than July 1, 1987.

The purpose of this proposed regulation is to establish BPT and BAT effluent limitations and NSPS, PSES, and PSNS effluent standards for the copper forming point source category.

*B. General Criteria for Effluent Limitations and Standards*

1. *BPT Effluent Limitations.* The factors considered in defining best practicable control technology currently available (BPT) include (1) the total cost of applying the technology relative to the effluent reductions that result, (2) the age of equipment and facilities involved, (3) the processes used, (4) engineering aspects of the control technology, (5) process changes, (6) nonwater-quality environmental impacts (including energy requirements), and (7) other factors as the Administrator considers appropriate. In general, the BPT level represents the average of best existing performance of plants within the industry of various ages, sizes, processes, or other common characteristics. When existing performance is uniformly inadequate, BPT may be transferred from a different subcategory or category. See *Tanner's Council of America* v. *Train*, 540 F. 2d 1188 (4th Cir. 1976). BPT focuses on end-of-process treatment rather than process changes or internal controls, except when these technologies are common industry practice.

The cost—benefit inquiry for BPT is a limited balancing, committed to EPA's discretion, which does not require the Agency to quantify benefits in monetary terms. See e.g., *American Iron and Steel Institute* v. *EPA*, 526 F. 2d 1027 (3rd Cir. 1975). In balancing costs against the benefits of effluent reduction, EPA considers the volume and nature of existing discharges, the volume and nature of discharges expected after application of BPT, the general environmental effects of the pollutants, and the cost and economic impacts of the required level of pollution control. The Act does not require or permit consideration of water quality problems attributable to particular point sources, or water quality improvements in particular bodies of water. Therefore, EPA has not considered these factors. See *Weyerhaeuser Company* v. *Costle*, 590 F. 2d 1011 (D.C. Cir. 1976); *Appalachian Power Company, et al*, v. *Train*, 545 F. 2d 1351 (4th Cir. 1976).

2. *BAT Effluent Limitations.* The factors considered in defining best available technology economically achievable (BAT) include the age of the equipment and facilities involved, the processes used, engineering aspects of the control technology, process changes, nonwater-quality environmental impacts (including energy requirements), and the costs of applying such technology Section 304(b)(2)(B). At a minimum, the BAT level represents the best economically achievable performance of plants of various ages, sizes, processes, or other shared characteristics. As with BPT, uniformly inadequate performance within a category or subcategory may require transfer of BAT from a different subcategory or category. Unlike BPT, however, BAT may include process changes or internal controls, even when these technologies are not common industry practice.

The statutory assessment of BAT "considers" costs, but does not require a balancing of costs against effluent reduction benefits (see *Weyerhaeuser* v. *Costle, supra*). In developing the proposed BAT, however, EPA has given substantial weight to the reasonableness of costs. The Agency has considered the volume and nature of discharges, the volume and nature of discharges expected after application of BAT, the general environmental effects of the pollutants and the costs and economic impacts of the required pollution control levels.

Despite this expanded consideration of costs, the primary factor for determining BAT is the effluent reduction capability of the control technology. The Clean Water Act of 1977 established the achievement of BAT as the principal national means of controlling toxic water pollution from direct discharging plants.

3. *BCT Effluent Limitations.* The 1977 Amendments added Section 301(b)(2)(E) to the Act establishing "best conventional pollutant control technology" (BCT) for discharges of conventional pollutants from existing industrial point sources. Conventional pollutants are those defined in Section 304(a)(4) (biochemical oxygen demand (BOD), total suspended solids (TSS), fecal coliform, and pH) and any additional pollutants defined by the Administrator as "conventional" (oil and grease, 44 FR 44501 (July 30, 1979)).

BCT is not an additional limitation, but replaces BAT for the control of

conventional pollutants. In addition to other factors specified in Section 304(b)(4)(B), the Act requires that BCT limitations be assessed in light of a two-part "cost reasonableness" test. *American Paper Institute* v. *EPA*, 660 F.2d 954 (4th Cir. 1981). The first test compares the cost for private industry to reduce its conventional pollutants with the costs to publicly owned treatment works for similar levels of reduction in their discharge of these pollutants. The second test examines the cost effectiveness of additional industrial treatment beyond BPT. EPA must find that limitations are "reasonable" under both tests before establishing them as BCT. In no case may BCT be less stringent than BPT.

EPA published its methodology for carrying out the BCT analysis on August 19, 1979 (44 FR 50732). In the case mentioned above, the Court of Appeals ordered EPA to correct data errors underlying EPA's calculation of the first test and to apply the second cost test. (EPA had argued that a second cost test was not required.)

On October 29, 1982, the Agency proposed a revised BCT methodology. We are deferring proposal of BCT limitations for this category until we can apply the revised methodology to the technologies available for the control of conventional pollutants in this category.

4. *New Source Performance Standards.* The basis for new source performance standards (NSPS) under Section 306 of the Act is the best available demonstrated technology. New plants have the opportunity to design the best and most efficient processes and wastewater treatment technologies.

Therefore, Congress directed EPA to consider the best demonstrated process changes, in-plant controls, and end-of-process treatment technologies that reduce pollution to the maximum extent feasible.

5. *Pretreatment Standards for Existing Sources.* Section 307(b) of the Act requires EPA to promulgate pretreatment standards for existing sources (PSES), which industry must achieve within three years of promulgation. PSES are designed to prevent the introduction of pollutants into a POTW which pass through, interfere with, or are otherwise incompatible with the operation of POTW.

The legislative history of the 1977 Act indicates that pretreatment standards are to be technology based, analogus to the best available technology for removal of toxic pollutants. The General Pertreatment Regulations which serve as the framework for the proposed pretreatment standards are at 40 CFR Part 403, 46 FR 9404 (January 28, 1981).

Before proposing pretreatment standards, the Agency examines whether the pollutants discharged by the industry pass through the POTW. In determining whether pollutants pass through a POTW, the Agency compares the percentage of a pollutant removed by POTW with the percentage removed by direct dischargers applying the best available technology economically achievable. A pollutant is deemed to pass through the POTW when the average percentage removed nationwide by well-operated POTW meeting secondary treatment requirements, is less than the percentage removed by direct dischargers complying with BAT effluent limitations guidelines for that pollutant.

This definition of pass through satisfies two competing objectives set by Congress: (1) That standards for indirect dischargers be equivalent to standards for direct dischargers, while, at the same time, (2) that the treatment capability and performance of the POTW be recognized and taken into account in regulating the discharge of pollutants from indirect dischargers. The Agency compares percentage removal rather than the mass or concentration of pollutants discharged because the latter would not take into account the mass of pollutants discharged to the POTW from non-industrial sources nor the dilution of the pollutants in the POTW effluent to lower concentrations due to the addition of large amounts of non-industrial wastewater.

6. *Pretreatment Standards for New Sources.* Section 307(c) of the Act requires EPA to promulgate pretreatment standards for new sources (PSNS) at the same time that it promulgates NSPS. These standards are intended to prevent the introduction of pollutants into a POTW which pass through, interfere with, or are otherwise incompatible with a POTW. New indirect dischargers, like new direct dischargers, have the opportunity to incorporate the best available demonstrated technologies—including process changes, in-plant controls, and end-of-process treatment technologies—and to select plant sites that ensure the treatment system will be adequately installed. Therefore, the Agency establishes PSNS after considering the same criteria considered for NSPS. PSNS will have effluent reductions similar to NSPS.

### *C. Prior EPA Regulation*

EPA has not previously proposed or promulgated effluent limitations and standards for the copper forming category.

### *D. Overview of the Category*

Based on information from copper plant data collection portfolios (dcp's), there are approximately 176 facilities in the copper forming category employing about 12,000 employees. Of the 176 copper forming plants, 37 are direct dischargers, 45 are indirect dischargers, and 94 do not discharge any wastewater.

Total category production capacity is estimated to be 3.5 billion kg per year (7.7 billion pounds per year) with individual plant production ranging from 22,700 to 227,000,000 kg (50,000 to 500,000,000 pounds). Most of the copper forming facilities are located in northeastern United States with the remaining facilities fairly evenly distributed throughout the country.

Copper forming facilities use five basic techniques to form copper: Hot rolling, cold rolling, extrusion, drawing, and forging. In addition to these forming operations, there are nine surface cleaning and heat treatment processes which impart desired surface and physical properties to the metal. These ancillary operations are annealing with oil or water, pickling bath and rinse, pickling fume scrubber, alkaline bath and rinse, extrusion press heat treatment, and solution heat treatment (commonly referred to as quench water). Casting of copper and copper alloys, even when conducted in conjunction with copper forming is not covered by this regulation; it is regulated under the metal molding and casting regulation.

With the exception of the forging forming operation, all of the forming and ancillary operations result in the discharge of wastewater. The major pollutants found in the wastewaters from the above operations are toxic metals (specifically chromium, copper, lead, nickel, zinc), toxic organics, suspended solids, and oil and grease.

Copper, lead, nickel, and zinc are present in the wastewater through surface contact of the copper and copper alloy metals during the forming and ancillary operations. Chromium is present primarily from the use of sodium dichromate as a brightening agent in the pickling operation and is present to a lesser extent because it is a constitutent of certain copper alloys.

Oil and grease and toxic organics are present in wastewater discharges from the application of lubricants to reduce friction in the forming equipment. The specific organics found are benzene; 1,1,1-trichloroethane; chloroform; 2,6-dinitrotoluene; ethylbenzene; methylene

chloride; naphthalene; N-nitrosodiphenylamine; anthracene; phenanthrene; toluene; and trichloroethylene.

### III. Scope of this Rulemaking and Summary of Methodology

EPA first studied the copper forming category to determine whether differences in raw materials, final products, manufacturing processes, equipment, age and size of plants, water usage, wastewater constituents, or other factors required the development of separate effluent limitations and standards for different segments of the category. This involved a detailed analysis of wastewater discharge and treated effluent characteristics, including (1) the sources and volume of water used, the processes employed, and the sources of pollutants and wastewaters in the plant; and (2) the constituents of wastewaters, including toxic pollutants.

EPA also identified several distinct control and treatment technologies (both in-plant and end-of-pipe) applicable to the copper forming category. The Agency analyzed both historical and newly generated data on the performance of these technologies, including their nonwater quality environmental impacts and air quality, solid waste generation, and energy requirements.

The cost of each control and treatment technology was estimated from unit cost curves developed by applying standard engineering analysis to wastewater characteristics. EPA derived the unit treatment costs by applying model plant wastewater characteristics to the unit cost curve of each treatment process.

Using the unit treatment costs, EPA estimated the costs which plants would incur to comply with effluent limitations and pretreatment standards based on each technology option considered. Compliance costs for all copper forming plants were extrapolated from an engineering analysis of 10 direct and six indirect dischargers believed to be representative of the cotegory. A detailed discussion of EPA's engineering analysis and selection of plants is provided in Section VIII of the Development Document.

Consideration of these factors enabled EPA to characterize the various control and treatment technologies as BPT, BAT, PSES, PSNS, and NSPS. The proposed regulations, however, do not require the installation of any particular technology. Rather, they require achievement of effluent limitations and pretreatment standards characteristic of the proper operation of these model technologies.

Except for pH requirements, the BPT, BAT, and NSPS limitations are expressed as mass limitations—a mass of pollutant per unit of production (mg/kg). They are calculated by multiplying the technology based effluent concentration by the regulatory flow for each process waste stream.

Pretreatment standards—PSES and PSNS—are also expressed as mass limitations rather than concentration limits to ensure a reduction in the total quantity of pollutant discharges. Regulation on the basis of concentration alone is not adequate because it will not limit the amount of pollutants which may be discharged. Therefore, the Agency is not proposing concentration based pretreatment standards (40 CFR 403.6).

### IV. Data Gathering Efforts

In 1977–1978, under the authority of Section 308 of the Clean Water Act, a data collection portfolio (dcp) was mailed to each of the 475 companies identified in a Dun and Bradstreet list as companies believed to be active in copper forming. Responses were received from approximately 85 percent of the 475 companies originally contacted. The responses provided information on 176 plants that perform manufacturing operations covered under the copper forming category.

In addition to the above data sources, EPA visited 12 copper forming plants. Plant vists were made to sample wastewater sources and treatment effluents and to gather additional information on manufacturing processes, wastewater flows, and wastewater treatment technologies and associated costs. The Agency also collected information on treatment systems not currently used in the industry. In collecting this information, EPA surveyed literature, contacted waste treatment equipment manufacturers, and observed applicable treatment systems used by other industries.

Data related to the performance of the various treatment technology options considered was obtained from copper forming and other industries with similar wastewater. A detailed discussion of these data and its use is found in Section VII of this preamble and in Section VII of the Development Document.

To obtain economic data, EPA marked an economic survey questionnaire to all plants known or believed to be copper formers. This survey was mailed under the authority of Section 308 of the Clean Water act. The agency received 103 responses. The survey was designed to provide accurate and current information on the economic and financial characteristics of the industry. Data Collected included information on Market structure, profitability, and investment in new capital and production costs. The Agency also collected information from plant visits and personal contacts with industry.

In addition to the foregoing data sources, supplementary data were obtained from NPDES permit files in EPA reginal offices and contacts with state pollution control offices. The data gathering program is further discussed in Sections III and V of the Development Document.

### V. Sampling and Analytical Program

The sampling and analysis program for this rulemaking concentrated on the toxic pollutants designated in the Clean Water Act. However, conventional and nonconventional pollutants were also sampled and analyzed. Both inorganic and organic toxic pollutants were sampled for in the wastes from the industry. The Agency has not promulgated analytical methods for many of the organic toxic pollutants under Section 304(h) of the Act, although a number of these methods have been proposed (44 FR 69464 (December 3, 1979); 44 FR 75028 (December 18, 1979)). Additional information on the development of sampling and analysis methods for toxic organic pollutants is contained in the preamble to the proposed regulations for the Leather Tanning Point Source Category, 40 CFR Part 425 (44 FR 38749; July 2, 1979).

EPA checked for the presence and magnitude of 65 toxic pollutants and classes of pollutants (as listed in the NRDC Consent Decree) and a smaller group of conventional and nonconventional pollutants suspected to be present in this category's wastewaters. Sampled plants were selected to be representative of the manufacturing processes, the prevalent mix of production among plants, and the current treatment technology in the industry. During the sampling program, EPA sampled 12 copper forming plants. Wastewater flow rates were measured at the sampled plants using standard flow measurement techniques.

Wherever possible, each sample of an individual raw waste stream, a combined waste stream or a treated effluent was collected by an automatic time series compositor during sampling periods as long as 24 hours. Where automatic compositing was not possible, grab samples were taken and composited manually.

EPA used the analytical techniques described in *Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants*, revised in April 1977. A very similar method is found among those proposed on December 3, 1979.

## VI. Industry Subcategorization

In developing this regulation, the Agency considered whether different effluent limitations and standards are appropriate for different segments of the copper forming industry. The Act requires that EPA consider a number of factors to determine if subcategorization is needed. These factors include raw materials, final products, manufacturing processes, geographical location, plant size and age, wastewater characteristics, nonwater quality environmental impacts, energy costs, and solid waste generation. With the exception of manufacturing processes, the Agency concluded that none of the above factors should be used as the basis for subcategorization.

Copper forming manufacturing processes consist of five forming processes and nine surface cleaning and heat treatment processes which impart desired surface and physical properties to the formed copper product. While these forming and ancillary operations are found at copper forming plants in different combinations, the wastewater discharges from all plants are similar with respect to both the type and concentration of pollutants discharged. The treatment technology options considered in Section VII achieve the same level of pollutant reduction on all copper forming manufacturing waste streams.

Therefore, the Agency has determined that the Copper Forming Category is most appropriately regulated as a single category.

The copper forming regulation presents all effluent limitations and pretreatment standards by waste stream (e.g., hot rolling spent lubricant, pickling bath, etc.). This is done to account for the different regulatory flows associated with these operations, and should not be construed as subcategorization. The pollutants regulated and the technology based effluent concentrations are the same for all streams, and this presentation format incorporates the calculation of individual mass (i.e., flow multiplied by concentration) limitations and standards for each waste stream.

## VII. Available Wastewater Control and Treatment Technology

### *A. Status of In-Place Technology*

Wastewater treatment technologies currently used in the copper forming category include both in-process and end-of-pipe waste treatment. In-plant process controls are applied in the manufacturing process. End-of-pipe treatment controls pollutants at the point of discharge.

According to data supplied by industry, all direct dischargers and 50 percent of the indirect dischargers presently treat pickling bath and rinse streams using chemical precipitation and clarification technology with chromium reduction where necessary. Several of these facilities also treat all wastewater streams using end-of-pipe chemical precipitation and preliminary treatment consisting of chromium reduction and oil skimming. In addition, some facilities have thermal emulsion breaking, and end-of-pipe filtration, and one plant has installed reverse osmosis. Plants have installed these treatment technologies to comply with NPDES permits and POTW requirements.

In-process controls are widely used in the copper forming category in order to reduce discharge flows. Flow reduction techniques practiced in the copper forming category include cooling and recycle of contact cooling waters and soluble lubricant streams, spray rinsing rather than stagnant rinsing for pickling and alkaline cleaning operations, and hauling of pickling baths and spent lubricant streams. Almost all of the direct and indirect dischargers practice contract hauling of spent drawing lubricant. Flow reduction techniques and other in-process controls used in the copper forming industry are discussed in greater detail in Section VII of the development document.

### *B. Control Treatment Options*

EPA considered the following treatment and control options as the basis for BPT, BAT, NSPS, PSES, and PSNS for facilities within the copper forming category.

*Option 1*—End-of-pipe treatment consisting of lime precipitation and settling, and preliminary treatment, where necessary, consisting of chemical emulsion breaking, oil skimming and chromium reduction. This combination of technology reduces toxic metals, conventional pollutants, and also toxic organics through oil skimming.

The flows which are used to calculate mass limitations and standards on Option 1 technology were derived in the following manner. EPA examined the reported discharge flows for each forming and ancillary operation, and then average the flows from plants demonstrating water use practices consistent with the vast majority of plants.

For some wastewater streams, the Option 1 flows are based on recycle when recycle is commonly practiced; in the case of the spent lubricant stream from drawing, the Option 1 flow is zero based on contract hauling of the spent lubricants which is practiced by 85 percent of the category.

The flows discussed above are calculated on a per unit of production basis and are referred to as production-normalized flows.

*Option 2*—Option 2 is equal to Option 1 plus flow reduction for three waste streams: annealing water, solution heat treatment, and pickling rinse. Flow reduction of the annealing water and solution heat treatment streams is based on recycle, and flow reduction of the pickling rinse stream is based on spray rinsing and recirculation. The Option 1 flows for these streams are reduced by approximately 60 percent, and this reduction will result in a similar decrease of toxic metals and conventional pollutants.

*Option 3*—Option 3 is equal to Option 2 plus filtration for further reduction of toxic metals and TSS.

*Option 4*—Option 4 is equal to Option 3 plus further flow reduction gained by countercurrent cascade rinsing applied to the pickling rinse stream. This technology is demonstrated in the copper forming category, as well as other industries, and is proven as an economical and technically effective means of reducing water use and pollutant discharges.

*Option 5*—Option 5 is equal to Option 1 plus filtration for further reduction of toxic metals and TSS. This option is different from Option 3 in that flow reduction is not included.

In addition, we examined thermal emulsion breaking as a method for treating high oil content emulsions. This treatment process removes water from oil emulsions allowing the water to be reused and the oil to be reused or disposed of efficiently without discharge. This technology has been found to be relatively costly and to have high energy consumption. Other methods of emulsion handling as included in the above options are equally or more effective for this category.

To determine treatment efectiveness, the Agency examined data from copper forming and four other categories and made the technical judgment that wastewaters from copper forming,

aluminum forming, coil coating, battery manufacturing, and porcelain enameling are similar in all material respects and that lime and settle treatment was equally effective in treating all such wastewaters. This judgment was further confirmed by a statistical analysis of variance which showed the homogeneity of the combined or pooled data set to be good and to be unaffected by the removal of data from any category. We also attempted to add electroplating wastewater data to the pooled data but found that it substantially reduced the homogeneity of the data set and therefore, electroplating was not included in the pooled data set. Because of this homogeneity we supplemented copper forming lime and settle data with data from the other four categories forming a larger and more substantial data pool for analysis and use. Because of the strength of this more substantial data base the Agency concludes that copper forming wastewaters can be effectively treated by lime and settle technology to achieve the treatment performance derived from the pooled data set.

The Agency also examined the performance of lime, settle and filter based on the performance of full scale commercial systems treating porcelain enameling and nonferrous metals wastewaters. Two copper forming plants reported that they are using a filter, thus this technology is demonstrated on copper forming wastewaters. However, we do not have data specifically on the performance of this technology on copper forming wastewaters. The Agency made the determination that wastewaters from porcelain enameling and copper forming are similar in all material respects based on the analysis of the combined data set for lime and settle treatment. Therefore, the performance of lime, settle and filter can be applied to the copper forming wastewaters. The Agency requests data from copper forming plants that use lime, settle and filter technology.

The treatment performance data is used to obtain maximum daily and monthly average pollutant concentrations. These concentrations (mg/l) along with the copper forming regulatory flows (l/kkg) are used to obtain the maximum daily and monthly average values (mg/kg) for effluent limitations and standards. The monthly average values are based on the average of ten consecutive sampling days. The ten day average value was selected as the minimum number of consecutive samples which need to be averaged to arrive at a stable slope on a statistically based curve relating one day and 30 day average values. The ten day average also approximates the most frequent monitoring requirement of direct discharge permits. The monthly average numbers shown in the regulation are to be used by plants with combined waste streams that use the "combined waste stream formula" set forth at 40 CFR 403.6(e) and by permitting authorities in issuing NPDES permits.

## VIII. Selection of Treatment Options and Effluent Limitations

The technology basis for each effluent limitation and standard for the copper forming category is presented below, along with the rationale for selecting the specific treatment option. The wastewater characteristics are discussed in more detail in Section V and the treatment and control technologies are further discussed in Section VII of the Development Document for this regulation.

### *A. BPT*

EPA is proposing BPT effluent mass limitations based on Option 1 which consists of lime precipitation and settling, and, where necessary, preliminary treatment consisting of chemical emulsion breaking, oil skimming, and chromium reduction. The regulated pollutants are chromium, copper, lead, nickel, zinc, oil and grease, TSS, and pH.

Option 1 represents the average of the best existing performance of pollution control technology currently demonstrated by copper forming plants. The Agency estimates that 11 of the 37 direct dischargers presently met the BPT limitations, and an additional 15 plants can achieve the limitations without installing additional treatment technologies as explained below.

In developing the proposed BPT limitations, the Agency considered the amount of water used per unit production in each wastewater stream (production normalized flow). As previously discussed in Section VI of this preamble, these data were used to determine the average water discharge for each waste stream. Plants discharging greater than average production normalized flows for a given stream may have to reduce their discharge rate for that process. Alternatively, in that plants are only required to comply with a total discharge mass based limit, plants have the option of substantially reducing their water discharges from other process operations by any means. Information from plant visits shows that many plants with greater than average flows water use water based on historical considerations without regard to actual process requirements. Consequently, the Agency believes that plants can achieve the BPT regulatory flows without engineering modifications and therefore should not incur significant costs. The Agency requests comment on this conclusion

The Agency considered specifically regulating toxic organic pollutants at BPT, but chose not to because data currently available indicate these pollutants will be controlled by the removal of oil and grease. (These data are presented in Section VII of the Development Document). The Agency has determined that the oil and grease limitation at BPT will adequately control toxic organics and, therefore, is not specifically regulating toxic organics.

The effluent concentrations resulting from the application of the proposed model BPT technology are identical for all wastewater streams, however the mass limitations vary for each waste stream depending on the regulatory flow. The BPT limitations were calculated by multiplying the effluent concentrations achievable by the Option 1 technology by the regulatory flow established for each waste stream.

BPT will remove 27,000 kilograms of toxic pollutants (metals and organics) and 56,000 kilograms of conventional pollutants per year from current discharge levels. The estimated capital investment cost to comply with BPT is $2.43 million (1982 dollars), with a total annual cost of $1.00 million. The Agency has determined that the effluent reduction benefits associated with compliance with BPT limitations justify the costs.

Options 2, 3, 4, and 5 were not selected since they require in-process changes or end-of-pipe technologies which are not widely practiced by the industry and, therefore, are more appropriately considered under BAT.

### *B. BAT*

For BAT, EPA is proposing limitations based on Option 2. The Agency selected Option 2 because it results in substantial reduction of toxic pollutants above the removal achievable by BPT. This technology option is comprised of Option 1 (BPT) plus flow reduction. Flow reduction consists of recycle of the annealing water and solution heat treatment streams, and spray rinsing and recirculation of pickling rinse water. The regulated pollutants are chromium, copper, lead, nickel, and zinc. Toxic organics are not specifically regulated at BAT because the oil and grease limitation proposed at BPT should provide adequate removal (approximately 97 percent).

Flow reduction of the above three streams, in conjunction with the other parts of the BAT model treatment, will result in a significant reduction of the pollutants discharged. The BAT regulatory flows for these three streams were determined by averaging the production normalized flows reported by plants that practice recycle on the annealing water and solution heat treatment, and spray rinsing and recirculation on the pickling rinse stream. The Agency believes that the above technologies can be employed by all facilities with these operations, thus enabling them to achieve the proposed BAT regulatory flows.

The application of the proposed BAT will remove 31,000 kilograms per year of toxic pollutants (metals and organics) from current discharge levels. The estimated capital investment cost is $6.2 million (1982 dollars) and a total annual cost of $2.0 million for equipment and in-process changes not presently in place.

The incremental effluent reduction benefits of BAT above BPT are the removal annually of 4,000 kg of toxic pollutants. The incremental costs of these benefits are $3.8 million capital cost and $1.0 million total annual costs.

Athough EPA is proposing effluent limitations based on technology Option 2, the Agency will give equivalent consideration to promulgating limitations based on technology Option 3. Option 3 consists of Option 2 plus filtration and would remove 5,000 kg/yr of toxic pollutants above BPT. The incremental costs of Option 3 above BPT are $6.9 million capital costs and $1.9 million annual costs. Section VII of the Development Document contains a discussion of the treatment effectiveness that can be achieved using Option 3 and Section II of the Development Document contains effluent limitations tables based on Option 3 technology. The Agency requests comment on these two options. See Section XVII of this preamble for a discussion of the type of information the Agency specifically requests.

Options 4 and 5 were considered for BAT, but were rejected for the reasons discussed below.

Option 4 is based on the installation of countercurrent rinsing for rinse water associated with pickling. This technology option was rejected for BAT because it is only demonstrated at a few copper forming plants and because most of the other existing plants lack sufficient space to add the additional rinse tank and associated piping required for countercurrent rinsing.

Option 5 is based on filtration added to Option 1. Option 5 was considered and ultimately rejected because as compared to Option 2 it provides only one-fourth as much pollutant removal at approximately the same costs.

3. *NSPS.* EPA is proposing NSPS based on technology Option 4. This option consists of BAT (Option 2) plus further flow reduction through countercurrent rinsing applied to the pickling rinse stream and polishing filtration. Countercurrent rinsing and filtration are appropriate technologies for NSPS because they are demonstrated in this category and because new plants have the opportunity to design and implement the most efficient processes without retrofit costs and space availability limitations. All other technology options were rejected for NSPS because the Agency has determined that these options would not meet the statutory standards for NSPS.

The Agency does not believe that standards for new sources based on Option 4 will create a barrier to entry. See Section X of this preamble for further discussion.

The NSPS regulatory flow for the pickling rinse stream was determined from reported production-normalized flows from plants in this category using countercurrent technology. NSPS based on Option 4 will result in the reduction of approximately 2,000 kg/yr of toxic pollutants beyond the option proposed for BAT. The pollutants regulated at NSPS are chromium, copper, lead, nickel, zinc, TSS, oil and grease, and pH.

4. *PSES.* In the copper forming category, the Agency has concluded that the toxic metals that would be regulated under these proposed standards (chromium, copper, lead, nickel, and zinc) pass through the POTW. The nationwide average percentage of these same toxic metals removed by a well-operated POTW meeting secondary treatment requirements is about 50 percent (ranging from 20 to 70 percent), whereas the percentage that can be removed by a copper forming direct discharger applying the best available technology economically achievable is about 90 percent. Accordingly, these pollutants pass through a POTW.

To regulate the toxic metals that pass through a POTW, EPA is proposing PSES based on the application of technology Option 2. Option 2, which is also the basis for BAT limitations, consists of lime precipitation and settling, flow reduction, and preliminary treatment, where necessary, consisting of chromium reduction, chemical emulsion breaking, and oil skimming.

In addition to pass through of toxic metals, available information shows that many of the toxic organics from copper facilities may also pass through a POTW. As previously mentioned, toxic organics are not specifically regulated at BAT because, for direct dischargers, the BPT oil and grease limit will adequately control toxic organics. As demonstrated in the Development Document, direct discharges who comply with the BPT limitation for oil and grease will remove a greater percentage of the toxic organics than a well operated POTW achieving secondary treatment. Accordingly, the Agency believes that there may be pass through of toxic organic pollutants from plants in this category. Given the mix of toxic organic pollutants found in these waste streams and the fact that they may pass through POTW, we propose to establish a pretreatment standard for total toxic organics (TTO) to control these pollutants. The proposed TTO standard is based on the application of oil and grease removal technology which achieves the same removal of TTO as the BPT model treatment technology. Oil and grease removal is a relatively inexpensive technology which may be used to control toxic organics when compared with more conventional treatment technologies such as biological treatment or activated carbon. In addition, oil and grease removal may be an important part of good treatment for metals removal.

EPA proposes to establish a Total Toxic Organics (TTO) limitation based on the data presented in Section VII of the technical development document. The list of organics included under TTO is presented in Appendix C Of this preamble. Analysis of toxic organics is costly and requires delicate and sensitive equipment. Therefore, the agency proposes to establish as an alternative to monitoring for total toxic organics an oil and grease limit equivalent to the BPT limit for which the analysis is much less costly and frequently can be done at the plant. Data indicates that the toxic organics are in the oil and grease and by removing the oil and grease the toxic organics should also be removed. See discussion in Section VII of the Development Document. We request comment on the TTO limit and the alternate monitoring parameter of oil and grease. EPA also requests comments on whether we should simply promulgate an oil and grease limitation to effectively control toxic organics.

The application of PSES will remove 18,700 kilograms per year of toxic pollutants (Metals and organics) beyond current discharge levels. EPA estimates that the capital investment costs of complying with PSES is $8.0 million

(1982 dollars) with a total annual cost of $5.3 million.

The PSES set forth in the proposed regulations are expressed in terms of mass per unit of production rather than concentration standards. Regulation on the basis of concentration only is not appropriate because concentration based standards do not restrict the total quantity of pollutants discharged. Flow reduction is a significant part of the model technology for pretreatment because it reduces the amount of toxic pollutants introduced into a POTW. For this reason, no alternative concentration standards are proposed for indirect dischargers. See 40 CFR 403.6.

In selecting PSES, EPA also considered standards based on technology Options 4 and 5. The reasons discussed for rejecting these options as the basis for BAT limitations are identical to those for rejecting these options for PSES. If the Agency promulgates BAT based on Option 3 as discussed previously, the Agency must give equivalent consideration to promulgating PSES based on Option 3 (Option 2 followed by filtration) because of the pass through criteria. Therefore, the Agency requests comments on these two options. See Section XVII of this premable for a discussion of the type of information the Agency specifically requests.

The Agency proposes that these standards shall become effective three years after the date of promulgation. EPA estimates that existing plants will require that amount of time to install the treatment needed to comply with these standards since few indirect dischargers currently have the necessary treatment technology. The Agency invites comment on this proposed date.

5. *PSNS.* The technology basis for PSNS is Option 4 which is equivalent to NSPS. The Agency has determined that PSNS based on Option 4 is necessary to prevent pass through of toxic metals and organics. In selecting the technology basis for PSNS, the Agency compares the toxic pollutant removal achieved by a well-operated POTW to that achieved by a direct discharger meeting NSPS. New indirect dischargers, like new direct dischargers, have the opportunity to design and implement the most efficient processes without retrofit costs and space availability limitations.

The pollutants regulated at PSNS are chromium, copper, lead, nickel, zinc, and TTO (total toxic organics). PSNS based on Option 4 will result in the reduction of 1500 kg/yr of toxic pollutants above the removals achieved by PSES.

## IX. Pollutants and Subcategories Not Regulated

### *A. Settlement Agreement*

The Settlement Agreement contained provisions authorizing the exclusion from regulation, in certain circumstances, of toxic pollutants and industry categories and subcategories. These provisions have been rewritten in a Revised Settlement Agreement which was approved by the District Court for the District of Columbia on March 9, 1979. See *NRDC* v. *Costle,* 12 ERC 1833 (D.D.C. 1979).

Because the Agency has established only a single subcategory under the copper forming category, no subcategories are excluded from regulation. Data supporting exclusion of the pollutants identified below are presented in the Section V of the Development Document for this rulemaking.

### *B. Exclusion of Pollutants*

The Agency has deleted the following three pollutants from the toxic pollutant list: Dichlorodifluoro methane and trichlorofluoromethane, 46 FR 79692 (January 8, 1981); and bis(chloromethyl) ether, 46 FR 10723 (February 4, 1981).

Paragraph 8(a)(iii) of the Settlement Agreement allows the Administrator to exclude from regulation toxic pollutants not detectable by Section 304(h) analytical methods or other state-of-the-art methods. The toxic pollutants not detected and therefore, excluded from regulation are listed in Appendix B to this notice.

Paragraph 8(a)(iii) also allows the Administrator to exclude from regulation toxic pollutants detected in amounts too small to be effectively reduced by technologies known to the Administrator. Appendix B to this notice lists the toxic pollutants which were detected in the effluent in amounts at or below the nominal limit of analytical quantification, which are too small to be effectively reduced by technologies and which, therefore, are excluded from regulation.

Paragraph 8(a)(iii) also allows the Administrator to exclude from regulation toxic pollutants which will be effectively controlled by the technologies upon which are based other effluent limitations and guidelines, standards of performance, or pretreatment standards. Appendix B lists these toxic pollutants.

## X. Economic Consideration

### *A. Costs and Economic Impact*

The Agency's economic impact assessment is presented in the report entitled *Economic Impact Analysis of Proposed Effluent Standards and Limitations for the Copper Forming Industry,* EPA 440/2–82–011. This report details the investment and annual costs for the Copper Forming Category. Compliance costs are based on engineering estimates of capital requirements for the effluent control systems described earlier in this preamble. The report assesses the impact of effluent control costs in terms of price changes, production changes, plant closures, employment effects, and balance of trade effects. The impacts for each of the regulatory options are discussed in the report.

In addition, EPA has conducted an analysis of the incremental removal cost per pound equivalent for each of the proposed technology-based options. A pound equivalent is calculated by multiplying the number of pounds of pollutant discharged by a weighting factor for that pollutant. The weighting factor is equal to the water quality criterion for a standard pollutant (copper), divided by the water quality criterion for the pollutant being evaluated. The use of "pound equivalent" gives relatively more weight to removal of more toxic pollutants. Thus for a given expenditure, the cost per pound equivalent removed would be lower when a highly toxic pollutant is removed than if a less toxic pollutant is removed. This analysis is included in the record of this rulemaking, "Cost Effectiveness Analysis of Proposed Effluent Standards and Limitations for the Copper Forming Industry". EPA invites comments on the methodology used in this analysis.

EPA has identified 176 plants in the copper forming category that are covered by this regulation. Of these 176 plants, 37 are direct dischargers and 45 are indirect dischargers. The remaining 94 plants do not discharge wastewater. Total investment for BAT and PSES is estimated to be $14.2 million, with annual costs of $7.3 million, including depreciation and interest. These costs are expressed in 1982 dollars and are based on the determination that plants will build on existing treatment. No plant closures or job losses are projected as a result of compliance costs for this regulation. If all costs were passed on to consumers, price increases would be less than 1 percent. Balance of trade effects are insignificant.

Of the 103 plants responding to the economic survey, 39 (19 direct and 20 indirect dischargers) were included in the closure analysis. (Of the remaining 64, 61 were excluded because they do not discharge wastewater and three

were excluded because of insufficient data.)

Using publicly available data, explicit demand and supply functions were developed. These demand and supply functions were used to estimate demand and supply elasticities for each product group (wire mill products, sheet, strip, and plate, etc.). Then a financial model was developed for each of the 39 plants included in the closure analysis. Key variables analyzed for each plant included present profitability, salvage value of the plant, required pollution control investments and the associated increase in annual costs, value added, and plant profitability after installing pollution equipment. An analysis of the market structure identified other factors that were considered in judging the likelihood of closure such as the degree of integration and competition. Given compliance cost estimates and plant specific financial information, the impact of the regulation on the 39 plants was projected. The results were extrapolated to include all copper forming plants which discharge wastewater.

*BPT:* Nineteen of the 37 direct dischargers responded to the economic survey. Data from these 19 plants were used to estimate the impacts of the regulation. The cost estimates were based on treatment in place, and the reported flows. The BPT regulation is expected to affect 11 plants which do not now meet BPT limitations. BPT for these 11 plants is projected to cost $2.4 million in investment costs and $1.0 million in annual costs (1982 dollars). These costs represent the most economical means of compliance with BPT, and, in some instances, include flow reduction. According to the analysis of economic impact, no potential plant closures are associated with the BPT treatment option. If all costs were passed on to consumers, price increases would be 0.3 percent.

*BAT:* Compliance costs and resulting impacts for BAT are based on going from existing treatment to installing BAT. Thirty of the 37 direct dischargers will need to install additional control technologies in order to achieve the proposed BAT limitations. These 30 would share investment costs estimate at $6.3 million and total annual costs of $2.0 million (1982 dollars), including depreciation and interest. The Agency believes that this option will not result in any plant closures or job losses. If all costs were passed on to consumers, price increases would be 0.5 percent.

The economic impact analysis of the BAT options is based on information from 19 plants for which adequate data were available. Before promulgation of final BAT limitations, the Agency will reexamine the economic impacts associated with limitations based on technology Options 2 and 3 as discussed under Section VIII of this preamble. Therefore, the Agency requests economic information from plants that have not yet responded to the economic survey. Specifically, the Agency requests information on gross profit margins, annual capital expenditures, annual depreciation, and the quantity and value of production. See Section XVII of this preamble for solicitation of comments.

*PSES:* Forty-five plants are identified as indirect dischargers and 20 of these responded to the economic survey. The pollution control technology for the proposed pretreatment standards is identical to the proposed BAT treatment technology. Investment costs for the 38 indirect dischargers not now meeting PSES limitations are estimated to total $8.0 million and annual costs are estimated at $5.3 million (1982 dollars). The Agency believes that this option will not result in any closures. If all costs are passed on to consumers, price increases would be 0.4 percent.

As discussed above under the BAT economic analysis, the Agency also requests economic information from indirect dischargers which have not yet responded to the economic survey.

*NSPS–PSNS:* The copper forming industry is a very mature industry and has not grown rapidly during the last decade. This trend is expected to continue into the future. The copper forming industry is also very sensitive to the behavior of the U.S. economy. The demand for copper products has declined during the current recession during which all copper forming major end-use markets have been depressed, including construction, transportation and electrical and electronic products. EPA believes that this is a temporary condition and that demand for copper formed products will increase. The baseline supply and demand forecasts are based upon empirical models developed over the 1960 to 1979 historical period. While growth in the demand for copper formed products is projected during the next decade, it is expected to be met through expanded capacity at existing plants and from overseas operations. During the next decade, no new copper forming plants are projected to be built.

The Agency has estimated the per plant costs associated with NSPS and PSNS will be approximately equal to those for BAT and PSES. BAT and PSES are based on technology Option 2 consisting of flow reduction, lime and settle, and, where necessary, preliminary treatment with chromium reduction, chemical emulsion breaking, and oil skimming. NSPS is based on Option 4 which is Option 2 plus filtration and greater flow reduction achieved by countercurrent rinsing of the pickling rinse stream. The Agency believes that the additional costs of filtration for NSPS will be offset by the lower treatment costs associated with smaller wastewater flows using countercurrent rinsing. Therefore, new sources regardless of whether they are plants with major modifications or greenfield sites, will have costs approximately equivalent to the costs existing sources will incur in achieving BAT and PSES. The Agency believes that neither NSPS nor PSNS will deter entry into the copper forming industry. The Agency requests comment on the conclusions that costs for PSNS and NSPS are approximately equal to BAT and PSES costs and that greenfield and major modification plants will incure similar costs.

### *B. Executive Order 12291*

Executive Order 12291 requires EPA and other agencies to perform regulatory impacts analyses of major regulations. Major rules are those which impose a cost on the economy of $100 million a year or more or have certain other economic impacts. This regulation is not a major rule because its annualized cost of $9.2 million is less than $100 million and it meets none of the other criteria specified in paragraph (b) of the Executive Order. The economic impact analysis prepared for this proposed rulemaking meets the requirements for nonmajor rules.

### *C. Regulatory Flexibility Analysis*

Public Law 96–354 requires EPA to prepare an Initial Regulatory Flexibility Analysis for all proposed regulations that have a significant impact on a substantial number of small entities. This analysis may be done in conjunction with or as a part of any other analysis conducted by the Agency. The economic impact analysis described above indicates that there will not be a significant impact on any segment of the regulated population, large or small. Therefore, a formal regulatory flexibility analysis is not required.

## XI. Nonwater Quality Aspects of Pollution Control

The elimination or reduction of one form of pollution may add to other environmental problems. Therefore, Sections 304(b) and 306 of the Act require EPA to consider the nonwater quality environmental impacts

(including energy requirements) of certain regulations. In compliance with these provisions, EPA has considered the effect of this regulation on air pollution, solid waste generation, water scarcity, and energy consumption. While it is difficult to balance pollution problems against each other and against energy utilization, EPA is proposing regulations which it believes best serve often competing national goals.

The following are the nonwater quality environmental impacts (including energy requirements) associated with the proposed regulations:

*A. Air Pollution*

Imposition of BPT and BAT limitations and NSPS, PSES, and PSNS will not create any substantial air pollution problems. The technologies used as the basis for this regulation precipitate pollutants found in wastewater which are then settled or filtered from the discharged wastewater. These technologies do not emit pollutants into the air.

*B. Solid Waste*

EPA estimates that copper forming facilities generated 39,000 metric tons of solid wastes (wet basis) in 1978 as a result of wastewater treatment in place. These wastes were comprised of treatment system sludges containing toxic metals, including chromium, copper, lead, nickel, zinc, and spent lubricants.

EPA estimates that the proposed BPT will contribute an additional 13,000 metric tons per year of solid wastes. Proposed BAT and PSES will increase these wastes by approximately 11,000 metric tons per year beyond BPT levels. These sludges will necessarily contain additional quantities (and concentrations) of toxic metal pollutants. While NSPS and PSNS will generate additional sludge, its quantity is insignificant in relation to the amounts generated by BAT and PSES.

The Agency examined the solid wastes that would be generated at copper forming plants by the suggested treatment technologies and believes they are not hazardous under Section 3001 of the Resource Conservation and Recovery Act (RCRA). This judgment is made based on the recommended technology of lime precipitation. By the addition of a small excess of lime during treatment, similar sludges, specifically toxic metal bearing sludges, generated by other industries such as the iron and steel industry passed the EP toxicity test. See 40 CFR 261.24 (45 FR 33084 (May 19, 1980)). Thus, the Agency believes that the copper forming wastewater sludges will similarly not be found toxic if the recommended technology is applied. Since the copper forming solid wastes are not believed to be hazardous, no estimates were made of costs for disposing of hazardous wastes in accordance with RCRA requirements. The Agency requests comments on its judgment of the wastewater sludges generated by treatment of copper forming wastewaters. We specifically request cost information if there is reason to believe these sludges would be classified as hazardous.

Although it is the Agency's view that solid wastes generated as a result of these guidelines are not expected to be classified as hazardous under the regulations implementing Subtitle C of the Resource Conservation and Recovery Act (RCRA), generators of these wastes must test the waste to determine if the wastes meet any of the characteristics of hazardous waste. See 40 CFR 262.11 (45 FR 12732-12733 (February 26, 1980)). The Agency may also list these sludges as hazardous pursuant to 40 CFR 261.11 (45 FR 33121 (May 19, 1980), as amended at 45 FR 76624 (November 19, 1980)).

If these wastes are identified as hazardous, they will come within the scope of RCRA's "cradle to grave" hazardous waste management program, requiring regulation from the point of generation to point of final disposition. EPA's generator standards would require generators of hazardous copper forming wastes to meet containerization labeling, record keeping, and reporting requirements; if copper formers dispose of hazardous wastes off-site, they would have to prepare a manifest which would track the movement of the wastes from the generator's premises to a permitted off-site treatment, storage, or disposal facility. See 40 CFR 262.20 (45 FR 33142 (May 19, 1980). The transporter regulations require transporters of hazardous wastes to comply with the manifest system to assure that the wastes are delivered to a permitted facility. See 40 CFR 263.20 (45 FR 33151 (May 19, 1980), as amended at 45 FR 86973 (December 31, 1980)). Finally, RCRA regulations establish standards for hazardous waste treatment, storage, and disposal facilities allowed to receive such wastes. See 40 CFR Part 464 (46 FR 2802 (January 12, 1981), 47 FR 32274 (July 26, 1982)).

Even if these wastes are not identified as hazardous, they still must be disposed of in compliance with the Subtitle D open dumping standards, implementing 4004 of RCRA. See 44 FR 53438 (September 13, 1979). The Agency has calculated as part of the costs for wastewater treatment the cost of hauling and disposing of these wastes. For more details, see Section VIII of the technical development document.

*C. Consumptive Water Loss*

Treatment and control technologies that require extensive recycling and reuse of water may require cooling mechanisms. Evaporative cooling mechanisms can cause water loss and contribute to water scarcity problems—a primary concern in arid and semi-arid regions. While this regulation assumes water reuse, the quantity of water involved is not regionally significant. We conclude that the pollution reduction benefits of recycle technologies outweigh their impact on consumptive water loss.

*D. Energy Requirements*

EPA estimates that the achievement of proposed BAT effluent limitations will result in a net increase in electrical energy consumption of approximately 0.6 million kilowatt-hours per year. To achieve the proposed BAT effluent limitations, a typical direct discharger will increase total energy consumption by less than 1 percent of the energy consumed for production purposes. NSPS will not significantly add to total energy consumption.

The Agency estimates that proposed PSES will result in a net increase in electrical energy consumption of approximately 0.5 million kilowatt-hours per year. To achieve proposed PSES, a typical existing indirect discharger will increase energy consumption by less than 2 percent of the energy consumed for production purposes. PSNS, like NSPS, will not significantly add to total energy consumption.

**XII. Best Management Practices (BMP)**

Section 304(e) of the Clean Water Act authorizes the Administrator to prescribe "best management practices" ("BMP"), described in Section II of this preamble. EPA is not proposing BMP for the copper forming category.

**XIII. Upset and Bypass Provisions**

A recurring issue is whether industry limitations and standards should include provisions that authorize noncompliance during "upsets" or "bypasses." An upset, sometimes called an "excursion," is unintentional noncompliance beyond the reasonable control of the permittee. EPA believes that upset provisions are necessary because upsets will inevitably occur, even if the control equipment is properly operated. Because technology-based limitations can require only what technology can achieve, many claim that

liability for upsets is improper. When confronted with this issue, courts have been divided on the questions of whether an explicit upset or excursion exemption is necessary or whether upset or excursion incidents may be handled through EPA's enforcement discretion. Compare *Marathon Oil Co.* v. *EPA*, 564 F.23 1253 (9th Cir. 1977) with *Weyerhaeuser* v. *Costle, supra* and *Corn Refiners Association, et al.* v. *Costle*, No. 78–1069 (8th Cir. April 2, 1979). See also *American Petroleum Institute* v. *EPA*, 540 F.2d 1023 (10th Cir. 1976); *CPC International, Inc.* v. *Train*, 540 F.2d 1320 (8th Cir. 19760; and *FMC Corp.* v. *Train*, 539 F.2d 973 (4th Cir. 1976).

Unlike an upset—which is an unintentional episode—a bypass is an intentional noncompliance to circumvent waste treatment facilities during an emergency.

EPA has both upset and bypass provisions in NPDES permits, and the NPDES portions of the Consolidated Permits regulations include upset and bypass permit provisions. See 40 CFR 11.60, 44 FR 32854, 32862–3 (June 7, 1979). The upset provision establishes an upset as an affirmative defense to prosecution for violation of technology-based effluent limitations. The bypass provision authorizes bypassing to prevent loss of life, personal injury, or severe property damage. Since permittees in the copper forming category are entitled to the upset and bypass provisions in NPDES permits, this proposed regulation does not repeat these provisions. Upset provisions are also contained in the General Pretreatment regulation.

## XIV. Variances and Modifications

When the final regulation for a point source category is promulgated, subsequent federal and state NPDES permits to direct dischargers must enforce the effluent standards. Also, the pretreatment limitations apply directly to indirect dischargers.

The only exception to the BPT effluent limitations is EPA's "fundamentally different factors" variance. See *E. I. duPont de Nemours and Co.* v. *Train, supra* and *Weyerhaeuser Co.* v. *Costle, supra*. This variance recognizes characteristics of a particular discharger in the category regulated that are fundamentally different from the characteristics considered in this rulemaking. This variance clause is included in the NPDES regulations and not in this proposed regulation. See 40 CFR 125.30.

Dischargers subject to the BAT limitations are also eligible for EPA's "fundamentally different factors" variance. BAT limitations for nonconventional pollutants may be modified under Sections 301(c) and (g) of the Act. These statutory modifications do not apply to toxic or conventional pollutants.

Indirect dischargers subject to PSES are eligible for the "fundamentally different factors" variance and for credits for toxic pollutants removed by POTW. See 40 CFR 403.7 and 403.13 (46 FR 9404 (January 28, 1981)). Indirect dischargers subject to PSNS are only eligible for the credits provided for in 40 CFR 403.7. New sources subject to NSPS are not eligible for EPA's "fundamentally different factor" variance or any statutory or regulatory modifications. See *E. I. duPont de Nemours* v. *Train, supra*.

## XV. Relation to NPDES Permits

The BPT and BAT limitations and NSPS in this regulation will be applied to individual plants through NPDES permits issued by EPA or approved state agencies under Section 402 of the Act. Under the proposed regulation for the copper forming category, all limitations are mass based.

The preceding section of this preamble discussed the binding effect of this regulation on NPDES permits, except when variances and modifications are expressly authorized. The following adds more detail on the relation between this regulation and NPDES permits.

One subject that has received different judicial rulings is the scope of NPDES permit proceedings when effluent limitations and standards do not exist. Under current EPA regulations, states and EPA regions that issue NPDES permits before regulations are promulgated must do so on a case-by-case basis. This regulation provides a technical and legal base for new permits.

Another issue is how the regulation affects the authority of those that issue NPDES permits. EPA has developed the limitations and standards in this regulation to cover the typical facility for this point source category. In specific cases, the NPDES permitting authority may have to establish permit limits on toxic pollutants that are not covered by this regulation. This regulation does not restrict the power of any permit-issuing authority to comply with law or any EPA regulation, guideline, or policy. For example, if this regulation does not control a particular pollutant, the permit issuer may still limit the pollutant on a case-by-case basis, when such action conforms with the purposes of the Act. In addition, if state water quality standards or other provisions of state or federal law require limits on pollutants not covered by this regulation (or require more stringent limits on covered pollutants), the permit-issuing authority must apply those limitations.

A final topic of concern is the operation of EPA's NPDES enforcement program, which was an important consideration in developing this regulation. The Agency emphasizes that although the Clean Water Act is a strict liability statute, EPA can initiate enforcement proceedings at its discretion. See *Sierra Club* v. *Train*, 557 F.2d 485 (5th Cir. 1977). EPA has exercised and intends to exercise that discretion in a manner that recognizes and promotes good-faith compliance.

## XVI. Public Participation

EPA did not make the copper forming draft development document available for public review and comment because time requirement of the court order did not permit. We did have meetings with the industry association and private companies to discuss technical aspects of data collection and treatment technology.

## XVII. Solicitation of Comments

EPA invites and encourages public participation in this rulemaking. The Agency asks that comments address specific deficiencies in the record of this proposal and that suggested revisions or corrections be supported by data.

EPA particularly requests additional comments and information on the following issues:

(1) As previously discussed in Section VIII of this preamble, the Agency considered both Options 2 and 3 as the technology basis for BAT and PSES. Option 2 includes flow reduction, while Option 3 includes both flow reduction and filtration. While the Agency is proposing BAT and PSES based on Option 2, we will further examine the economic impacts of both options before promulgating effluent limitations and standards.

To determine the economic impact of this regulation, the Agency first calculated the costs of installing BPT, BAT, PSES, NSPS and PSNS at copper forming plants and then determined the impact of these costs on plants for which economic data were available. The details of the estimated costs and other impacts are presented in Section VIII of the technical development document and in the Economic Impact Analysis document. Based on these analyses, the agency projects no plant closures and no employment losses as a result of this regulation. The Agency invites comment on these analyses and projections. We particularly seek

comments on whether copper formers, especially small or less profitable plants, can incur the estimated compliance costs. The commenters should focus not only on the likelihood of plant closures and employment losses, but should also include data on the effects of the regulation on: Modernization or expansion of production costs, the ability to finance non-environmental investments, product prices, profitability, international competitiveness, and the availability of less costly technology.

(2) The Agency examined the solid wastes that would be generated at copper forming plants by the suggested treatment technologies and believes they are not hazardous as defined by Section 3001 of the Resource Conservation and Recovery Act (RCRA). Therefore, the agency did not estimate costs for disposing of hazardous wastes in accordance with RCRA requirements. The Agency requests comment on its judgment that these sludges are not hazardous under RCRA. Commenters who believe these sludges would be classified as hazardous are also requested to submit cost information.

(3) For PSES, the Agency is proposing to limit total toxic organic (TTO) based an oil skimming technology. To reduce monitoring costs, the agency is proposing an alternate oil and grease limit in lieu of monitoring for all of the toxic organics. We request comment on this alternative. Monitoring parameter and whether EPA should promulgate an oil and grease standard as a means of effectively controlling toxic organics.

(4) As discussed in Sections VI and VII of this preamble, EPA based the proposed BPT flows on the average of reported production normalized discharge flows from plants demonstrating water use practices consistent with the majority of plants. We further state that plants discharging flows greater than the average flows do so because of water use practices based on historical considerations rather than actual process requirements. Consequently, the Agency believes that plants can achieve the BPT flows without process modifications and therefore should not incur significant costs. The Agency requests comment on this conclusion. Commenters who do not agree with EPA's above finding should provide information as to the types and associated costs of process modifications needed to achieve the BPT regulatory flows.

(5) In section VII of this preamble, EPA states that treatment performance data for filters is being transferred from the porcelain enameling category. While filters are demonstrated in the copper forming category, the Agency does not have filter treatment data from copper forming plants. The agency requests copper forming plants which have installed filters to submit performance data.

**List of Subjects in 40 CFR Part 468**

Copper forming, Water pollution control, Waste treatment and disposal.

The regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Dated: October 29, 1982.

**Anne Gorsuch,**

*Administrator.*

**XVIII. Appendices**

**Appendix A—Abbreviations, Acronyms, and Other Terms Used in This Notice**

Act—The Clean Water Act.

Agency—The U.S. Environmental Protection Agency.

BAT—The best available technology economically achievable under Section 304(b)(2)(B) of the Act.

BCT—The best conventional pollutant control technology under Section 304(b)(4) of the Act.

BMP—Best management practices under Section 304(e) of the Act.

BPT—The best practicable control technology currently available under Section 304(b)(1) of the Act.

Clean Water Act—The Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1251 *et seq.*), as amended by the Clean Water Act of 1977 (Pub. L. 95–217).

Direct Discharger—A facility which discharges or may discharge pollutants into waters of the United States.

Indirect Discharger—A facility which discharges or may discharge pollutants into a publicly owned treatment works.

NPDES Permits—A National Pollutant Discharge Elimination System permit issued under Section 402 of the Act.

NSPS—New source performance standards under Section 306 of the Act.

POTW—Publicly owned treatment works.

PSES—Pretreatment standards for existing sources of indirect discharges under Section 307(b) of the Act.

PSNS—Pretreatment standards for new sources of direct dischargers under Sections 307 (b) and (c) of the Act.

RCRA—Resource Conservation and Recovery Act (Pub. L. 94–580) of 1976, Amendments to Solid Waste Disposal Act.

**Appendix B—List of Pollutants Excluded From Regulation**

The following nine (9) pollutants are being excluded under Paragraph 8(a)(iii) because they are present in amounts too small to be effectively reduced by technologies known to the Administrator: antimony, arsenic, beryllium, cadmium, cyanide, mercury, selenium, silver, and thallium.

The following one hundred and eight (108) pollutants are being excluded under Paragraph 8(a)(iii) because they were not detected in the effluent of sampled copper forming facilities:

1. acenaphthene
2. acrolein
3. acrylonitrile
5. benzidine
6. carbon tetrachloride
7. chlorobenzene
8. 1,2,4-brichlorobenzene
9. hexachlorobenzene
10. 1,2-dichloroethane
12. hexachloroethane
13. 1,1-dichloroethane
14. 1,1,2-trichloroethane
15. 1,1,2,2-tetrachloroethane
16. chloroethane
17. Deleted
18. bis(2-chloroethyl) ether
19. 2-chloroethyl vinyl ether
20. 2-chloronaphthalene
21. 2,4,6-trichlorophenol
22. p-chloro-m-cresol
24. 2-chlorophenol
25. 1,2-dichlorobenzene
26. 1,3-dichlorobenzene
27. 1,4-dichlorobenzene
28. 3,3'-dichlorobenzidine
29. 1,1-dichloroethylene
30. 1,2-*trans*-dichloroethylene
31. 2,4-dichlorophenol
32. 1,2-dichloropropane
33. 1,3-dichloropropylene
34. 2,4-dimethylphenol
35. 2,4-dinitrotoluene
37. 1,2-diphenylhydrazine
39. fluoranthene
40. 4-chlorophenyl phenyl ether
41. 4-bromophenyl phenyl ether
42. bis(2-chloroisopropyl) ether
43. bis(2-chloroethoxy) methane
45. methyl chloride
46. methyl bromide
47. bromoform
48. dichlorobromomethane
49. Deleted
50. Deleted
51. chlorodibromomethane
52. hexachlorobutadiene
53. hexachlorocyclopentadiene
54. isophorone
56. nitrobenzene
57. 2-nitrophenol
58. 4-nitrophenol
59. 2,4-dinitrophenol
60. 4,6-dinitro-o-cresol
61. N-nitrosodimethylamine
63. N-nitrosodi-n-propylamine
64. pentachlorophenol
65. phenol
66. bis(2-ethylhexyl) phthalate
67. butyl benzyl phthalate
68. di-n-butyl phthalate
69. di-n-octyl phthalate
70. diethyl phthalate
71. dimethyl phthalate
72. benzo(a)anthracene
73. benzo(a)pyrene
74. benzo(b)fluoranthene
75. benzo(k)fluoranthene
76. chrysene
77. acenaphthylene
79. benzo(ghi)perylene

80. fluorene
82. dibenzo(a,h)anthracene
83. indeno(1,2,3-c,d)pyrene
84. pyrene
85. tetrachloroethylene
88. vinyl chloride
89. aldrin
90. dieldrin
91. chlordane
92. 4,4'-DDT
93. 4,4'-DDE
94. 4,4'-DDD
95. alpha-endosulfan
96. beta-endosulfan
97. endosulfan sulfate
98. endrin
99. endrin aldehyde
100. heptachlor
101. heptachlor epoxide
102. alpha-BHC
103. beta-BHC
104. gamma-BHC
105. delta-BHC
106. PCB–1242(a)
107. PCB–12254(a)
108. PCB–1221(a)
109. PCB–1232(b)
110. PCB–1248(b)
111. PCB–1260(b)
112. PCB–1016(b)
113. toxaphene
114. antimony
115. arsenic
116. asbestos
118. beryllium
119. cadmium
121. cyanide
123. mercury
125. selenium
126. silver
127. thallium
129. 2,3,7,8-tetrachlorodibenzo-p-dioxin

The following twelve (12) pollutants are being excluded from regulation for direct dischargers under Paragraph 8(a)(iii) because they are effectively controlled by limitations upon which other limitations are based:

**C. List of Toxic Organics Comprising Total Toxic Organics (TTO)**

4. benzene
11. 1,1,1-trichloroethane
23. chloroform
36. 2,6-dinitrotoluene
38. ethylbenzene
44. methylene chloride
55. naphthalene
62. N-nitrosodiphenylamine
78. anthracene
81. phenanthrene
86. toluene
87. trichloroethylene

EPA proposed to establish a new Part 468 in 40 CFR to read as follows:

## PART 468—COPPER FORMING POINT SOURCE CATEGORY

**General Provisions**



**Authority:** Secs. 301, 304 (b), (c), (e), and (g), 306 (b) and (c), 307 (b) and (c), and 501 of the Clean Water Act (the Federal Water Pollution Control Act Amendments of 1972, as amended by the Clean Water Act of 1977) (the "Act"); 33 U.S.C. 1311, 1314 (b), (c) (e), and (g), 1316 (b) and (c), 1317 (b) and (c), and 1361; 86 Stat. 816, Pub. L. 92–500; 91 Stat. 1567, Pub. L. 95–217.

### General Provisions

#### § 468.01 Applicability.

The provisions of this subpart are applicable to discharges resulting from the manufacture of formed copper and copper alloy products. The forming operations covered are hot rolling, cold rolling, drawing, extrusion, and forging. The casting of copper and copper alloys is not controlled by this Part. (See 40 CFR Part 451.)

#### § 468.02 Specialized definitions.

In addition to the definitions set forth in 40 CFR Part 401 and the chemical analysis methods in 40 CFR Part 136, the following definitions apply to this part:

(a) The term "Total Toxic Organics (TTO)" shall mean the sum of the masses or concentrations of each of the following toxic organic compounds which is found at a concentration greater than 0.010 mg/l.

Benzene
1,1,1-Trichloroethane
Chloroform
2,6-Dinitrotoluene
Ethylbenzene
Methylene Chloride
Naphthalene
N-Nitrosodiphenylamine
Anthracene
Phenanthrene
Toluene
Trichloroethylene

(b) The term "off-kilogram" (off-pound) shall mean the kilogram (pounds) of product from the manufacturing process. When a material must be passed more than one time through a process (e.g. double drawn wire) the kilogram of product from each pass shall considered to be off-kilograms.

#### § 468.03 Monitoring and reporting requirements.

The following special monitoring requirements apply to all facilities controlled by this regulation.

(a) The "monthly average" regulatory values shall be the basis for the monthly average discharge in direct discharge permits and for pretreatment standards. Compliance with the monthly discharge limit is required regardless of the number of samples analyzed and averaged.

(b) As an alternate monitoring procedure for TTO, indirect dischargers may monitor for oil and grease and meet the alternate monitoring standards for oil and grease established for PSES and PSNS. Any indirect discharger meeting the alternate monitoring oil and grease standard shall be considered to meet the TTO standard.

#### § 468.04 Compliance date for PSES.

The compliance date for pretreatment standards for existing sources is proposed to be three years after promulgation of this regulation.

### Subpart A—Copper Forming Subcategory

#### § 468.10 Applicability; description of the copper forming subcategory.

This subpart applies to discharges of pollutants to waters of the United States, and introduction of pollutants into publically owned treatment works from the forming of copper and copper alloys.

#### § 468.11 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Except as provided in 40 CFR 125.30–32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available:

(a) *Subpart A—Hot Rolling Spent Lubricant BPT Effluent Limitations.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of—copper hot rolled<br>English Units—lb/1,000,000 lb of copper hot rolled | |
| Chromium | 0.044 | 0.018 |
| Copper | 0.20 | 0.11 |
| Lead | 0.016 | 0.014 |
| Nickel | 0.15 | 0.11 |
| Zinc | 0.14 | 0.06 |
| Oil and Grease | 2.06 | 1.24 |
| TSS | 4.23 | 2.06 |
| pH | (1) | (1) |

[1] Within the range of 7.5 to 10.0 at all times.

(b) *Subpart A—Cold Rolling Spent Lubricant BPT Effluent Limitations.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of—copper hot rolled English Units—lbs/ 1,000,000 lb of copper hot rolled | |
| Chromium | 0.19 | 0.078 |
| Copper | 0.88 | 0.46 |
| Lead | 0.069 | 0.060 |
| Nickel | 0.65 | 0.46 |
| Zinc | 0.61 | 0.26 |
| Oil and Grease | 9.22 | 5.53 |
| TSS | 18.90 | 9.22 |
| pH | (1) | (1) |

[1]Within the range of 7.5 to 10.0 at all times.

(c) *Subpart A—Drawing Spent Lubricant BPT Effluent Limitations.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper drawn English Units—lbs/ 1,000,000 lbs of copper drawn | |
| Chromium | 0 | 0 |
| Copper | 0 | 0 |
| Zinc | 0 | 0 |
| Lead | 0 | 0 |
| Nickel | 0 | 0 |
| Zinc | 0 | 0 |
| Oil and Grease | 0 | 0 |
| TSS | 0 | 0 |
| pH | (1) | (1) |

[1]Within the range of 7.5 to 10.0 at all times.

(d) *Subpart A—Solution Heat Treatment BPT Effluent Limitations.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg if copper heat treated English Units—lbs/ 1,000,000 lbs of copper heat treated | |
| Chromium | 1.07 | 0.43 |
| Copper | 4.83 | 2.54 |
| Lead | 0.38 | 0.33 |
| Nickel | 3.58 | 2.54 |
| Zinc | 3.38 | 1.42 |
| Oil and Grease | 50.82 | 30.49 |
| TSS | 104.18 | 50.82 |
| pH | (1) | (1) |

[1]Within the range of 7.5 to 10.0 at all times.

(e) *Subpart A—Extrusion Heat Treatment BPT Effluent Limitations.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper heat treated on an extrusion press English Units—lbs/ 1,000,000 lbs of copper heat treated on an extrusion press | |
| Chromium | 0.00084 | 0.00034 |
| Copper | 0.0038 | 0.0020 |
| Lead | 0.00030 | 0.00026 |
| Nickel | 0.0028 | 0.0020 |
| Zinc | 0.0026 | 0.0011 |
| Oil and Grease | 0.040 | 0.024 |
| TSS | 0.082 | 0.040 |
| pH | (1) | (1) |

[1]Within the range of 7.5 to 10.0 at all times.

(f) *Subpart A—Annealing with Water BPT Effluent Limitations.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper anneales English Units—mg/kg if copper annealed | |
| Chromium | 2.38 | 0.97 |
| Copper | 10.77 | 5.67 |
| Lead | 0.85 | 0.74 |
| Nickel | 7.99 | 5.67 |
| Zinc | 7.54 | 3.17 |
| Oil and Grease | 113.34 | 68.00 |
| TSS | 232.35 | 113.34 |
| pH | (1) | (1) |

[1]Within the range of 7.5 to 10.0 at all times.

(g) *Subpart A—Annealing with Oil BPT Effluent Limitations.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper annealed English Units—lbs/ 1,000,000 lbs of copper annealed | |
| Chromium | 0 | 0 |
| Copper | 0 | 0 |
| Lead | 0 | 0 |
| Nickel | 0 | 0 |
| Zinc | 0 | 0 |
| Oil and Grease | 0 | 0 |
| TSS | 0 | 0 |
| pH | (1) | (1) |

[1]Within the range of 7.5 to 10.0 at all times.

(h) *Subpart A—Alkaline Cleaning Rinse BPT Effluent Limitations.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper alkaline cleaned English Units—lbs/ 1,000,000 lbs of copper alkaline cleaned | |
| Chronium | 1.77 | 0.72 |
| Copper | 8.01 | 4.21 |
| Lead | 0.63 | 0.55 |
| Nickle | 5.94 | 4.21 |
| Zinc | 5.60 | 2.36 |
| Oil and Grease | 84.28 | 50.57 |
| TSS | 172.77 | 84.28 |
| pH | (1) | (1) |

[1]Within the range of 7.5 to 10.0 at all times.

(i) Subpart A—Alkaline Cleaning Bath BPT Effluent Limitations.

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper alkaline cleared English Units—lbs/ 1,000,000 lbs of copper alkaline cleaned | |
| Chronium | 0.020 | 0.0080 |
| Copper | 0.089 | 0.047 |
| Lead | 0.0070 | 0.0061 |
| Nickle | 0.066 | 0.047 |
| Zinc | 0.062 | 0.026 |
| Oil and Grease | 0.93 | 0.56 |
| TSS | 1.91 | 0.93 |
| pH | (1) | (1) |

[1]Within the range of 7.5 to 10.0 at all times.

(j) *Subpart A—Pickling Rinse BPT Effluent Limitations.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper pickled English Units—lbs/ 1,000,000 lbs of copper pickled | |
| Chromium | 1.52 | 0.62 |
| Copper | 6.88 | 3.62 |
| Lead | 0.54 | 0.47 |
| Nickel | 5.12 | 3.62 |
| Zinc | 4.82 | 2.03 |
| Oil and Grease | 72.44 | 43.46 |
| TSS | 148.50 | 72.44 |
| pH | (1) | (1) |

[1]Within the range of 7.5 to 10.0 at all times.

(k) *Subpart A—Pickling Bath BPT Effluent Limitations.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper pickled English Units—lbs/ 1,000,000 lbs of copper pickled | |
| Copper | 0.22 | 0.12 |
| Zinc | 0.15 | 0.06 |
| Nickel | 0.16 | 0.12 |
| Chromium | 0.049 | 0.020 |
| Lead | 0.017 | 0.015 |
| Oil and Grease | 2.32 | 1.39 |
| TSS | 4.76 | 2.32 |
| pH | (1) | (1) |

[1]Within the range of 7.5 to 10.0 at all times.

(l) *Subpart A—Pickling Fume Scrubber BAT Effluent Limitations.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper pickled English Units—lbs/ 1,000,000 lbs of copper pickled | |
| Chromium | 0.26 | 0.11 |
| Copper | 1.19 | 0.63 |
| Lead | 0.094 | 0.081 |
| Nickel | 0.88 | 0.63 |
| Zinc | 0.83 | 0.35 |
| Oil and Grease | 12.52 | 7.51 |
| TSS | 25.67 | 12.52 |
| pH | (1) | (1) |

[1] Within the range of 7.5 to 10.0 at all times.

**§ 468.12 Effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.**

Except as provided 40 CFR 125.30–32, any existing point source subject to this subpart must effluent limitations representing the degree of achieve the following effluent reduction attainable by the application of the best available technology economically achievable:

(a) *Subpart A—Hot Rolling Spent Lubricant BAT Effluent Limitations.*

| Pollutant of pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper hot rolled English Units—lbs/ 1,000,000 lbs of copper hot rolled | |
| Chromium | 0.050 | 0.020 |
| Copper | 0.20 | 0.11 |
| Lead | 0.016 | 0.014 |
| Nickel | 0.15 | 0.11 |
| Zinc | 0.14 | 0.06 |

(b) *Subpart A—Cold Rolling Spent Lubricant BAT Effluent Limitations.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper cold rolled English Units—lbs/ 1,000,000 lb of copper cold rolled | |
| Chromium | 0.19 | 0.078 |
| Copper | 0.88 | 0.46 |
| Lead | 0.069 | 0.060 |
| Nickel | 0.65 | 0.46 |
| Zinc | 0.61 | 0.26 |

(c) *Subpart A—Drawing Spent Lubricant BAT Effluent Limitations.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kl og copper drawn English Units—lbs/ 1,000,000 lbs of copper drawn | |
| Chromium | 0 | 0 |
| Copper | 0 | 0 |
| Lead | 0 | 0 |
| Nickel | 0 | 0 |
| Zinc | 0 | 0 |

(d) *Subpart A—Solution Heat Treatment BAT Effluent Limitations.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper heat treated English Units—lbs/ 1,000,000 lbs of copper heat treated | |
| Chromium | 0.27 | 0.11 |
| Copper | 1.23 | 0.65 |
| Lead | 0.097 | 0.084 |
| Nickel | 0.91 | 0.65 |
| Zinc | 0.86 | 0.36 |

(e) *Subpart A—Extrusion Heat Treatment BAT Effluent Limitations.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper heat treated on an extrusion press English Units—lbs/ 1,000,000 lbs of copper heat treated on an extrusion press | |
| Copper | 0.0038 | 0.0020 |
| Chromium | 0.00084 | 0.00034 |
| Lead | 0.00030 | 0.00026 |
| Nickel | 0.0028 | 0.00020 |
| Zinc | 0.0026 | 0.0011 |

(f) *Subpart A—Annealing with Water BAT Effluent Limitations.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/ks of copper annealed English Units—mg/ks of copper annealed | |
| Chromium | 0.52 | 0.21 |
| Copper | 2.36 | 1.24 |
| Lead | 0.19 | 0.16 |
| Nickel | 1.75 | 1.24 |
| Zinc | 1.65 | 0.69 |

(g) *Subpart A—Annealing with Oil BAT Effluent Limitations.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper annealed English Units—lbs/ 1,000,000 lbs of copper annealed | |
| Chromium | 0 | 0 |
| Copper | 0 | 0 |
| Lead | 0 | 0 |
| Nickel | 0 | 0 |
| Zinc | 0 | 0 |

(h) *Subpart A—Alkaline Cleaning Rinse BAT Effluent Limitations.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper alkalin cleared English Units—lbs/ 1,000,000 of copper alkaline cleared | |
| Chromium | 1.77 | 0.72 |
| Copper | 8.01 | 4.21 |
| Lead | 0.63 | 0.55 |
| Nickel | 5.94 | 4.21 |
| Zinc | 5.60 | 2.36 |

(i) *Subpart A—Alkaline Cleaning Bath BAT Effluent Limitations.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper alkaline cleared English Units—lbs/ 1,000,000lbs of copper alkaline cleared | |
| Chromium | 0.020 | 0.0080 |
| Copper | 0.089 | 0.047 |
| Lead | 0.0070 | 0.0061 |
| Nickel | 0.066 | 0.047 |
| Zinc | 0.062 | 0.026 |

(j) *Subpart A—Pickling Rinse BAT Effluent Limitations.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/ks of copper pickled English Units—lbs/ 1,000,000 lbs of copper pickled | |
| Chromium | 0.55 | 0.22 |
| Copper | 2.48 | 1.31 |
| Lead | 0.20 | 0.17 |
| Nickel | 1.84 | 1.31 |
| Zinc | 1.74 | 0.73 |

(k) *Subpart A—Pickling Rinse BAT Effluent Limitations.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/ks of copper pickled English Units—lbs/ 1,000,000 lbs of copper pickled | |
| Chromium | 0.049 | 0.020 |
| Copper | 0.22 | 0.12 |
| Lead | 0.017 | 0.015 |
| Nickel | 0.16 | 0.12 |
| Zinc | 0.15 | 0.06 |

(l) *Subpart A—Pickling Fume Scrubber BAT Effluent Limitations.*

| Pollutant or pollutant property | Maximum For Any 1 Day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper pickled English Units—lbs/ 1,000,000 lbs of copper pickled | |
| Chromium | 0.26 | 0.11 |
| Copper | 1.19 | 0.63 |
| Lead | 0.094 | 0.081 |
| Nickel | 0.88 | 0.63 |
| Zinc | 0.83 | 0.35 |

**§ 468.13 New source performance standards.**

The following standards of performance establish the quantity or quality of pollutants or pollutant properites, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(a) *Subpart A—Hot Rolling Spent Lubricant NSPS.*

| Pollutant or pollutant property | Maximum For Any 1 Day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper hot rolled English Units—lna/ 1,000,000 lbs of copper hot rolled | |
| Chromium | 0.038 | 0.016 |
| Copper | 0.13 | 0.063 |
| Lead | 0.011 | 0.0093 |
| Nickel | 0.057 | 0.038 |
| Zinc | 0.11 | 0.043 |
| Oil and Grease | 1.03 | 1.03 |
| TSS | 1.55 | 1.13 |
| pH | (1) | (1) |

[1] Within the range of 7.5 to 10 at all times.

(b) *Subpart A—Cold Rolling Spent Lubricant NSPS.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper cold rolled English Units—lbs/ 1,000,000 lbs of copper cold rolled | |
| Chromium | 0.17 | 0.070 |
| Copper | 0.59 | 0.28 |
| Lead | 0.046 | 0.042 |
| Nickel | 0.25 | 0.17 |
| Zinc | 0.47 | 0.19 |
| Oil and Grease | 4.61 | 4.61 |
| TSS | 6.92 | 5.07 |
| pH | (1) | (1) |

[1] Within the range of 7.5 to 10 at all times.

(c) *Subpart A—Drawing Spent Lubricant NSPS.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper drawn English Units—lbs/ 1,000,000 lbs of copper drawn | |
| Chromium | 0 | 0 |
| Copper | 0 | 0 |
| Lead | 0 | 0 |
| Nickel | 0 | 0 |
| Zinc | 0 | 0 |
| Oil and Grease | 0 | 0 |
| TSS | 0 | 0 |
| pH | (1) | (1) |

[1] Within the range of 7.5 to 10 at all times.

(d) *Subpart A—Solution Heat Treatment NSPS.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper heat treated English Units—lbs/ 1,000,000 lb of copper heat treated | |
| Chromium | 0.24 | 0.097 |
| Copper | 0.83 | 0.39 |
| Lead | 0.065 | 0.058 |
| Nickel | 0.36 | 0.24 |
| Zinc | .066 | 0.27 |
| Oil and Grease | 6.46 | 6.46 |
| TSS | 9.69 | 7.11 |
| pH | (1) | (1) |

[1] Within the range of 7.5 to 10 at all times.

(e) *Subpart A—Extrusion Heat Treatment NSPS.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper heat treated on an extrusion press English Units—lbs/ 1,000,000 lb of copper heat treated on an extrusion press | |
| Chromium | 0.00090 | 0.00037 |
| Copper | 0.0031 | 0.0015 |
| Lead | 0.00024 | 0.00022 |
| Nickel | 0.0013 | 0.00090 |
| Zinc | 0.0025 | 0.0010 |
| Oil and Grease | 0.020 | 0.020 |
| TSS | 0.030 | 0.022 |
| pH | (1) | (1) |

[1] Within the range of 7.5 to 10.0 at all times.

(f) *Subpart A—Annealing with Water NSPS.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper annealed English Units—lbs/ 1,000,000 lb of copper annealed | |
| Chromium | 0.46 | 0.19 |
| Copper | 1.59 | 0.76 |
| Lead | 0.13 | 0.11 |
| Nickel | 0.68 | 0.46 |
| Zinc | 1.26 | 0.52 |
| Oil and Grease | 12.40 | 12.40 |
| TSS | 18.60 | 13.64 |
| pH | (1) | (1) |

[1] Within the range of 7.5 to 10.0 at all times.

(g) *Subpart A—Annealing with Oil NSPS.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper annealed English Units—lbs/ 1,000,000 lb of copper annealed | |
| Chromium | 0 | 0 |
| Copper | 0 | 0 |
| Lead | 0 | 0 |
| Nickel | 0 | 0 |
| Zinc | 0 | 0 |
| Oil and Grease | 0 | 0 |
| TSS | 0 | 0 |
| pH | (1) | (1) |

[1] Within the range of 7.5 to 10.0 at all times.

(h) *Subpart A—Alkaline Cleaning Rinse NSPS.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper annealed English Units—lbs/ 1,000,000 lb of copper alkaline cleared | |
| Chromium | 1.56 | 0.63 |
| Copper | 5.39 | 2.57 |
| Lead | 0.42 | 0.38 |
| Nickel | 2.32 | 1.56 |
| Zinc | 4.30 | 1.77 |
| Oil and Grease | 42.14 | 42.14 |
| TSS | 63.21 | 46.35 |
| pH | (1) | (1) |

[1] Within the range of 7.5 to 10.0 at all times.

(i) *Subpart A—Alkaline Cleaning Bath NSPS Standards.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper alkaline cleaned<br>English Units—lbs/ 1,000,000 lbs of copper alkaline cleaned | |
| Chromium | 0.017 | 0.0070 |
| Copper | 0.060 | 0.029 |
| Lead | 0.0047 | 0.0042 |
| Nickel | 0.026 | 0.017 |
| Zinc | 0.048 | 0.020 |
| ± Oil and Grease | 0.47 | 0.47 |
| TSS | 0.70 | 0.51 |
| pH | (1) | (1) |

[1] Within the range of 7.5 to 10.0 at all times.

(j) *Subpart A—Pickling Rinse NSPS.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper pickled<br>English Units—lbs/ 1,000,000 lbs of copper pickled | |
| Chromium | 0.22 | 0.088 |
| Copper | 0.75 | 0.36 |
| Lead | 0.059 | 0.053 |
| Nickel | 0.32 | 0.22 |
| Zinc | 0.60 | 0.25 |
| Oil and Grease | 5.85 | 5.85 |
| TSS | 8.78 | 6.44 |
| pH | (1) | (1) |

[1] Within the range of 7.5 to 10.0 at all times.

(k) *Subpart A—Pickling Bath NSPS.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper pickled<br>English Units—lbs/ 1,000,000 lbs of copper pickled | |
| Chromium | 0.043 | 0.018 |
| Copper | 0.15 | 0.071 |
| Lead | 0.012 | 0.011 |
| Nickel | 0.065 | 0.043 |
| Zinc | 0.12 | 0.048 |
| Oil and Grease | 1.16 | 1.16 |
| TSS | 1.74 | 1.28 |
| pH | (1) | (1) |

[1] Within the range of 7.5 to 10.0 at all times.

(l) *Subpart A—For Pickling Fume Scrubber NSPS.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper pickled<br>English Units—lbs/ 1,000,000 lbs of copper pickled | |
| Chromium | 0.23 | 0.094 |
| Copper | 0.81 | 0.38 |
| Lead | 0.063 | 0.057 |
| Nickel | 0.35 | 0.23 |
| Zinc | 0.64 | 0.26 |
| Oil and Grease | 6.26 | 6.26 |
| TSS | 9.39 | 6.89 |
| pH | (1) | (1) |

[1] Within the range of 7.5 to 10.0 at all times.

**§ 468.14 Pretreatment standards for existing sources.**

Except as provided in 40 CFR 403.7 and 403.13, any existing source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for existing sources.

The mass of wastewater pollutants in each of the following copper forming process wastewater streams introduced into a POTW shall not exceed the following values:

(a) *Subpart A—Hot Rolling Spent Lubricant PSES.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper hot rolled<br>English Units—lbs/ 1,000,000 lbs of copper hot rolled | |
| Chromium | 0.038 | 0.016 |
| Copper | 0.13 | 0.063 |
| Lead | 0.011 | 0.0093 |
| Nickel | 0.057 | 0.038 |
| Zinc | 0.11 | 0.043 |
| TTO | 0.051 | 0.025 |
| Oil and Grease (for alternate monitoring) | 2.06 | 1.24 |

(b) *Subpart A—Cold Rolling Spent Lubricant PSES.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper cold rolled<br>English Units—lbs/ 1,000,000 lbs of copper cold rolled | |
| Chromium | 0.17 | 0.070 |
| Copper | 0.59 | 0.28 |
| Lead | 0.046 | 0.042 |
| Nickel | 0.25 | 0.17 |
| Zinc | 0.47 | 0.19 |
| TTO | 0.23 | 0.12 |
| Oil and Grease (for alternate monitoring) | 9.22 | 5.53 |

(c) *Subpart A—Drawing Spent Lubricant PSES.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper drawn<br>English Units—lbs/ 1,000,000 lbs of copper drawn | |
| Chromium | 0 | 0 |
| Copper | 0 | 0 |
| Lead | 0 | 0 |
| Nickel | 0 | 0 |
| Zinc | 0 | 0 |
| TTO | 0 | 0 |
| Oil and Grease (for alternate monitoring) | 0 | 0 |

(d) *Subpart A—Solution Heat Treatment PSES.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg copper heat treated<br>English Units—lbs/ 1,000,000 lbs of copper heat treated | |
| Chromium | 0.24 | 0.097 |
| Copper | 0.83 | 0.39 |
| Lead | 0.065 | 0.058 |
| Nickel | 0.36 | 0.24 |
| Zinc | 0.66 | 0.27 |
| TTO | 0.32 | 0.16 |
| Oil and Grease (for alternate monitoring) | 50.82 | 30.49 |

(e) *Subpart A—Extrusion Heat Treatment PSES.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper heat treated on an extrusion press<br>English Units—lbs/ 1,000,000 lbs of copper heat treated on an extrusion press | |
| Chromium | 0.00090 | 0.00037 |
| Copper | 0.0031 | 0.0015 |
| Lead | 0.00024 | 0.00022 |
| Nickel | 0.0013 | 0.00090 |
| Zinc | 0.0025 | 0.0010 |
| TTO | 0.012 | 0.00060 |
| Oil Grease (for alternate monitoring) | 0.040 | 0.024 |

(f) *Subpart A—Annealing with Water PSES.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper annealed<br>English Units—lbs/ 1,000,000 lbs of copper annealed | |
| Chromium | 0.46 | 0.19 |
| Copper | 1.59 | 0.76 |
| Lead | 0.13 | 0.11 |
| Nickel | 0.68 | 0.46 |

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| Zinc | 1.26 | 0.52 |
| TTO | 0.62 | 0.31 |
| Oil Grease (for alternate monitoring) | 113.34 | 68.00 |

(g) *Subpart A—Annealing with Oil PSES.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper annealed English Units—lbs/ 1,000,000 lbs of copper annealed | |
| Chromium | 0 | 0 |
| Copper | 0 | 0 |
| Lead | 0 | 0 |
| Nickel | 0 | 0 |
| Zinc | 0 | 0 |
| TTO | 0 | 0 |
| Oil Grease (for alternate monitoring) | 0 | 0 |

(h) *Subpart A—Alkaline Cleaning Rinse PSES.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg copper alkaline cleaned English Unit—lbs/1,000,000 lbs of copper alkaline | |
| Chromium | 1.56 | 0.63 |
| Copper | 5.39 | 2.57 |
| Lead | 0.42 | 0.38 |
| Nickel | 2.32 | 1.56 |
| Zinc | 4.30 | 1.77 |
| TTO | 2.11 | 1.06 |
| Oil and Grease (for alternate monitoring) | 84.28 | 50.57 |

(i) *Subpart A—Alkaline Cleaning Bath PSES.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper alkaline cleared English Unit—lbs/1,000,000 lbs of copper alkaline | |
| Chromium | 0.017 | 0.0070 |
| Copper | 0.060 | 0.029 |
| Lead | 0.0047 | 0.0042 |
| Nickel | 0.026 | 0.017 |
| Zinc | 0.048 | 0.020 |
| TTO | 0.024 | 0.012 |
| Oil and Grease (for alternate monitoring) | 0.93 | 0.56 |

(j) *Subpart A—Pickling Rinse PSES.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper pickled English Units—lbs/ 1,000,000 lbs of copper pickled | |
| Chromium | 0.13 | 0.051 |
| Copper | 0.44 | 0.21 |
| Lead | 0.034 | 0.031 |
| Nickel | 0.19 | 0.13 |
| Zinc | 0.35 | 0.14 |
| TTO | 0.17 | 0.086 |
| Oil and Grease (for alternate monitoring) | 72.44 | 43.46 |

(k) *Subpart A—Pickling Bath PSES.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper pickled English Units—lbs/ 1,000,000 lbs of copper pickled | |
| Chromium | 0.043 | 0.018 |
| Copper | 0.15 | 0.071 |
| Lead | 0.012 | 0.011 |
| Nickel | 0.065 | 0.043 |
| Zinc | 0.12 | 0.048 |
| TTO | 0.059 | 0.030 |
| Oil and Grease (for alternate monitoring) | 2.32 | 1.39 |

(l) *Subpart A—Pickling Fume Scrubber PSES.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper pickled English Units—lbs/ 1,000,000 lbs of copper pickled | |
| Chromium | 0.23 | 0.094 |
| Copper | 0.81 | 0.38 |
| Lead | 0.063 | 0.057 |
| Nickel | 0.35 | 0.23 |
| Zinc | 0.64 | 0.26 |
| TTO | 0.032 | 0.16 |
| Oil and Grease (for alternate monitoring) | 12.52 | 7.51 |

**§ 468.15 Pretreatment standards for new sources.**

Except as provided in 40 CFR 403.7, any new source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for new sources. The mass of wastewater pollutants in each of the following copper forming process wastewater streams introduced into a POTW shall not exceed the following values:

(a) *Subpart A—For Hot Rolling Spent Lubricant PSNS.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper hot rolled English Units—lbs/ 1,000,000 lbs of copper hot rolled | |
| Chromium | 0.038 | 0.016 |
| Copper | 0.13 | 0.063 |
| Lead | 0.011 | 0.0093 |
| Nickel | 0.057 | 0.038 |
| Zinc | 0.11 | 0.043 |
| TTO | 0.051 | 0.051 |
| Oil and Grease (for alternate monitoring) | 1.03 | 1.03 |

(b) *Subpart A—Cold Rolling Spent Lubricant PSNS.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper cold rolled English Units—lbs/ 1,000,000 lbs of copper cold rolled | |
| Chromium | 0.17 | 0.070 |
| Copper | 0.59 | 0.28 |
| Lead | 0.046 | 0.042 |
| Nickel | 0.25 | 0.17 |
| Zinc | 0.47 | 0.19 |
| TTO | 0.23 | 0.23 |
| Oil and Grease (for alternate monitoring) | 4.61 | 4.61 |

(c) *Subpart A—Drawing Spent Lubricant PSNS.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper drawn English Units—lbs/ 1,000,000 lbs of copper drawn | |
| Chromium | 0 | 0 |
| Copper | 0 | 0 |
| Lead | 0 | 0 |
| Nickel | 0 | 0 |
| Zinc | 0 | 0 |
| TTO | 0 | 0 |
| Oil and Grease (for alternate monitoring) | 0 | 0 |

(d) *Subpart A—Solution Heat Treatment PSNS.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Milligrams Per Kilogram (mg/kg) English Units—lbs/ 1,000,000 lbs of copper drawn | |
| Chromium | 0.24 | 0.097 |
| Copper | 0.83 | 0.39 |
| Lead | 0.065 | 0.058 |
| Nickel | 0.36 | 0.24 |

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| Zinc | 0.66 | 0.27 |
| TTO | 0.32 | 0.32 |
| Oil and Grease (for alternate monitoring) | 6.46 | 6.46 |

(e) *Subpart A—Extrusion Heat Treatment PSNS.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper heat treated on an extrusion press | |
| | English Units—lbs/ 1,000,000 lbs of copper heat treated on an extrusion press | |
| Chromium | 0.00090 | 0.00037 |
| Copper | 0.0031 | 0.0015 |
| Lead | 0.00024 | 0.00022 |
| Nickel | 0.0013 | 0.00090 |
| Zinc | 0.0025 | 0.0010 |
| TTO | 0.012 | 0.012 |
| Oil and Grease (for alternate monitoring) | 0.020 | 0.020 |

(f) *Subpart A—Annealing with Water PSNS.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper annealed | |
| | English Units—lbs/ 1,000,000 lbs of copper annealed | |
| Chromium | 0.46 | 0.19 |
| Copper | 1.59 | 0.76 |
| Lead | 0.13 | 0.11 |
| Nickel | 0.68 | 0.46 |
| Zinc | 1.26 | 0.52 |
| TTO | 0.62 | 0.62 |
| Oil and Grease (for alternate monitoring) | 12.40 | 12.40 |

(g) *Subpart A—Annealing with Oil PSNS.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper cnnealed | |
| | English Units—lbs/ 1,000,000 lb of copper annealed | |
| Chromium | 0 | 0 |
| Copper | 0 | 0 |
| Lead | 0 | 0 |
| Nickel | 0 | 0 |
| Zinc | 0 | 0 |
| TTO | 0 | 0 |
| Oil and Grease (for alternate monitoring) | 0 | 0 |

(h) *Subpart A—Alkaline Cleaning Rinse PSNS.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper alkaline cleaned | |
| | English Units—lbs/ 1,000,000 lb of copper alkaline cleaned | |
| Chromium | 1.56 | 0.63 |
| Copper | 5.39 | 2.57 |
| Lead | 0.42 | 0.38 |
| Nickel | 2.32 | 1.56 |
| Zinc | 4.30 | 1.77 |
| TTO | 2.11 | 2.11 |
| Oil and Grease (for alternate monitoring) | 42.14 | 42.14 |

(i) *Subpart A—Alkaline Cleaning Bath PSNS.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper alkaline cleared | |
| | English Units—lbs/ 1,000,000 lbs of copper alkaline cleared | |
| Chromium | 0.017 | 0.0070 |
| Copper | 0.060 | 0.029 |
| Lead | 0.0047 | 0.0042 |
| Nickel | 0.026 | 0.017 |
| Zinc | 0.048 | 0.020 |
| TTO | 0.024 | 0.024 |
| Oil and Grease (for alternate monitoring) | 0.47 | 0.47 |

(j) *Subpart A—Pickling Rinse PSNS.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for monthly average |
|---|---|---|
| | Metric Units—mg/kg of copper pickled | |
| | English Units—lbs/ 1,000,000 lbs of copper pickled | |
| Chromium | 0.058 | 0.023 |
| Copper | 0.20 | 0.094 |
| Lead | 0.015 | 0.014 |
| Nickel | 0.085 | 0.058 |
| Zinc | 0.16 | 0.063 |
| TTO | 0.076 | 0.076 |
| Oil and Grease (for alternate monitoring) | 5.85 | 5.85 |

(k) *Subpart A—Pickling Bath PSNS.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for montly average |
|---|---|---|
| | Metric Units—mg/kg of copper pickled | |
| | English Units—lbs/ 1,000,000 lbs of copper pickled | |
| Chromium | 0.043 | 0.018 |
| Copper | 0.15 | 0.071 |
| Lead | 0.012 | 0.011 |
| Nickel | 0.065 | 0.043 |
| Zinc | 0.12 | 0.048 |
| TTO | 0.059 | 0.059 |
| Oil and grease (for alternate monitoring) | 1.16 | 1.16 |

(l) *Subpart A—Pickling Fume Scrubber PSNS.*

| Pollutant or pollutant property | Maximum for any 1 day | Maximum for montly average |
|---|---|---|
| | Metric Units—mg/kg of copper pickled | |
| | English Units—lbs/ 1,000,000 lbs of copper pickled | |
| Chromium | 0.23 | 0.094 |
| Copper | 0.81 | 0.38 |
| Lead | 0.063 | 0.057 |
| Nickel | 0.35 | 0.23 |
| Zinc | 0.64 | 0.26 |
| TTO | 0.032 | 0.032 |
| Oil and Grease (for alternate monitoring) | 6.26 | 6.26 |

**§ 468.16 [Reserved]**

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federal register

Friday
November 12, 1982

Part III

# Department of Labor

**Employment Standards Administration, Wage and Hour Division**

**Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions**

## DEPARTMENT OF LABOR

### Employment Standards Administration, Wage and Hour Division

### Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

#### Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

#### Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

| | |
|---|---|
| Delaware: | |
| DE82-3015 | June 4, 1982. |
| Iowa: | |
| IA82-4030 | June 18, 1982. |
| IA82-4048 | Oct. 1, 1982. |
| IA82-4049 | Oct. 8, 1982. |
| Louisiana: | |
| LA82-4050 | Oct. 15, 1982. |
| Massachusetts: | |
| MA81-3050 | Aug. 28, 1981. |
| Minnesota: | |
| MN81-2044 | July 17, 1981. |
| MN81-2045 | Do. |
| MN81-2046 | Do. |
| MN81-2048 | Do. |
| MN82-2046 | Sept. 10, 1982. |
| Nevada: | |
| NV82-5113 | Aug. 6, 1982. |
| NV82-5115 | Do. |
| NV82-5116 | Do. |
| Ohio: | |
| OH82-2036 | May 7, 1982. |
| Oregon: | |
| OR82-5100 | Mar. 12, 1982. |
| Texas: | |
| TX82-4001 | Jan. 29, 1982. |
| TX82-4029 | June 18, 1982. |
| TX82-4024 | Do. |
| TX82-4026 | Do. |
| Utah: | |
| UT82-5121 | Sept. 3, 1982. |

#### Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being modified.

| | |
|---|---|
| District of Columbia, Maryland and Virginia: | |
| DC81-3040(DC82-3031) | June 6, 1981. |
| Oklahoma: | |
| OK81-4066(OK82-4056) | Aug. 21, 1981. |
| OK81-4070(OK82-4055) | Sept. 4, 1981. |
| OK81-4073(OK82-4057) | Sept. 25, 1981. |
| Tennessee: | |
| TN81-1204(TN82-2056) | May 8, 1981. |
| Virgin Islands: | |
| VI81-3011(VI82-3032) | Jan. 23, 1981. |

Signed at Washington, D.C. this 5th day of November 1982.

**Dorothy P. Come,**

*Assistant Administrator, Wage and Hour Division.*

**BILLING CODE 4510-27-M**

Modification Page 1

| DECISION NO. DE82-3015 - MOD. #1 (47 FR 24526 - June 4, 1982) STATE OF DELAWARE | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| CHANGE: | | |
| ASBESTOS WORKERS | 17.99 | 3.68 |
| BOILERMAKERS: | | |
| New Castle County | 17.88 | 2.41 |
| Kent & Sussex Cos | 17.675 | 2.915 |
| BRICKLAYERS | 14.23 | 3.47 |
| STONEMASONS | 14.23 | 3.47 |
| CARPENTERS: | | |
| Building & Heavy: | | |
| New Castle & Kent Cos. | 16.23 | 3.06 |
| DIVERS | 15.99 | 5.31+a |
| ELECTRICIANS | 16.00 | 2.21+ 3⅛% |
| IRONWORKERS: | | |
| Structural, Oranamental, Reinforcing, Riggers & Machinery Movers | 16.95 | 3.06 |
| LABORERS: | | |
| Building Construction | | |
| New Castle County | | |
| Class 1 | 12.05 | 2.95 |
| Class 2 | 12.30 | 2.95 |
| Class 3 | 12.55 | 2.95 |
| Class 4 | 12.05 | 2.95 |
| Class 5 | 13.30 | 2.95 |
| Kent & Sussex Cos.: | | |
| Class 1 | 11.05 | 2.95 |
| Class 2 | 11.30 | 2.95 |
| Class 3 | 11.55 | 2.95 |
| Class 4 | 11.65 | 2.95 |
| Class 5 | 12.30 | 2.95 |
| Heavy Construction | | |
| New Castle County: | | |
| General laborers, asphalt tamper, asphalt raker, concrete pitman, landscaper, planter, puddler, railroad trackman, rubber magazine tender, seeder and arboriate, and signalman | 9.80 | 2.95 |
| Pipelayers | 9.95 | 2.95 |
| Blasters, caissons, and cofferdams (open air below 8 feet where excavations for circular caissons and cofferdams are 8 feet or more below level of natural grade adjacent to start point), diamond point drills, form setters, gunite nozzle operators, and wagon drills | 10.10 | 2.95 |
| LABORERS - HEAVY CONSTRUCTION: | | |
| Kent & Sussex Counties: | | |
| Common laborers, landscapers, planters, seeders, aborists, asphalt tampers, rakers, concrete pitman, puddlers, rubber magazine tenders, railroad trackmen, signal men | 7.80 | 2.95 |
| Pipelayers | 7.95 | 2.95 |
| Wagon drill, diamond point drill, gunite nozzlemen, form setters, blasters, caissons & coffer dams (open-air, below 8') | 8.10 | 2.95 |
| LINE CONSTRUCTION | | |
| Linemen, cable splicers | 16.40 | .60+ 3 3/4% |
| Winch truck op. | 11.48 | .60+ 3 3/4% |
| Truck Drivers | 10.66 | .60+ 3 3/4% |
| Groundman | 9.84 | .60+ 3 3/4% |
| MARBLE SETTERS | 13.96 | 3.47 |

Modification Page 2

| DECISION NO. DE82-3015 - (CONT'D) | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| PAINTERS: | | |
| Base rate | 13.00 | 2.01 |
| Structural steel & suspended scaffolding (swing, chair & window belts) | 13.22 | 2.01 |
| Machine taping | 13.50 | 2.01 |
| Bridges (if surface to be painted is 50' or more above ground or water), and/or cabled scaffolding | 15.48 | 2.01 |
| Tanks (if exposes to the weather and is used for storage or processing purposes with a capacity of 5,000 gallons or more using exterior dimensions and/or interior work on all tanks), sandblasting, and spray | 13.55 | 2.01 |
| Height pay - work 75' or more from surface and additional 55¢ shall be paid above the applicable rate | | |
| PILEDRIVERMEN, WHARF & DOCK BUILDERS | 13.67 | 5.31+e |
| PLUMBERS & STEAMFITTERS: | | |
| New Castle & Kent (north of the southern boundary of Dover City) Counties: | | |
| Plumbers | 17.47 | 3.60 |
| Steamfitters | 17.95 | 3.03 |
| Sussex & Kent (remainder of county) Counties | 14.30 | 2.55+g |
| TERRAZZO WORKERS & TILE SETTERS | 13.96 | 3.47 |
| SOFT FLOOR LAYERS | | |
| New Castle & Kent Cos. | 16.23 | 3.06 |
| TRUCK DRIVERS: | | |
| Building: | | |
| Group 1 | 11.285 | 2.54+k |
| Group 2 | 11.185 | 2.54+k |
| Group 3 | 11.035 | 2.54+k |
| Heavy Construction: | | |
| Group 1 | 9.535 | 2.54+k |
| Group 2 | 9.435 | 2.54+k |
| Group 3 | 9.285 | 2.54+k |

| DECISION NO. IA82-4030 - MOD. #9 (47 FR 26537 - 6/18/82) Black Hawk, Cerro Gordo, Clinton, Des Moines, Dubuque, Johnson, Linn & Polk Cos., Iowa | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| CHANGE: | | |
| Carpenters: | | |
| Zone 3 - Carpenters | $12.83 | 2.71 |
| Piledrivermen | 13.33 | 2.71 |
| Zone 4: | | |
| Carpenter & floor layer | 15.45 | 2.48 |
| Millwrights & piledrivermen | 16.15 | 2.48 |
| Electricians - Zone 4 | 16.72 | 1.55+ 3-3/4% |
| Plumbers & pipefitters: | | |
| Zone 3 | 17.05 | 2.42 |
| Zone 4 | 16.15 | 2.80 |
| Zones 6 & 7 | 16.05 | 1.87 |

| DECISION NO. IA82-4048 - MOD. #2 (47 FR 43517 - 10/1/82) Woodbury County, Iowa | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| CHANGE: | | |
| Laborers - Group 1 | 10.62 | 2.36 |
| Group 2 | 10.77 | 2.36 |
| Plumbers & pipefitters | 16.17 | 1.84 |

| DECISION NO. IA82-4049 - MOD. #2 (47 FR 44667 - 10/8/82) Scott County, Iowa | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| CHANGE: | | |
| Plumbers & steamfitters | 17.05 | 2.42 |

DECISION NO. LA82-4050 - MOD. #2
(47 FR 46231 - 10/15/82)
Jefferson, Orleans, Bossier, Caddo, Calcasieu, Beauregard, Cameron, Jefferson Davis, Allen, Plaquemines, St. Bernard & St. Carles Pars., Louisiana

CHANGE:

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| Power Equipment Ops.: | | |
| Zone 1 - Group 1 | $13.96 | 1.95 |
| Group 2 | 14.21 | 1.95 |
| Group 3 | 13.71 | 1.95 |
| Group 4 & 5 | 11.34 | 1.95 |
| Group 6 | 10.06 | 1.95 |
| Group 7 | 8.48 | 1.95 |
| Group 8 | 11.39 | 1.95 |
| Group 9 | 11.64 | 1.95 |
| Group 10 | 8.73 | 1.95 |
| Zone 2 - Group 1 | 12.93 | 1.95 |
| Group 2 | 13.18 | 1.95 |
| Group 3 | 12.68 | 1.95 |
| Group 4 & 5 | 10.57 | 1.95 |
| Group 6 | 9.24 | 1.95 |
| Group 7 | 8.27 | 1.95 |
| Group 8 | 10.91 | 1.95 |
| Group 9 | 11.16 | 1.95 |
| Group 10 | 8.52 | 1.95 |
| Zone 3 - Group 1 | 14.00 | 1.95 |
| Group 2 | 14.25 | 1.95 |
| Group 3 | 13.75 | 1.95 |
| Group 4 & 5 | 11.33 | 1.95 |
| Group 6 | 9.95 | 1.95 |
| Group 7 | 7.77 | 1.95 |
| Group 8 | 11.66 | 1.95 |
| Group 9 | 11.91 | 1.95 |
| Group 10 | 8.02 | 1.95 |
| Zone 4 - Group 1 | 9.00 | 1.95 |
| Group 2 | 9.25 | 1.95 |
| Group 3 | 8.75 | 1.95 |
| Group 4 & 5 | 7.45 | 1.95 |
| Group 6 | 6.60 | 1.95 |
| Group 7 | 5.65 | 1.95 |
| Group 8 | 7.50 | 1.95 |
| Group 9 | 7.75 | 1.95 |
| Group 10 | 5.90 | 1.95 |

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| Power Equip Op.s(Cont'd): | | |
| Zones 5 & 6 - Group 1 | $11.00 | 1.95 |
| Group 2 | 11.25 | 1.95 |
| Group 3 | 10.75 | 1.95 |
| Group 4 & 5 | 9.20 | 1.95 |
| Group 6 | 8.15 | 1.95 |
| Group 7 | 6.95 | 1.95 |
| Group 8 | 9.25 | 1.95 |
| Group 9 | 9.50 | 1.95 |
| Group 10 | 7.20 | 1.95 |
| Zones 7 & 8 - Group 1 | 12.00 | 1.95 |
| Group 2 | 12.25 | 1.95 |
| Group 3 | 11.75 | 1.95 |
| Group 4 & 5 | 10.05 | 1.95 |
| Group 6 | 8.90 | 1.95 |
| Group 7 | 7.60 | 1.95 |
| Group 8 | 10.10 | 1.95 |
| Group 9 | 10.35 | 1.95 |
| Group 10 | 7.85 | 1.95 |

DECISION NO. MA81-3050 - MOD. #3
(46 FR 43625 - August 28, 1981)
WORCESTER COUNTY, MASS.

CHANGE:
BUILDING, HEAVY AND HIGHWAY CONSTRUCTION

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| TRUCK DRIVERS | | |
| CLASS I | 11.86 | 2.65+a+b |
| CLASS II | 12.03 | 2.65+a+b |
| CLASS III | 12.10 | 2.65+a+b |
| CLASS IV | 12.22 | 2.65+a+b |
| CLASS V | 12.32 | 2.65+a+b |
| CLASS VI | 12.61 | 2.65+a+b |
| CLASS VII | 12.90 | 2.65+a+b |



DECISION NO. MN81-2044 - MOD. #1
(46 FR 37177 - July 17, 1981)
Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, & Washington Cos., Minnesota

Change:
Plumbers:

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| Dakota, Ramsey & Washington Cos.: | | |
| Plumbers | $16.52 | $3.44 |
| Pipefitters & Steamfitters | 16.52 | 3.43 |
| Remaining Cos.: | | |
| Plumbers | 14.35 | 5.58&b |
| Pipefitters & Steamfitters | 16.24 | 3.56 |

Add:
Footnote:
b. 1 paid holiday: Labor Day

DECISION NO. MN81-2045 - MOD. #2
(46 FR 37170 - July 17, 1981)
Blue Earth, Faribault, Freeborn, & Mower Cos., Minnesota

Change:

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| Plumbers & Steamfitters: | | |
| Blue Earth Co. | 15.77 | .90 |
| Remaining Cos. | 16.51 | 1.90 |

DECISION NO. MN81-2046 - MOD. #1
(46 FR 37187 - July 17, 1981)
Carlton, Cook, Itasca, Koochiching, Lake, & St. Louis Cos., Minnesota

Change:

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| Plumbers & Steamfitters: | | |
| Koochiching Co. | 16.90 | 2.25 |
| Carlton, Cook (S. part, inclu. Grand Marais & Grand Portage), Lake (S. ½), & St. Louis (S. ½) Cos. | 15.51 | 3.35 |
| Cook (N. part, exclu. Grand Marais & Grand Portage), Itasca, Lake (N. ½), & St. Louis (N. ½) Cos. | 15.80 | 3.30 |

DECISION NO. MN81-2048 - MOD. #1
(46 FR 37174 - July 17, 1981)
Olmsted Co., Minnesota

Change:

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| Plumbers; Steamfitters | $16.51 | $1.90 |

DECISION NO. MN82-2046 - MOD. #1
(47 FR 39969 - September 10, 1982)
Benton, Sherburne, & Stearns Cos., Minnesota

Change:

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| Plumbers & Steamfitters: Benton & Stearns Cos. & the Western ½ of Sherburne Co. | 15.62 | 2.54 |

DECISION NO. NV82-5113 - Mod. #2
(47 FR 34300 - August 6, 1982)
Clark County (does not include the Nevada Test Site), Nevada

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| Change: | | |
| Elevator Constructors: | | |
| Mechanics | $22.24 | a+2.69 |
| Helpers | 15.57 | a+2.69 |
| Probationary Helpers | 11.12 | |
| Ironworkers: | | |
| Fence Erectors | 18.91 | 5.53 |
| Ornamental; Reinforcing: Structural | 19.80 | 5.53 |
| Laborers: | | |
| Group 1 | 13.60 | 3.19 |
| Group 2 | 13.81 | 3.19 |
| Group 3 | 13.91 | 3.19 |
| Group 4 | 14.00 | 3.19 |
| Group 5 | 14.10 | 3.19 |

DECISION NO. NV82-5115 - Mod. #2
(47 FR 34314 - August 6, 1982)
Washoe County, Nevada

| | | |
|---|---|---|
| Change: | | |
| Glaziers | 15.88 | 6.46 |
| Ironworkers: | | |
| Fence Erectors | 18.91 | 5.53 |
| Ornamental; Reinforcing; Structural | 19.80 | 5.53 |
| Marble Masons | 15.04 | 2.18 |
| Marble, Terrazzo, Tile Finishers | 8.83 | 2.18 |
| Terrazzo Workers; Tile Setters | 15.04 | 2.18 |

DECISION NO. NV82-5115 (Cont'd)

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| Truck Drivers: | | |
| Group 1 | $12.47 | $5.28 |
| Group 2 | 12.52 | 5.28 |
| Group 3 | 12.63 | 5.28 |
| Group 4 | 12.69 | 5.28 |
| Group 5 | 12.74 | 5.28 |
| Group 6 | 12.79 | 5.28 |
| Group 7 | 12.90 | 5.28 |
| Group 8 | 12.96 | 5.28 |
| Group 9 | 13.01 | 5.28 |
| Group 10 | 13.04 | 5.28 |
| Group 11 | 13.07 | 5.28 |
| Group 12 | 13.18 | 5.28 |
| Group 13 | 13.23 | 5.28 |
| Group 14 | 13.49 | 5.28 |
| Group 15 | 13.51 | 5.28 |
| Group 16 | 13.67 | 5.28 |
| Group 17 | 13.84 | 5.28 |

DECISION NO. NV82-5116 - Mod. #2
(47 FR 34303 - August 6, 1982)
Statewide (does not include the Nevada Test Site and Tonopah Test Range, and Highway Construction in Douglas County), Nevada

| | | |
|---|---|---|
| Change: | | |
| Elevator Constructors: | | |
| Area 1: | | |
| Mechanics | 22.24 | a+2.69 |
| Helpers | 15.57 | a+2.69 |
| Probationary Helpers | 11.12 | |
| Glaziers: | | |
| Area 2 | 15.88 | 6.46 |
| Ironworkers: | | |
| Area 1: | | |
| Fence Erectors; Machinery Movers; Ornamental; Riggers; Structural | 14.85 | 3.15 |



DECISION NO. NV82-5116 (Cont'd)

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| Area 2: | | |
| Fence Erectors | $18.91 | $5.53 |
| Ornamental; Reinforcing; Structural | 19.80 | 5.53 |
| Laborers: | | |
| Clark, Esmeralda, and Lincoln Counties; Nye County (south half, including Highway #6): | | |
| Group 1 | 13.60 | 3.19 |
| Group 2 | 13.81 | 3.19 |
| Group 3 | 13.91 | 3.19 |
| Group 4 | 14.00 | 3.19 |
| Group 5 | 14.10 | 3.19 |
| Marble Setters: | | |
| Area 2 | 15.04 | 2.18 |
| Marble, Terrazzo, and Tile Finishers: | | |
| Area 2 | 8.83 | 2.18 |
| Terrazzo Workers; Tile Setters: | | |
| Area 2 | 15.04 | 2.18 |

| Truck Drivers: Remaining Counties; and Nye County (north of and Including Hwy. #6): | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| Group 1 | $12.47 | $5.28 |
| Group 2 | 12.52 | 5.28 |
| Group 3 | 12.63 | 5.28 |
| Group 4 | 12.69 | 5.28 |
| Group 5 | 12.74 | 5.28 |
| Group 6 | 12.79 | 5.28 |
| Group 7 | 12.90 | 5.28 |
| Group 8 | 12.96 | 5.28 |
| Group 9 | 13.01 | 5.28 |
| Group 10 | 13.04 | 5.28 |
| Group 11 | 13.07 | 5.28 |
| Group 12 | 13.18 | 5.28 |
| Group 13 | 13.23 | 5.28 |
| Group 14 | 13.49 | 5.28 |
| Group 15 | 13.51 | 5.28 |
| Group 16 | 13.67 | 5.28 |
| Group 17 | 13.84 | 5.28 |

DECISION NUMBERS: NV82-5115 and NV82-5116 (Cont'd)

TRUCK DRIVERS CLASSIFICATIONS

Group 1: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, under 4 yards

Group 2: Bus and Manhaul Drivers, single units, up to 18,000 lbs.

Group 3: Bus and Manhaul Drivers, single unit, 18,000 lbs. and over; Winch Trucks, A-Frame, under 18,000 lbs.; Road Oil Trucks or Bootman; Fuel Truck Driver; Fuel Man and Fuel Island Man

Group 4: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 4 yards and under 8 yards; Water Trucks and Jetting Trucks, up to 2,500 gallons; Flatrack, Industrial Lift with mechanical tailgate, single unit 2-axle

Group 5: Lift Jitneys and Forklifts

Group 6: Flatrack, Industrial Lift with mechanical tailgate, single unite 3-axle

DECISION NUMBERS NV82-5115 and NV82-5116 (Cont'd)

TRUCK DRIVER CLASSIFICATIONS ( CONT'D)

Group 7: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 8 yards and under 18 yards; Transit Mix under 8 yards; Water Trucks and Jetting Trucks, 2,500 gallons and over; Tire Repairman

Group 8: Bootman, Combination; Bootman and Road Oiler

Group 9: Transit Mix, 8 yards and including 12 yards

Group 10: Winch Trucks, A-Frame, 18,00 lbs. and over

Group 11: Dump (single or miltiple unit including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 18 yards and under 25 yards; Heavy Duty Transport (highbed); Heavy Duty Transport (Gooseneck Lowbed); Tiltbed or Flatbed Pull Trailers

Group 12: DW 20's and 21's and other similar cat type, Terra Cobra, LeTourneau Pulls, Tournerocker, Euclid and similar type equipment when pulling Aqua/Pak;, Water Tank Trailers and Fuel and/or Grease Tank Trailer, or other miscellaneous trailers (except as defined under Dump Trucks)

Group 13: Transit Mix, over 12 yards; Truck Repairman

Group 14: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 25 yards and under 60 yards

Group 15: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 60 yards and under 75 yards; Helicopter Pilot (when transporting men or materials)

Group 16: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 75 yards and under 100 yards

Group 17: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 100 yards and over



DECISION NO. OH82-2036 - MOD. #3
(47 FR 19909 - May 7, 1982)
Adams, Allen ... Wood & Wyandot Counties, Ohio

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| Change: | | |
| Laborers: | | |
| Ross & Vinton Cos.: | | |
| All Water Pumps up to & inclu. 3" intake;...Washing of all windows | $11.07 | $2.70 |
| Air or Electrical Pneumatic Tool Operators;...Welders on Demolition | 10.87 | 2.70 |

DECISION NO. OR82-5100 - Mod #10
(47 FR 10954 - March 12, 1982)
Statewide Oregon

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| CHANGE: | | |
| PLUMBERS: | | |
| Area 5 | $20.26 | $3.65 |
| ROOFERS: | | |
| Area 4 | 14.56 | 4.10 |
| SHEET METAL WORKERS: | | |
| Area 3 | 18.76 | 3%+3.10 |
| SOFT FLOOR LAYERS: | | |
| Area 1 | 14.022 | b+2.48 |

DECISION NO. TX82-4001 - MOD. #9
(47 FR 4463 - 1/29/82)
Armstrong,Carson,Castro, Childress,Collingsworth, Dallam,Deaf Smith,Donley,Gray,Hansford,Hartley,Hemphill,Hutchinson, Lipscomb,Moore,Ochiltree,Oldham,Potter,Randall,Roberts,Sherman, Swisher & Wheeler Cos., Texas

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| CHANGE: | | |
| Bricklayer & stonemason | $14.15 | 1.00 |
| Carpenters: | | |
| Zone 1 - Carpenters | 14.15 | .71 |
| Millwrights | 14.50 | .71 |
| Ironworkers - Zone 1 | 13.50 | 3.00 |
| Laborers - Group 1 | 8.00 | 1.25 |
| Group 2 | 8.15 | 1.25 |

DECISION NO. TX82-4029 - MOD. #9
(47 FR 26552 - 6/18/82)
Bell,Bosque,Coryell, Falls,Hill & McLennan Cos., Texas

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| CHANGE: | | |
| Building Construction: | | |
| Carpenters: | | |
| Zone 2 - Carpenters | $12.25 | .82 |
| Millwrights | 13.27 | .82 |
| Plumbers & Pipefitter: | | |
| Zone 1 | 12.80 | 1.09 |
| Zone 2 | 13.30 | 1.09 |
| Zone 3 | 14.30 | 1.09 |
| Incidental Paving & Utilities: | | |
| Plumbers(Bell & Coryell): | | |
| Zone 1 | 13.30 | 1.09 |
| Zone 2 | 14.30 | 1.09 |

DECISION NO. TX82-4024 - MOD. #7
(47 FR 26548 - 6/18/82)
Travis County, Texas

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| CHANGE: | | |
| Laborers: | | |
| Group 4-Gunnite over 1½" thick;Nozzlemen; Machine op.;Powderman; Sandblaster & blaster | 9.58 | .75 |

DECISION NO. TX82-4027 - MOD. #6
(47 FR 26551 - 6/18/82)
Bexar County, Texas

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| CHANGE: | | |
| Laborers - Group 1 | 8.24 | 1.50 |
| Group 2 | 8.49 | 1.50 |
| Group 3 | 8.74 | 1.50 |

DECISION NO. UT82-5121 - Mod. #2
(47 FR 39085 - September 3, 1982)
Statewide, Utah

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| Change: | | |
| Carpenters: | | |
| Building Construction: | | |
| Carpenters | 12.65 | $1.95 |
| Saw Operators; Carpenters handling creosote materials | 12.80 | 1.95 |
| Millwrights | 13.40 | 1.95 |
| Piledrivermen | 14.33 | 1.95 |
| Cement Masons: | | |
| Building Construction: | | |
| Cement Masons | 12.14 | 2.02 |
| Machine Operator; Mastic Floor Materials | 12.54 | 2.02 |
| Laborers: | | |
| Building Construction: | | |
| Group 1 | 8.92 | 1.44 |
| Group 2 | 9.92 | 1.44 |
| Power Equipment Operators: | | |
| Building Construction: | | |
| Fringe Benefits ONLY | | 4.585 |
| Heavy and Highway Construction: | | |
| Fringe Benefits ONLY | | 5.87 |
| Steel Erection: | | |
| Group 1 | 14.79 | 5.87 |
| Group 2 | 15.33 | 5.87 |
| Group 3 | 16.81 | 5.87 |
| Group 4 | 17.00 | 5.87 |
| Group 4-A | 17.46 | 5.87 |
| Group 5 | 18.18 | 5.87 |
| Group 6 | 18.79 | 5.87 |
| Group 7 | 19.23 | 5.87 |
| Group 8 | 19.65 | 5.87 |
| Group 9 | 21.15 | 5.87 |
| Piledriving: | | |
| Group 1 | 14.12 | 5.87 |
| Group 1-A | 14.61 | 5.87 |
| Group 1-B | 14.90 | 5.87 |
| Group 2-A | 14.90 | 5.87 |
| Group 2-B | 15.68 | 5.87 |
| Group 2-C | 15.98 | 5.87 |
| Group 2-D | 16.20 | 5.87 |
| Group 3 | 16.41 | 5.87 |
| Group 3-A | 17.04 | 5.87 |
| Group 4 | 17.82 | 5.87 |
| Group 5 | 18.08 | 5.87 |
| Group 6 | 19.71 | 5.87 |

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| | | |

SUPERSEDEAS DECISION

STATE: District of Columbia, Maryland and Virginia
COUNTIES: District of Columbia; Maryland-Montgomery and Prince Georges Counties and D.C. Training School; Virginia-Independent City of Alexandria, Arlington and Fairfax Counties
DECISION NO.: DC82-3031 DATE: Date of Publication
Supersedes Decision No. DC81-3040, dated June 6, 1981, in 46 FR 30290.
DESCRIPTION OF WORK: Building Construction (does not include single family homes and apartments up to and including 4 stories) excluding the Independent City of Alexandria; Heavy Construction (excluding Water and Sewer Line Construction projects); Highway Construction (District of Columbia only); and Water and Sewer Line Construction (District of Columbia and Montgomery County, Maryland only)

| BUILDING CONSTRUCTION (Excluding Alexandria) HEAVY CONSTRUCTION (EXCLUDING SEWER and WATER LINE CONSTRUCTION (All Counties) | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| ASBESTOS WORKERS | 15.75 | 2.79 |
| BOILERMAKERS | 17.575 | 2.915 |
| BRICKLAYERS | 16.05 | 2.86 |
| CARPENTERS | 14.92 | 1.55 |
| CARPET LAYERS | 9.07 | .40 |
| CEMENT MASONS | 14.00 | 2.625 |
| DIVERS | 23.20 | 1.55 |
| DIVERS' TENDERS | 16.53 | 1.55 |
| ELECTRICIANS | 15.65 | 2.73+ 3% |
| ELEVATOR CONSTRUCTORS | 15.785 | 2.69+ a+b |
| ELEVATOR CONSTRUCTOR HELPERS | 11.05 | 2.69+ a+b |
| ELEVATOR CONSTRUCTOR HELPERS (PROBATIONARY) | 7.89 | |
| GLAZIERS | 12.73 | 1.56 |
| IRONWORKERS: | | |
| Structural, ornamental and chain link fence | 15.11 | 2.835 |
| Reinforcing | 15.11 | 2.47 |
| LABORERS (EXCLUDING HEAVY CONSTRUCTION) | | |
| Common laborers; landscapers | 11.53 | 1.63 |
| Hand derrick operators, vibrator operators, pipelayers, jackhammer operators, paving breakers, spaders, mortarmen, scaffold builders, operators of towmasters, scootcretes, buggymobiles, operators of tampers and rammers, sandblasters | 11.72 | 1.63 |
| Power and chain saw operators, installers of well points, wagon drill operators | 11.87 | 1.63 |
| Acetylene burners | 12.22 | 1.63 |
| Powdermen | 13.135 | 1.63 |
| Plumber's laborers | 11.60 | 1.63 |
| Plasterer tenders | 11.04 | 1.63 |
| Operators of scootcretes, buggymobiles, and mixer operators not in conjunction with plastering machine (on plastering work) | 11.35 | 1.63 |
| Mixer operator in conjunction with plastering machine | 11.66 | 1.63 |
| Demolition Laborers: | | |
| Bobcat | 8.00 | 1.63 |
| Burner's work | 7.50 | 1.63 |
| Power Tool Operators | 7.15 | 1.63 |
| Other demolition work | 7.00 | 1.63 |
| LABORERS (HEAVY CONSTRUCTION EXCLUDING WATER AND SEWER LINE CONSTRUCTION PROJECTS, EXCEPT TUNNELS, RAISES AND SHAFTS FOR FREE AIR): | | |
| Group I | 11.63 | 1.63 |
| Group II | 11.82 | 1.63 |
| Group III | 11.90 | 1.63 |
| Group IV | 11.97 | 1.63 |
| Group V | 12.24 | 1.63 |
| Group VI | 12.52 | 1.63 |
| Group VII | 12.685 | 1.63 |
| Group VIII | 13.235 | 1.63 |

DECISION NO. DC82-3031

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| LABORERS (HEAVY CONSTRUCTION-TUNNELS RAISES AND SHAFTS FOR FREE AIR) | | |
| Group I | 12.005 | 1.63 |
| Group II | 12.385 | 1.63 |
| Group III | 13.305 | 1.63 |
| Group IV | 13.655 | 1.63 |
| LABORERS (HEAVY CONSTRUCTION EXCLUDING WATER AND SEWER LINE CONSTRUCTION PROJECTS - COMPRESSED AIR RATES) | | |
| Guage Pressure Pounds / Work Period Hours | | |
| 1-14 / 7 | 17.93 | 1.78 |
| 14-18 / 6 | 21.69 | 2.08 |
| 18-22 / 5½ | 24.48 | 2.26 |
| 22-26 / 5 | 27.87 | 2.49 |
| 26-32 / 4 | 35.98 | 3.11 |
| 32-38 / 3 | 49.49 | 4.14 |
| 38-44 / 2½ | 61.24 | 4.97 |
| LATHERS | 13.56 | 1.33 |
| LINE CONSTRUCTION: | | |
| Linemen, cable splicers, equipment operators | 17.66 | .70+8% |
| Truck with winch, truck-pole or steel handling | 9.34 | .70+8% |
| Groundmen | 9.06 | .70+8% |
| MARBLE, TILE AND TERRAZZO FINISHERS | 12.225 | 2.72 |
| MILLWRIGHTS | 15.61 | 1.55 |
| MOTOR REPAIRMAN (Removal and reinstalling of electrical motors) | 9.87 | 1.50+3%+c |
| PAINTERS (EXCLUDING FAIRFAX CO.) | | |
| Brush, spray, paperhangers, tapers | 15.22 | 2.35 |
| Steel, sandblasting, swing stage, power brushing | 15.72 | 2.35 |
| PAINTERS (FAIRFAX CO.) | 7.13 | |
| PILEDRIVERS | 15.25 | 1.55 |
| PLASTERERS | 14.89 | 1.46 |
| PLUMBERS | 15.66 | 3.14 |
| POWER EQUIPMENT OPERATORS (BUILDING CONSTRUCTION & HEAVY CONSTRUCTION EXCLUDING SEWER AND WATER LINE CONSTRUCTION PROJECTS) | | |
| Group I | 15.83 | 2.12 |
| Group II | 15.49 | 2.12 |
| Group III | 14.93 | 2.12 |
| Group IV | 13.72 | 2.12 |
| Group V | 9.76 | 2.12 |
| Group VI | 16.91 | 2.12 |
| RESILIENT FLOOR LAYERS | | |
| Excluding Fairfax County | 14.92 | 1.55 |
| Fairfax County | 6.81 | |
| ROOFERS | | |
| Composition roofer (kettlemen, damp and waterproof workers) | 14.72 | 1.69 |
| Mopmen (waterproofer, sprayer, spandrel-ironite, precast concrete slabs, slate, tile) | 15.44 | 1.69 |
| Material Handlers | 9.92 | 1.69 |
| SHEET METAL WORKERS | 15.28 | 3.52+d |
| SPRINKLER FITTERS (EXCLUDING PRINCE GEORGES AND MONTGOMERY CO.) | 16.67 | 2.83 |
| SPRINKLER FITTERS (MONTGOMERY AND PRINCE GEORGES COUNTIES) | 16.17 | 2.83 |
| STEAMFITTERS, REFRIGERATION AND AIR CONDITION MECHANIC | 15.49 | 3.31 |
| STONE AND MARBLE MASONS | 15.50 | 2.585 |
| TILE, TERRAZZO AND MOSAIC WORKERS | 15.21 | 2.76 |
| TRUCK DRIVERS: | | |
| Boom Trucks | 11.31 | 1.59 |
| Small dump, water sprinkler, grease and oil | 11.02 | 1.59 |
| Flat, pick-up hauling materials, small euclids, dump over 8 wheels | 11.14 | 1.59 |



DECISION NO. DC82-3031

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| TRUCK DRIVERS (CONT'D) | | |
| Trailers, low boys, tractor pulls | 11.38 | 1.59 |
| Helpers | 10.84 | 1.59 |
| Carryalls, large euclids, euclid water sprinklers, tunnel work underground and pay haulers | 11.50 | 1.59 |
| Mechanics | 11.20 | 1.59 |
| Greasers, tiremen, runners | 11.02 | 1.59 |
| PAVING AND INCIDENTAL GRADING (DISTRICT OF COLUMBIA ONLY) | | |
| CEMENT MASONS: | | |
| Cement Mason | 8.98 | .86 |
| Form Setter | 8.98 | .86 |
| Concrete Saw Operator | 8.69 | .86 |
| LABORERS: | | |
| Sand setter, form setter | 8.98 | .86 |
| Burner planer operator | 8.92 | .86 |
| Asphalt raker, concrete saw operator | 8.69 | .86 |
| Jack hammer | 8.64 | .86 |
| Asphalt tamper, hand burner operator, concrete shoveler | 8.58 | .86 |
| Asphalt shoveler | 8.46 | .86 |
| Laborer | 8.41 | .86 |
| POWER EQUIPMENT OPERATORS: | | |
| G-1000 gradall operator (over 1½ cy) | 10.30 | .86 |
| Gradall operator (1½ cy or less), motor grader, loader-track (over 2½ cy) | 10.01 | .86 |
| Shovel operator | 9.27 | .86 |
| Crane operator, concrete paving operator | 9.15 | .86 |
| Asphalt spreader, asphalt plant engineer, asphalt roller operator, hydraulic backhoe (½ cy or less), concrete breaker (machine) | 8.98 | .86 |
| Rubber-tired loader (over 1½ cy), loader operator-tracks (2½ cy or less), bulldozer, mechanic, or welder | 8.92 | .86 |
| Concrete spreader, finishing machine, roller (rough), compressor, rubber-tired loader (1½ cy or less), asphalt plant mixer | 8.69 | .86 |
| Power broom | 8.58 | .86 |
| TRUCK DRIVERS: | | |
| Truck drivers (standard) | 8.41 | .86 |
| Tandem | 8.54 | .86 |
| Tractor trailer (capable of moving heavy equipment) | 8.98 | .86 |
| SEWER AND WATER LINE CONSTRUCTION PROJECTS (DISTRICT OF COLUMBIA AND MONTGOMERY COUNTY MARYLAND ONLY) | | |
| LABORERS: | | |
| Open Cut: | | |
| Laborers, jackhammer, rammers and spaders | 5.78 | .61 |
| Timberman, sheeting-men, shoring-men, caulkers, pipelayers helpers | 5.93 | .61 |
| Bottom man | 5.83 | .61 |
| Wagon drillers - air track drillers | 6.13 | .61 |
| Pipelayers | 6.13 | .61 |
| Rock drillers | 5.88 | .61 |
| Tunnel: | | |
| Brakeman, bull gang, dumper, trackmen, concrete man | 6.415 | .61 |
| Chuck tender, powerman in prime house, form setters and movers, nippers, cablemen, hosemen, groutmen, bell | | |

DECISION NO. DC82-3031

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| LABORERS CONT'D: | | |
| or signal men, top or bottom, vibrator operator, caulkers' tenders | 6.715 | .61 |
| Miners, rodmen, re-bar underground, concrete or gunite nozzlemen, powermen, timbermen and re-timberman (wood or steel including liner plate or any other support material), motorman, caulkers, diamond drill operators, riggers, cement finishers (underground), welders and burners, shield driver | 7.365 | .61 |
| Mucking machine operators | 7.615 | .61 |
| POWER EQUIPMENT OPERATORS: | | |
| Backhoes, cableways, cranes, derricks, draglines, power shovels, tunnel shovels and tunnel mucking machines 1 cu. yd. and over | 10.39 | 1.45 |
| Backhoes, cableways, cranes, derricks, draglines, power shovels tunnel shovels, tunnel mucking machines up to 1 cu. yd.; boom cats, elevating graders, hoists, paving mixers, pile driving engines, batch plants, concrete pumps | 10.14 | 1.45 |
| Backhoes (Hydraulic, under ½ yd.) | 10.02 | 1.45 |
| Trenching machine (above 8'3") | 9.94 | 1.45 |
| Trenching machines (up to 8'3"), boilers-skeleton, well drilling machines | 9.84 | 1.45 |
| Air compressors (tunnel) | 9.81 | 1.45 |
| Front end loaders (high lift), bulldozers | 9.79 | 1.45 |
| Concrete mixers, power wheel scoops and scrapers, motor graders, tunnel machanics, tunnel motormen | 9.69 | 1.45 |
| Mechanics | 10.02 | 1.45 |
| Bulldozer, hydraulic tampers, hoe pack operators | 9.59 | 1.45 |
| Rollers | 9.49 | 1.45 |
| Air compressors, pumps, welding machines, well points | 9.415 | 1.45 |
| TRUCK DRIVERS: | | |
| Dump trucks | 6.10 | .415+e |
| Dump trucks over 8 wheels, flat trucks | 6.20 | .415+e |
| Trailers | 6.45 | .415+e |
| Euclids | 6.60 | .415+e |





DECISION NO. DC82-3031

LABORERS CLASSIFICATIONS
(HEAVY CONSTRUCTION EXCLUDING WATER AND SEWER LINE CONSTRUCTION PROJECTS)

Group I - Carloader, choker setter, concrete crewman, crushed feeder, demolition laborer (including salvaging all material, loading and cleaning up, wrecking), driller tenders, dumpman, fence erector and installer (including installation and erection of fence, guard rails, median rails, reference posts, guide posts and right-of-way markers), form stripper, general laborers, railroad track laborer, riprap man, scale man, stake jumper, structure mover (includes foundation, separation, preparation, cribbing, shoring, jacking and unloading of structures), water nozzleman, timber bucker and faller, truck loader, water boys

Group II - Combined air and water nozzleman, cement handler, dope pot fireman (nonmechanical), form cleaning machine, mechanical railroad equipment (includes spiker, puller, tie cleaner, tamper pipe wrapper, power driven wheelbarrow, operators of hand derricks, towmasters, scootcretes, buggymobiles and similar equipment), tamper or rammer operator, trestle scaffold builders over one tier high, power tool operator (gas, electric or pneumatic), sandblast or gunnite tailhose man, scaffold erector (steel or wood), vibrator operator (up to 4 feet), asphalt cutter, mortar men, shorer and lagger, creosote material handler, corrosice enamel or equal, paving breaker and jackhammer operators

Group III - Multi-section pipe layer, non-mentallic clay and concrete pipe layer (including caulker, collarman, jointer, rigger and jacker) thermite welder and corrugated metal culvert pipe layer

Group IV - Asphalt block pneumatic cutter, asphalt roller, walking chainsaw with attachment, concrete saw (walking), high scalers, jackhammer (using over 6' of steel), vibrator (6 feet and over), well point installers, air-trac operator

Group V - Asphalt screeder, big drills, cut of the hole drills (1¼" piston or larger), down the hold drills (3½" piston or larger), gunnite or sandblaster nozzleman, asphalt raker, asphalt tamper, form setter, demolition torch operator, shotcrete nozzlemen and potman

Group VI - Powderman, master form setters

Group VII - Brick paver (asphalt block paver, asphalt block sawman, asphalt block grinder; hastings block or similar type)

Group VIII - Powdermen

DECISION NO. DC82-3031

LABORERS CLASSIFICATIONS (CONT'D)
(HEAVY CONSTRUCTION - TUNNELS, RAISES AND SHAFTS FOR FREE AIR)

Group I
Brakeman, bull gang, dumper, trackman, concrete man

Group II
Chuck tender, powdermen in prime house, form setters and movers, nippers, cableman, hosemen, groutman, bell or signalman, top or bottom vibrator operator, caulkers' tenders

Group III
Miners, re-bar underground, concrete or gunnite nozzlemen, powderman, timberman and re-timberman, wood steel including liner plate or any other support, material, motorman, caulkers, diamond drill operators, riggers, cement finishers - underground, welders and burners, shield driver, air trac operator, shotcrete nozzleman and potman

Group IV
Mucking machine operator (air)

POWER EQUIPMENT OPERATORS CLASSIFICATIONS

Group I - 35 ton cranes & above, tower & climbing cranes, derricks, concrete boom pump, drill rigs (equivalent to L & Double L), mole

Group II - Backhoes, cableways, cranes, cherry pickers, elevating graders, hoists, paving mixers, power shovels, tunnel shovels, batch plants, shields, tunnel mining machines, gradalls, front end loaders, 3½ cu. yds. and above, power driven wheel scoops and scrapers (50 cu. yd. struck capacity or above), rail tamper, draglines, boomcat, mucking machines, graders in tunnels, pile driving engines

Group III - Front end loaders below 3½ cu. yds., boom trucks, hydraulic backhoes ½ yd. capacity or below rubber or track mounted, tug boats, power driven wheel scoops and scrapers, blade graders, motor graders, bulldozers, trenching machines, concrete mixer, speed swing pettibone, ballast regulator, concrete pump, mechanic, welder, shotcrete machine, Hoe-ram, locomotive (standard, narrow guage), tuggers

Group IV - High lifts above 10 feet, boilers (skeleton), asphalt spreaders, bullfloat finishing machines, concrete finishing machines, concrete spreaders, fine graders, air compressors, welding machines, pumps, generators, well points, deep wells, hydraulic pumps, elevators, freeze units, tunnel motorman or dinky operator, roller, conveyors, well drilling machines, grout pump, fireman

Group V - Fork lifts, ditch witch, bobcat 1/3 cu. yd. and below, space heaters, mechanic helpers, sweepers, assistant engineers, oilers

Group VI - Master mechanic



DECISION NO. DC82-3031

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, plus the Friday after Thanksgiving Day.

b. Employer contributes 8% of basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Employer contributes to employees who have worked six (6) months or more, shall be given two and one-half days vacation or equivalent thereof. All men in the employ of the employer three (3) years or more shall be given two (2) week's vacation with pay or the equivalent thereof. All men in the employ of the employer ten (10) years or more shall be given three (3) weeks vacation with pay or the equivalent thereof.

d. Employer contributes additional $.09 outside of District of Columbia.

e. $10.00 per week when employee has worked 90 days and has worked three days in any work week.

RIGGERS AND WELDERS - Receive rates prescribed for crafts performing operation to which rigging or welding is incidental.

SUPERSEDEAS DECISION

STATE: OKLAHOMA COUNTY: Garfield
DECISION NO. OK82-4056 DATE: Date of Publication
SUPERSEDES DECISION #OK81-4066 dated August 21, 1981 in 46FR42610
DESCRIPTION OF WORK: Building Projects (excluding single family homes and apartments up to and including four stories)

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| ASBESTOS WORKERS | $15.86 | 2.60 |
| BOILERMAKERS | 16.35 | 2.415 |
| BRICKLAYERS-STONEMASONS | 14.90 | |
| CARPENTERS: | | |
| Carpenters | 11.55 | 1.40 |
| Millwrights-Piledrivermen | 13.05 | 1.54 |
| ELECTRICIANS: | | |
| ZONE I | 15.00 | 9%+.80 |
| ZONE II | 15.25 | 9%+.80 |
| ZONE III | 15.50 | 9%+.80 |
| CABLE SPLICERS: | | |
| ZONE I | 15.25 | 9%+.80 |
| ZONE II | 15.50 | 9%+.80 |
| ZONE III | 15.75 | 9%+.80 |
| ELEVATOR CONSTRUCTORS: | | |
| Journeymen | 14.665 | AA |
| Helpers | 70%JR | AA |
| Probationary helper | 50%JR | |
| AA---$2.465 + Seven Paid Holidays; and employees with 6 mos. to 5 yrs of service 6%; over 5 yrs. 8% of basic hourly rate. | | |
| GLAZIERS | 14.00 | .30 |
| IRONWORKERS | 14.60 | 2.37 |
| LABORERS: | | |
| GROUP I | 8.95 | 1.00 |
| GROUP II | 9.20 | 1.00 |
| LATHERS | 12.55 | 1.54 |
| LINE CONSTRUCTION: | | |
| Linemen | 14.90 | 3½%+.45 |
| Cable splicers | 16.09 | 3½%+.45 |
| Hole digger operator | 13.24 | 3½%+.45 |
| Heavy equipment operator | 13.24 | 3½%+.45 |
| Line truck driver (winch operator) | 11.68 | 3½%+.45 |
| Jackhammerman | 10.61 | 3½%+.45 |
| Powderman | 12.86 | 3½%+.45 |
| Groundman | 9.54 | 3½%+.45 |
| Truck driver (flat bed, ton-half and under) | 10.13 | 3½%+.45 |
| MARBLE SETTERS | 15.84 | 1.10 |
| PAINTERS: | | |
| GROUP I | 12.00 | 2.03 |
| GROUP II | 12.50 | 2.03 |
| GROUP III | 13.00 | 2.03 |
| PLUMBERS-PIPEFITTERS | $15.74 | 1.92 |
| ROOFERS | 12.90 | 1.39 |
| SHEET METAL WORKERS | 14.80 | 2.52 |
| SOFT FLOOR LAYERS (RESILIENT FLOOR & CARPET LAYERS) | 13.10 | 1.80 |
| SPRINKLER FITTERS | 16.17 | 2.83 |
| TERRAZZO WORKERS AND TILE LAYERS | 15.84 | 1.10 |
| POWER EQUIPMENT OPERATORS: | | |
| GROUP I | 15.75 | 2.18 |
| GROUP II | 15.25 | 2.18 |
| GROUP III | 14.75 | 2.18 |
| GROUP IV | 14.50 | 2.18 |
| GROUP V | 14.25 | 2.18 |
| GROUP VI | 14.00 | 2.18 |
| GROUP VII | 13.75 | 2.18 |
| GROUP VIII | 12.75 | 2.18 |
| GROUP IX | 13.35 | 2.18 |
| TRUCK DRIVERS: | | |
| GROUP I | 9.70 | |
| GROUP II | 9.70 | |
| GROUP III | 9.40 | |

AA--PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS ONLY:
A-New Years Day
B-Memorial Day
C-Independence Day
D-Labor Day
E-Thanksgiving Day
F-Day After Thanksgiving
G-Christmas Day

WELDERS--receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii).



CLASSIFICATION ZONE AND GROUP DEFINITIONS

ELECTRICIANS

ZONE I - The area within the twelve mile radius of the main Post Office located in the City of Enid

ZONE II - The area between the twelve mile radius of the Zone I Post Office, except where Zone II intercepts another zone I area

ZONE III - The area outside zone 1 and 2 within the local union area

LABORERS:

GROUP I - All digging and dirt work, firing of salamanders and smudge pots; loading and unloading of materials and equipment; loading and unloading of materials to and from hoist or cages for stock piling only, wheeling and placing of concrete; handling of lumber, steel, cement and distribution of materials all cleaning, including cleaning of windows; wrecking and razing of building and all structures, cleaning and clearing of debris; loading and unloading of materials, hoist or cages, except when the man is directly tenders; and common laborers

GROUP II - All machine tool operators that come under the jurisdiction of the laborers; all sewer and drain tile layers and handling at the ditch, excluding distribution; operators of water pumps up to four inches and slip form jacks; men erecting scaffolds and directly tending lathers, masons, cement masons and plasterers, mortar mixers, hod carriers and dry mixers; highwork over 30 ft. from the ground or floors; cement finisher tenders; work on swinging scaffold; all kettle and pot men, tank cleaning, all pipe doping treating and wrapping, including all men working with dope; mortar and plaster mixing machine, pump-crete machine, and gunite mixing machines, including placing of concrete, handling creosoted or treated materials, liquid acids, or like materials when injurious to health, eye and skin or clothes; all newly developed mechanical equipment which replaces wheel barrows or buggies previously used by laborers; all scale men on batch plants; all laborers screening sand, running sand drier, and feeding operating and sand blasters, except nozzle; signal men cutting torch operators in connection with laborers' work; concrete grader

PAINTERS

GROUP I - Brush or roller and taping
GROUP II - Spray and sandblasting under 30 feet; tapers using machine tools and hazardous work
GROUP III - Spray and sandblasting over 30 feet

POWER EQUIPMENT OPERATORS

GROUP I
All crane type equipment with 300' of boom or over (including jib)
GROUP II
All crane type equipment with 200-300' of boom (including jib)
GROUP III
All crane type equipment with 100-200' of boom (including jib), all tower cranes and all crane type equipment of 3 cu. yd. or more
GROUP IV
Side boom (booms 30' and over); Guy Derrick

CLASSIFICATION ZONE AND GROUP DEFINITIONS (CONT'D)

POWER EQUIPMENT OPERATORS (cont'd)

GROUP V

Heavy duty mechanic; welder; crane-hook and overhead monorail; whirley; panel board batch plant operator; piledriver engineer; dragline; shovel; clamshell; backhoe (3/4 yd. & over); gradall; hydro crane; cherry picker; hoists while operating 2 or more drums; hoists while doing stack and chimney work (1 or 2 drums); power driven hole digger (with 30' & longer mast); motor patrol (blade); side boom (under 30')

GROUP VI

Fork lift (35' and over); dozer (engine hp 65 or over; Fordson tractor or like equipment with hoe or loader equipment or ditcher; scraper type equipment; loader operator or hi-lift (engine hp 65 or over); asphalt lay machine; tail boom; conveyor-multiple, panel board control; power driven hole digger with less than 30' mast; trenching machine; concrete pump-boom type; roller & compactors with dozer blade

GROUP VII

Locomotive engineer; boring machine; tug boat; mixer, 18 cu. ft. and over; sand barge; dredging machine; tugger; hoist-when operating one drum; welding machine, 3 to 6; air compressor, 3 to 500 cu. ft. & under; air compressor, over 500 cu. ft. (1); pumps, battery, 3 to 6; fork-lift, bobcat and similar equipment; generator plant engineers, Diesel elec.; winch truck with A-frame; roller all types; outside elevator or building type of personnel hoist; concrete buster/or tamper; heaters under jurisdiction ofoperating engineers; fireman; boiler operator; crushing plants; oiler distributor; pulvimixer; farmer tractor-with or without attachments; batch plant operator (portable); conveyor operator-duel, continuous or belt bulk handling; screed op.; concrete pump; form grader; screening plant; well point pump op.; signal man on large whirleys when and if required; operator for rotary drilling machines when operated from console or machines

GROUP VIII

Permanent elevator - building type (automatic); concrete mixer, with hopper less than 18 cu. ft.; air compressor, 500 cu. ft. and under (1 or 2); welding machine (1 or 2); pump (1 or 2); fuelman; truck crane oiler driver or crane oiler; conveyor operator-single continuour belt bulk handling; asphalt lay machine back end man.

GROUP IX

Greaser and tilt top trailer operator

TRUCK DRIVERS:

GROUP I - Truck drivers for heavy equipment such as lowboys, heavy winch winch and floats

GROUP II - Heavy earth moving equipment such as dump trucks and euclids

GROUP III - Truck drivers and swampers, such as dump trucks, flat beds, stake bodies and 3/4 and 1/2 ton pick-ups

WELDERS -- receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii).

SUPERSEDEAS DECISION

STATE: OKLAHOMA COUNTY: COMANCHE
DECISION NO. OK82-4055 DATE: Date of Publication
SUPERSEDES DECISION #OK81-4070 dated September 4, 1981 in 46FR44651
DESCRIPTION OF WORK: Building Projects (excluding single family homes and apartments up to and including four stories)

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| ASBESTOS WORKERS | $15.86 | 2.60 |
| BOILERMAKERS | 16.35 | 2.415 |
| BRICKLAYERS-STONEMASONS | 12.58 | 2.17 |
| CARPENTERS: | | |
| Carpenters | 12.45 | 1.49 |
| Millwrights-Piledrivermen | 12.95 | 1.49 |
| Power saw operator | 12.575 | 1.49 |
| ELECTRICIANS | 13.55 | 3⅛%+.85 |
| ELEVATOR CONSTRUCTORS: | | |
| Journeymen | 14.665 | AA |
| Helper | 70%JR | AA |
| Probationary helper | 50%JR | |
| AA---$2.465 + seven paid Holidays; and employees with 6 mos to 5 yrs. of service 5%; over 5 yrs. 8% of basic hourly rate. | | |
| GLAZIERS | 14.00 | .30 |
| IRONWORKERS | 14.60 | 2.37 |
| LABORERS: | | |
| GROUP I | 9.10 | 1.00 |
| GROUP II | 9.35 | 1.00 |
| LINE CONSTRUCTION: | | |
| Linemen | 14.90 | 3⅛%+.45 |
| Cable splicers | 16.09 | 3⅛%+.45 |
| Hole digger operator | 13.24 | 3⅛%+.45 |
| Heavy equipment op. | 13.24 | 3⅛%+.45 |
| Line truck driver (winch operator) | 11.68 | 3⅛%+.45 |
| Jackhammerman | 10.61 | 3⅛%+.45 |
| Powderman | 12.86 | 3⅛%+.45 |
| Groundman | 9.54 | 3⅛%+.45 |
| Truck driver (flat bed, ton--half and under) | 10.13 | 2⅛%+.45 |
| MARBLE SETTERS | 15.84 | 1.10 |
| PAINTERS: | | |
| Brush and roller | 9.90 | 1.03 |
| Brush-roller (strl. steel) | 10.15 | 1.03 |
| Spray | 10.55 | 1.03 |
| Swing stage, bosun chair | 10.15 | 1.03 |
| Taping & bedding (hand tools) | 10.20 | 1.03 |
| Sandblasting | 10.25 | 1.03 |
| PLASTERERS | 15.60 | .01 |
| PLUMBERS-PIPEFITTERS | 15.74 | 1.92 |
| ROOFERS | 12.90 | 1.39 |
| SHEET METAL WORKERS | 14.80 | 2.52 |
| SOFT FLOOR LAYERS: | | |
| Resilient floor layers and carpet layers | $13.10 | 1.80 |
| SPRINKLER FITTERS | 16.17 | 2.83 |
| TERRAZZO WORKERS | 15.84 | 1.10 |
| TILE LAYERS | 15.84 | 1.10 |
| POWER EQUIPMENT OPERATORS: | | |
| GROUP I | 15.75 | 2.18 |
| GROUP II | 15.25 | 2.18 |
| GROUP III | 14.75 | 2.18 |
| GROUP IV | 14.50 | 2.18 |
| GROUP V | 14.25 | 2.18 |
| GROUP VI | 14.00 | 2.18 |
| GROUP VII | 13.75 | 2.18 |
| GROUP VIII | 12.75 | 2.18 |
| GROUP IX | 13.35 | 2.18 |
| TRUCK DRIVERS: | | |
| GROUP I | 9.70 | |
| GROUP II | 9.70 | |
| GROUP III | 9.40 | |

AA - PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS ONLY:
A-New Years Day
B-Memorial Day
C-Independence Day
D-Labor Day
E-Thanksgiving Day
F-Day After Thanksgiving
G-Christmas Day

WELDERS--receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR. 5.5(a)(1)(ii).

## CLASSIFICATION GROUP DEFINITIONS

LABORERS:

GROUP I - All digging and dirt work, firing of salamanders and smudge pots; loading and unloading of materials and equipment; loading and unloading of materials to and from hoist or cages for stock piling only, wheeling and placing of concrete; handling of lumber, steel, cement and distribution of materials all cleaning, including cleaning of windows; wrecking and razing of building and all structures, cleaning and clearing of debris; loading and unloading of materials, hoist or cages, except when the man is directly tenders; and common laborers

GROUP II - All machine tool operators that come under the jurisdiction of the laborers; all sewer and drain tile layers and handling at the ditch, excluding distribution; operators of water pumps up to four inches and slip form jacks; men erecting scaffolds and directly tending lathers, masons, cement masons and plasterers, mortar mixers, hod carriers and dry mixers; highwork over 30 ft. from the ground or floors; cement finisher tenders; work on swinging scaffold; all kettle and pot men, tank cleaning, all pipe doping treating and wrapping, including all men working with dope; mortar and plaster mixing machine, pump-crete machine, and gunite mixing machines, including placing of concrete, handling creosoted or treated materials, liquid acids, or like materials when injurious to health, eye and skin or clothes; all newly developed mechanical equipment which replaces wheel barrows or buggies previously used by laborers; all scale men on batch plants; all laborers screening sand, running sand drier, and feeding operating and sand blasters, except nozzle; signal men cutting torch operators in connection with laborers' work; concrete grader

POWER EQUIPMENT OPERATORS

GROUP I
All crane type equipment with 300' of boom or over (including jib)

GROUP II
All crane type equipment with 200-300' of boom (including jib)

GROUP III
All crane type equipment with 100-200' of boom (including jib), all tower cranes and all crane type equipment of 3 cu. yd. or more

GROUP IV
Side boom (booms 30' and over); Guy Derrick

GROUP V
Heavy duty mechanic; welder; crane-hook and overhead monorail; whirley; panel board batch plant operator; piledriver engineer; dragline; shovel; clamshell; backhoe (3/4 yd. & over); gradall; hydro crane; cherry picker; hoists while operating 2 or more drums; hoists while doing stack and chimney work (1 or 2 drums); power driven hole digger (with 30' & longer mast); motor patrol (blade); side boom (under 30')

GROUP VI
Fork lift (35' and over); dozer (engine hp 65 or over; Fordson tractor or like equipment with hoe or loader equipment or ditcher; scraper type equipment; loader operator or hi-lift (engine hp 65 or over); asphalt lay machine; tail boom; conveyor-multiple, panel board control; power driven hole digger with less than 30' mast; trenching machine; concrete pump-boom type; roller & compactors with dozer blade



## CLASSIFICATION GROUP DEFINITIONS (CONT'D)

POWER EQUIPMENT OPERATORS (cont'd)

GROUP VII
Locomotive engineer; boring machine; tug boat; mixer, 18 cu. ft. and over; sand barge; dredging machine; tugger; hoist-when operating one drum; welding machine, 3 to 6; air compressor, 3 to 500 cu. ft. & under; air compressor, over 500 cu. ft. (1); pumps, battery, 3 to 6; fork-lift, bobcat and similar equipment; generator plant engineers, Diesel elec.; winch truck with A-frame; roller all types; outside elevator or building type of personnel hoist; concrete buster/or tamper; heaters under jurisdiction ofoperating engineers; fireman; boiler operator; crushing plants; oiler distributor; pulvimixer; farmer tractor-with or without attachments; batch plant operator (portable); conveyor operator-duel, continuous or belt bulk handling; screed op.; concrete pump; form grader; screening plant; well point pump op.; signal man on large whirleys when and if required; operator for rotary drilling machines when operated from console or machines

GROUP VIII
Permanent elevator - building type (automatic); concrete mixer, with hopper less than 18 cu. ft.; air compressor, 500 cu. ft. and under (1 or 2); welding machine (1 or 2); pump (1 or 2); fuelman; truck crane oiler driver or crane oiler; conveyor operator-single continuour belt bulk handling; asphalt lay machine back end man.

GROUP IX
Greaser and tilt top trailer operator

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii).

SUPERSEDEAS DECISION

STATE: OKLAHOMA COUNTY: Oklahoma, Cleveland & Canadian
DECISION NO. OK82-4057 DATE: Date of Publication
SUPERSEDES DECISION #OK81-4073 dated September 25, 1981 in 46FR47401
DESCRIPTION OF WORK: Residential construction, single family homes and apartments up to and including four stories.

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| Air conditioning mechanic | $10.00 | |
| Asbestos workers | 14.93 | |
| Bricklayers | 13.80 | |
| Carpenters | 7.79 | |
| Cement masons | 9.70 | |
| Electricians | 9.36 | |
| Glaziers | 10.45 | |
| Ironworkers | 14.35 | |
| Laborers | 4.94 | |
| PAINTERS: | | |
| Brush | 6.76 | |
| Spray | 7.55 | |
| Tapers | 10.11 | |
| Plumbers-Pipefitters | $ 8.97 | |
| Roofers | 10.90 | |
| Sound Installer | 9.20 | |
| Sheet metal workers | 14.21 | |
| Soft floor layers | 10.53 | |
| Tile setters | 8.84 | |
| Truck drivers | 8.55 | |
| POWER EQUIPMENT OPERATORS: | | |
| Backhoe operator | 8.00 | |
| Bulldozers | 8.00 | |
| Cranes | 9.47 | |
| Front end loader | 7.00 | |

WELDERS--receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (89 CFR, 5.5 (a)(1)(ii).

SUPERSEDEAS DECISION

STATE: Tennessee COUNTIES: *See Below
DECISION NUMBER: TN82-2056 DATE: Date of Publication
Supersedes Decision TN81-1204 dated May 8, 1981 in 46 FR 25979
DESCRIPTION OF WORK: BUILDING CONSTRUCTION (Does not include single family homes and apartments up to and including 4 stories), and HEAVY CONSTRUCTION.
*COUNTIES: Hamilton (Building and Heavy Construction); Marion, Polk and Rhea (Building Construction ONLY)

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| ASBESTOS WORKERS | $14.69 | 1.81 |
| BOILERMAKERS | 14.50 | 3.015 |
| BRICKLAYERS & STONE MASONS: | | |
| Polk County | 11.70 | |
| All other Counties | 13.92 | 1.55 |
| CARPENTERS, CARPET LAYERS & FLOOR LAYERS | 12.13 | 1.43 |
| CEMENT MASONS | 12.20 | |
| ELECTRICIANS: | | |
| Wiremen | 13.85 | 1.00+ 11% |
| Cable Splicers | 14.10 | 1.00+ 11% |
| ELEVATOR CONSTRUCTORS: | | |
| Mechanics | 13.135 | 2.635 |
| Helpers | 9.19 | 2.635 |
| Probationary Helpers | 6.57 | |
| GLAZIERS | 14.10 | 1.25 |
| IRONWORKERS | 12.66 | 1.95 |
| LATHERS | 11.78 | |
| LINE CONSTRUCTION: | | |
| Linemen & Operators of hole digging equipment tractor with winch | 13.85 | 1.00+ 1½% |
| Cable Splicers | 14.10 | 1.00+ 1½% |
| MARBLE, TERRAZZO & TILE WORKERS (All Counties except Polk) | 13.72 | 1.63 |
| PAINTERS: | | |
| Painters | 11.50 | 1.20 |
| Paperhanging, Wall covering, & drywall finishing | 11.75 | 1.20 |
| Sandblasting | 12.00 | 1.20 |
| Painters - tanks, steel towers, stacks, bridges pumping stations | 11.25 | 1.20 |
| PILEDRIVERMEN | 11.905 | 1.43 |
| PLASTERERS | 12.75 | |
| PLUMBERS & PIPEFITTERS | 14.85 | 1.63 |
| ROOFERS: | | |
| Composition, damp & water proofers | 12.85 | .10 |
| Kettlemen | 12.20 | .10 |
| Slate & Tile | 13.07 | .10 |
| SHEET METAL WORKERS: | | |
| Hamilton County | 11.60 | 1.81 |
| All other Counties | 12.10 | 1.81 |
| SPRINKLER FITTERS | 13.69 | 2.43 |
| TRUCK DRIVERS: | | |
| Trucks - up to 3 tons | 6.96 | .9875 |
| Trucks - 3 to 5 tons | 7.11 | .9875 |
| Trucks 5 to 7 tons | 7.26 | .9875 |
| Trucks - with special equipment | 7.46 | .9875 |
| WELDERS - Rate for craft. | | |
| LABORERS: | | |
| GROUP A | 8.45 | .75 |
| GROUP B | 8.55 | .75 |
| GROUP C | 8.65 | .75 |
| GROUP D | 8.75 | .75 |
| GROUP E | 8.80 | .75 |
| GROUP F | 9.10 | .75 |
| GROUP G | 9.15 | .75 |
| GROUP H | 8.85 | .75 |
| GROUP I | 9.00 | .75 |
| GROUP J | 9.25 | .75 |
| POWER EQUIPMENT OPERATORS: | | |
| GROUP A | 12.00 | 1.00 |
| GROUP B | 11.20 | 1.00 |
| GROUP C | 10.60 | 1.00 |
| GROUP D | 10.30 | 1.00 |

DECISION NO. TN82-2056

CLASSIFICATIONS DEFINITIONS

LABORERS

GROUP A - Concrete laborers, general laborers, carpenter tenders, window and floor cleaners, form strippers, handling of rope to clam bucket, grout men, laborers working on demolition work, handling, cleaning, and pulling of nails from materials

GROUP B - Powder man helpers, vibrator operators, tenders to all trowel trades and terrazzo work, carrying reinforced steel, operating motorized wheel barrows, doping and painting of pipe, railroad track laborers, air spade operators, snake man on pipe work.

GROUP C - Stationary and storm pipe layers or any other pipe outside of foundation, grade checker, yarner and pot man, steel form setters, mortar mixers by hand or machine, power saw operators, jackhammer operator, pavement breaker operator, air tool operator, regular air tamp operators, wacker tamp operator, chipping hammer operator, hand operated ditching machine operator, concrete grinder, floor sweeping machine operator, concrete buffer and grinder power operator, concrete pumping machine operator.

GROUP D - Asphalt raker, wagon drill operator, sandblasting, track drill operator, concrete saw operator, using cutting torch or burner on demolition work, flagging of rigs.

GROUP E - Barch tamper operator and specially designed tamp operator, black top or concrete curbing machine operator.

GROUP F - Powderman, motorized post hole digger operator and terrazzo machine grinder.

GROUP G - Pneumatic concrete gun operator and nozzleman.

FREE AIR SHAFTS AND TUNNELS

GROUP H - Tunnel laborers.

GROUP I - Chuch tender; top lander on shaft work.

GROUP J - Tunnel laborer, including men required to go down in pier hole drilled by machines.



DECISION NO. TN82-2056

POWER EQUIPMENT OPERATORS

GROUP A - Backhoes, cableway, ross carrier; clamshells; cranes; derricks; draglines; turnapulls; pans; scrapers; scoops; head tower machines; end loaders; locomotives (over 20 tons); shovels; dozers; fork lifts (over 8' lift); core drills; foundation drills; graders; mechanics; welders; winch truck with A-Frame; skimmer scoops; locomotive cranes; overhead cranes; skid rigs;piledrivers; side boom tractors; euclid loaders; derrick boat; dredge boats; hoist (any size handling steel or stone); engines used in connection with hoists material; mucking-machines; cherry pickers; tower cranes; skylift; gradall.

GROUP B - Tractors; farm type tractors (with attachments); central compressor plants; elevators (used for hoisting building materials); central mixing plants; hoist (not handling steel or stone); pumpcrete machine; concrete pumps; backfiller (other than cranes); tracmobile; crushing plant; elevating graders; earth augers; forklifts (8' lift or under); paving machine (Blacktop/concrete); boat operator or engineer (30 tons or over); blacktop roller; switchman; locomotive (under 20 tons); maintainers.

GROUP C - Asphalt plant; barber-green type loader; engine tender (other than steam); mixers (over 2 bags, not to include central plants); pumps (not more than 3); scrifiers; spreaders box (bituminous); asphalt mixers; portable compressors (not more than 3); roller; sub-grader machine; tractors (farm type without attachments); cable head tower engineman; dredge booster pump; boat operators or engineers (under 30 tons); finishing machines; fireman & oiler (combination); motor cranes oiler & driver; welding machine (not more than 3); heaters (stationary or portable, not more than 5); compressors (portable, not more than 3); or fuel truck

GROUP D - Air compressor (1 portable); fireman; portable crushers; welding machine (1); conveyors; pump (1); oiler; heater (1).

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Virgin Islands
DECISION NO.: VI82-3032
COUNTY: Island Wide
DATE: Date of Publication
Supersedeas Decision No. VI81-3011 dated January 23, 1981 in 46 FR 7704
DESCRIPTION OF WORK: Building Construction Projects including Residential Construction Projects (single family homes and apartments up to and including 4 stories)

| | Basic Hourly Rates | Fringe Benefits | | Basic Hourly Rates | Fringe Benefits |
|---|---|---|---|---|---|
| CARPENTERS | 6.37 | | | | |
| CARPENTERS HELPERS | 4.96 | | | | |
| CEMENT MASONS | 6.60 | | | | |
| ELECTRICIANS | 7.63 | a+b+c | | | |
| ELECTRICIANS HELPERS | 4.38 | | | | |
| IRONWORKERS | 6.00 | | | | |
| LABORERS: | | | | | |
| Laborers | 4.33 | | | | |
| Mason Tenders | 4.75 | | | | |
| PAINTERS | 5.91 | | | | |
| PLUMBERS | 6.43 | | | | |
| PLUMBER HELPERS | 5.25 | | | | |
| SHEET ROCK MECHANICS | 6.83 | | | | |
| TRUCK DRIVERS | 5.95 | | | | |
| POWER EQUIPMENT OPERATORS: | | | | | |
| Backhoe | 7.45 | | | | |
| Bulldozer | 7.54 | | | | |
| Crane | 7.60 | | | | |
| Asphalt Machine Operators | 7.62 | d+e | | | |
| Fork Lift Operators | 7.00 | | | | |
| Loaders | 7.50 | | | | |
| Cherry Pickers | 7.00 | | | | |
| Riggers | 7.92 | | | | |
| WELDERS | 7.03 | | | | |

FOOTNOTES:

| Category | Footnote |
|---|---|
| H & W | a) $23.16 per month |
| VAC | b) 6 2/3 (six and two-thirds) hours vacation pay per month when a minimum of 120 hours is worked in the month. |
| VAC | c) 10 Paid Holidays |
| VAC | d) 5 Paid Holidays |
| VAC | e) 40 hours paid vacation after 2 years with employer |

Unlisted classifications nedded for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

[FR Doc. 82-30898 Filed 11-10-82; 8:45 am]

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federal register

Friday,
November 12, 1982

Part IV

# Department of the Interior

## Office of Surface Mining Reclamation and Enforcement

## Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program; Steep-Slope Remining; Final Rule

**DEPARTMENT OF THE INTERIOR**

**Office of Surface Mining Reclamation and Enforcement**

**30 CFR Part 826**

## Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program; Steep-Slope Remining

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Interim final rule.

**SUMMARY:** The Office of Surface Mining Reclamation and Enforcement (OSM) is issuing interim final rules that modify certain requirements for remining operations that affect previously contour-mined steep-slope areas. Revision of the rules with regard to remining is necessary because the permanent program rules generally require return to approximate original contour and elimination of the highwall in steep-slope areas, even though there may be insufficient spoil in some previously mined areas to completely cover the highwall if an area is remined. Under these revised rules, a highwall affected by remining will have to be eliminated using reasonably available spoil to the maximum extent technically practical, in accordance with specific new criteria.

**EFFECTIVE DATE:** December 13, 1982.

**FOR FURTHER INFORMATION CONTACT:** Raymond Aufmuth, Division of Engineering Analysis, Office of Surface Mining, Department of the Interior, 1951 Constitution Avenue, N.W., Washington, D.C. 20240; 202–343–5245.

**SUPPLEMENTARY INFORMATION:**

I. Background.

II. Discussion of comments and rules adopted.

III. Procedural matters.

### I. Background.

On January 7, 1982 (47 FR 928), OSM proposed revised performance standards for remining in previously contour-mined steep-slope areas, in order to resolve the conflict that arises in applying the existing rules to situations where insufficient spoil is available to completely backfill the highwalls of mining operations that affect previously mined lands. For a discussion of the background and extent of the problem and the legal basis for these rules under the Surface Mining Control and Reclamation Act, 30 U.S.C. 1201, *et seq.* (the Act), see the **Federal Register** preamble to the proposed rule, 47 FR 928, 929. The rules adopted today will replace the requirement that highwalls be eliminated completely with the requirement that, during contour remining of previously affected areas, highwalls have to be eliminated to the maximum extent technically practical, using all reasonably available spoil, that ensures safety, stability, and erosion control necessary to achieve the approved postmining land use and maximize the recovery of coal.

A public hearing was initially scheduled for January 15, 1982, but it was rescheduled for February 8, 1982, so that the public would have more time to prepare comments (47 FR 2340, January 15, 1982). Because only one person was interested in presenting comments at the public hearing, the hearing was cancelled and a public meeting was held in its place. A summary of the meeting is on file in the Administrative Record.

During the 30-day comment period, OSM received comments from 27 sources representing industry and associations, environmental groups, and Federal and State agencies. The overwhelming majority of the commenters supported the proposal and recommended that it be adopted with minor word changes.

These are interim final rules. OSM has reproposed them in a rulemaking that proposes new performance standards for remining operations generally and that is not limited to remining on steep slopes (47 FR 27743, June 25, 1982). These rules covering remining in steep-slope areas, along with the other remining rules proposed on June 25, 1982 (47 FR 27734), are considered in a draft supplemental environmental impact statement that OSM published on June 18, 1982 (see announcement at 47 FR 26405, June 18, 1982).

In addition to soliciting comments on the proposed rules in the January 7, 1982, notice, OSM requested comments on the following related considerations in the remining of previously mined areas: (1) Applicability of the proposed rules to first-cut mining, auger mining (especially on per-existing benches), second-cut mining with sufficient reasonably available spoil to achieve AOC, and nonsteep-slope mining; and (2) recommendations of other methods to assure maximum coal recovery. Comments received on these issues will be addressed in a final rule issued as part of the June 25, 1982, rulemaking.

Comments received concerning this proposed rule are addressed below.

### II. Discussion of Comments and Rules Adopted

When OSM proposed these changes to the steep-slope mining rules, amendments to both the initial and permanent programs were included. Since that time each major coal-producing State has received approval or conditional approval of its permanent regulatory program. Thus, any new permit incorporating the standards of this rule must be issued under the permanent regulatory program. For this reason, the proposal to amend the initial regulatory program has not been adopted and only the permanent program is being amended. The amendments adopted today apply to § 826.12(b) of the permanent regulatory program.

*A. Section 826.12(b)*

The existing rules require generally that the disturbed area of steep-slope surface coal mining operations be returned to the approximate original contour (AOC) and that the highwall be completely covered in accordance with applicable backfilling and grading performance standards. The rules adopted today provide that in the contour remining of previously mined steep-slope areas that were not reclaimed to the standards of Parts 715, 816, or 817, whichever was applicable, and that do not have sufficient reasonably available spoil to completely backfill the highwall, the highwall must be eliminated to the maximum extent technically practical, according to the criteria of § 826.12(b)(1)–(5), which are discussed in detail below. Although the proposal would only have required elimination of the "new" highwall to the maximum extent practical, the interim final rule deletes the term "new" in recognition that in some remining operations, previously existing highwalls may remain which have been affected by the new operation.

In addition, in the interim final rule OSM has changed the proposed phrase "to the maximum extent practical" to the phrase "to the maximum extent technically practical." This change has been made to emphasize OSM's belief that the Act does not require operators to employ extraordinary physical measures to eliminate the highwall in remining situations where insufficient spoil is available. It is expected that only the standard equipment and practices associated with backfilling and grading will have to be used to eliminate highwalls and that no external structures, such as retaining walls, would have to be constructed as part of those efforts.

Furthermore, the proposed reference to the amount of spoil necessary to return to AOC has not been adopted because it was confusing and not germane to the rule. The interim final rule makes it clear that the reasonably

available spoil has to be insufficient to cover the highwall for this rule to apply and does not depend upon the amount of spoil necessary to achieve AOC. This is consistent with the remainder of the rule which discusses the conditions under which portions of affected highwalls can remain.

One commenter stated that the cross reference in § 826.12(b) to the backfilling and grading requirements for underground mining activities should be deleted because the proposed rule was inappropriate for faceup operations. The commenter stated that the long life of an underground mine was one of the distince differences which Section 516(a) of the Act required the Secretary to consider in promulgating rules regulating the surface effects of underground mining. On the other hand, three other commenters felt there was a need to specifically make these rules applicable to faceup operations.

The rule promulgated today has been limited in its application to contour-mining operations. OSM recognizes that faceup operations of underground mines in previously mined areas can present problems similar to those addressed today with respect to contour mines. OSM will address the comments related to underground mining operations as part of its resolution of comments received on the June 25, 1982, proposed rulemaking.

*Reasonably Available Spoil*

Nearly a third of the commenters discussed their interpretation of the term "reasonably available spoil," which was identified in the preamble to the proposed rules as "spoil that is located at or near the permit site, is accessible and available for use, and when rehandled will not cause a hazard to public health or safety or significant damage to the environment." The comments ranged from advocating using only spoil generated by the new coal extraction process to using all spoil that may be located either inside or outside the permit area, including spoil located on the downslope.

Three commenters observed that reasonably available spoil was defined only in the preamble to the proposal, not in the rules, and were concerned that the definition would not be binding. They believed the explanation was not adequate and that it could compel operators to obtain spoil from borrow pits either on or off the permit area. To overcome these problems, they suggested defining the term "reasonably available spoil" as "spoil which is generated as a direct result of the coal extraction process and would not require any additional disturbance beyond that which is necessary to achieve the maximum economic recovery of the coal being mined." Such a definition, they concluded, would eliminate the need to utilize borrow pits, consider the economics of coal recovery, and minimize unnecessary disturbance of the surrounding environment. They also recommended that the term be formally defined in the rule. Another commenter agreed that "borrowing" from virgin areas in order to cover the preexisting highwall is not reasonable nor consonant with Congressional intent.

A commenter suggested that the rule be revised to require that "all available," not "all reasonably available," spoil be used. The distinction, made by the commenter, between the two terms appears related to the suggestion that available spoil include the pulling up of spoil previously placed on the downslope. The commenter cites the "thin overburden" proviso of Section 515(b)(3) of the Act as authority for this position. Another commenter disagreed and supported the provisions of proposed § 826.12(b)(5) which restricted disturbance of spoil previously placed on the outslope. That commenter pointed out that such a restriction was necessary because in most cases material placed on the outslopes from previous mining has achieved a relatively stable position and an ecological balance. The commenter asserted that disturing this balance and removing existing vegetation will, in many cases, result in significant environmental damage and unreasonably increase the probability of offsite damage from slides. Additionally, the commenter continued, the operation of equipment on these outslopes is generally unsafe and it will be nearly impossible to assure that any outslope area disturbed by such operations could be effectively reclaimed.

OSM agrees with the second commenter's concern about disturbing material previously placed on the outslope. OSM believes that the first commenter's reliance on the proviso for thin overburden in Section 515(b)(3) as authority for requiring recovery of material previously placed on an outslope is misplaced. That proviso specifically relates to mining in thin overburden situations and does not address conditions associated with previously mined areas.

Other aspects of OSM's interpretation of reasonably available spoil were addressed in the comments. Two commenters recommended that waste should also be included as spoil. OSM's existing rules preclude the disposal of coal processing waste in the backfill. The reason for this rule was concern over the disposal of potentially acid-forming or toxic-forming material. OSM has decided not to change the proposal in response to these comments. To do so could result in the improper disposal of some waste materials.

Five commenters recommended that only spoil within the permit area be considered as reasonably available, and three of them pointed out that the term "at or near the permit site" in the preamble difinition is, and has been in the past, subject to different interpretations. As was also pointed out, under that definition a operator might be required by the regulatory authority to go outside the permit boundaries to obtain that necessary backfill material even though the operator did not own the land. OSM agrees that use of the phrase "at or near the permit site" might create problems of interpretation and that there is no provision for requiring an operator to disturb areas outside the permit area. The interim final rule limits reasonably available spoil to the permit area.

Another commenter discussed the possibility of using excess spoil from adjacent mining operations to assist in highwall elimination. On April 29, 1982 (47 FR 18553), OSM issued a final rule that allows disposal of excess spoil on preexisting benches. Such spoil could be used as appropriate for backfilling highwalls created by a remining operation. Under both rules, the regulatory authority will have the flexibility to allow the use of excess spoil created at another location in the reclamation of the remining operation. The final rule, however, does not require that spoil from another mining operation be used to reclaim the highwall at the remining operation, unless the operations are within the same permit area.

OSM expressed its concern in the preamble to the proposed rules that the then-existing rules might be interpreted as requiring the "useless act of digging a new pit to obtain fill material." Although several commenters echoed the same concern regarding the proposed rules, none of the commenters who advocated a broader interpretation of the term "reasonably available spoil" favored the use of borrow pits as a source of backfill material. Consequently, OSM does not intend in this rule to require borrow pits to be used to generate material for backfilling of previously mined areas. This is consistent with OSM's definitions of "spoil" as being "overburden" and "overburden" as being material overlying a coal deposit.

OSM believes there should be a minimum of restrictions on spoil that will be considered as reasonably available for highwall elimination. Under more restrictive readings, spoil could be eliminated from consideration that is easily obtainable within the permit area, but which may not have been created during the extraction of coal by the new mining operation. This interpretation could preclude the potential use of spoil generated by the previous mining operation and is in fact reasonably available to assist in reclamation of the new mining operation. Conversely, a requirement that all spoil be used might entail disturbing stable spoil placed on the outslope even if such disturbance would result in unstable conditions and present a threat to the public and the environment. Consequently, OSM intends to allow some latitude regarding what spoil is considered reasonably available. In this regard, the spoil to be used for highwall elimination and the final surface configuration must be described in the operation and reclamation plans required by 39 CFR Parts 780 and 784. The regulatory authority will decide on a site-specific basis as to whether all reasonably available spoil has been indentified in the permit application and whether the required demonstration has been made that insufficient spoil is available to cover the highwall.

One commenter wanted the permit application to show the amount of existing spoil and an engineering analysis of the reasons why there is inadequate existing spoil. OSM believes that the description of the spoil in the operation and reclamation plan and the required demonstration from the operator that insufficient spoil is available will meet the concerns of this commenter.

After consideration of the comments, OSM has decided to include a description of reasonably available spoil in the interim final rules. OSM's concept of reasonably available spoil remains substantially the same as was discussed in the preamble to the proposed rules with the one change mentioned above. Reasonably available spoil means spoil generated by the mining operation and other spoil located in the permit area that is accessible and available for use and that when rehandled will not cause a hazard to the public safety or significant damage to the environment.

**"Practical" v. "Possible"**

Two commenters suggested that the word "practical" be replaced with the word "possible" in the proposed phrase "the new highwall shall be eliminated to the maximum extent practical." One of the commenters felt that because "practical" is not defined, the rule could be abused through changing economic conditions and insolvency of the operator. The other commenter believed that an operator who is remining an area benefits from having to move less overburden and therefore the operator should be expected to create a net improvement in the existing condition of a remined area.

OSM agrees that changing external economic conditions or the possible insolvency of the operator should not be the criteria used in the determination of whether a specific mining proposal will satisfy the requirement for highwall elimination. For this reason, the interim final rule has been revised to require the operator to eliminate the highwall to the maximum extent *technically* practical. Under this language OSM intends that accepted engineering practices be included in the evaluation, not the overall financial condition of the coal operator. OSM believes the inclusion of the term "technically practical" in the interim final rule will accommodate the commenters' concern without opening the rule to extreme interpretations in situations under which it may be "theoretically possible" to cover the highwall, but which would require extraordinary measures. It is OSM's intent to require the operator to eliminate that portion of the highwall and technologically can be eliminated using standard backfilling and grading techniques.

However, the second commenter's suggestion that less overburden has to be moved in a remining situation appears to be misplaced. In fact, overburden depth for a remining situation is usually greater than for the original operation since the cut generally advances further into the mountainside in the steep-slope contour operation. OSM, however, shares the commenter's desire to improve the conditions in areas impacted by past mining. The interim final rule should help accomplish this goal as well as minimize unnecessary impacts in virgin areas.

*B. Section 826.12(b)(1)*

Paragraph (b)(1) of the rule states that the person who conducts the surface coal mining and reclamation operation must demonstrate that the minimum static safety factor for the stability of the backfill is at least 1.3. The rule also states that the fill shall be designed by a qualified registered professional engineer.

A commenter recommended deletion of the requirement in the proposed rule that standard geotechnical analysis be used to demonstrate the stability of the backfill, because geotechnical testing is only one of several methods used to determine stability. OSM agrees that there are other acceptable methods of determining stability, and the requirement to use geotechnical testing has not been adopted. The same commenter pointed out that the phrases "In each case" and "all portions of" (the backfill) are unnecessary. OSM agrees that they are superfluous, and they, too, have not been included in the interim final rule.

In addition to the required demonstration of the 1.3 safety factor, the phrase "designed by a qualified registered professional engineer" has been inserted to ensure that whatever method of determining stability is used, the fill will be designed properly. This is in accordance with the requirement of § 780.14(c)(2).

*C. Section 826.12(b)(2)*

According to new § 826.12(b)(2), all spoil generated by the mining operation *and* other reasonably available spoil must be used in backfilling the area to eliminate the highwall to the maximum extent technically practical. In the proposed rule, the word "or" was used in describing the spoil to be used in the backfilling operation. In the interim final rule, "or" has been replaced with "and" to make it clear that both the spoil generated by the mining operation and other reasonably available spoil are to be used for backfilling and not one or the other.

The phrase "so as to eliminate the highwall to the maximum extent practical" in proposed § 826.12(b)(2) was an inadvertent and unnecessary repetition of the same phrase in the introductory paragraph in § 826.12(b) and has therefore not been included in § 826.12(b)(2).

*D. Section § 826.12(b)(3)*

New § 826.12(b)(3) will require that the backfill must be graded to a slope which is compatible with the approved postmining land use and which provides adequate drainage and long-term stability.

The word "approved" was added before "postmining land use" at the suggestion of a commenter. This is the same term used in the postmining land use rules at §§ 826.133 and 817.133.

Another commenter advocated adding the word "surface" before "drainage" to indicate that the rule covers surface drainage only, because a distinction should be made between overland flow from precipitation events and infiltrated shallow subsurface water flow and

nonstorm base-flow seepage from underdrains and filter systems. OSM cannot accept the idea of restricting drainage considerations to surface flow, because there may be situations where shallow subsurface water flow must be considered when designing and building the backfill area. Also, the suggestion was made that the drainage should complement existing surface drainage patterns. Although §§ 816.41(b) and 817.41(b) require that changes in the location of surface water channels be minimized, it could be undesirable to perpetuate drainage patterns that have formed in previously mined areas and that may be directed onto material previously placed on the outslope or that may not be compatible with the approved postmining land use. Therefore, the suggested language has not been added.

*E. Section § 826.12(b)(4)*

New § 826.12(b)(4) will require that any remnant of the highwall must be stable and not pose a hazard to the public health or safety or to the environment.

One commenter wanted the corresponding provision in the proposal modified to eliminate an unnecessary restraint. OSM has retained the language of the proposed rule to ensure protection from hazards to the public health and safety and to the environment in the remined area.

One commenter wanted clarification of which highwall remnant the rule applies to by adding the word "new" to the requirement. OSM recognizes that in most operations the operator will be working with a new highwall as a result of remining. But, OSM does not intend to restrict the rule to new highwalls, because there may be circumstances where a preexisting highwall will need to be stabilized. Another commenter stated that it should be sufficient for an operator to leave the highwall "no less stable" than before remining. One of the goals of these rules is to reclaim previously mined lands through remining, and one aspect of the reclamation is to leave more stable highwalls. However, the word "made" has been removed from the phrase "shall be made stable" in recognition of the fact that some preexisting stable highwalls may not be affected by remining. It should be noted that the stability requirement and the other requirements of this rule are to apply to every portion of a highwall that is affected by a remining operation.

Two commenters requested that additional provisions be added to this paragraph to include revegetation of the highwall to the extent feasible or to the extent possible. OSM agrees with the commenters' concern since it may not be feasible or possible to revegetate highwall remnants. OSM believes, however, that no rule change is necessary to address this concern. Performance standards for revegetation of previously mined areas are contained in §§ 826.12(b)(3)(i) and 817.116(b)(3)(i). OSM does not believe any change in those standards is required here.

One of the commenters also requested that provisions be added to control sedimentation and erosion. Such requirements in these interim final rules are unnecessary because the requirements are in addition to the other steep-slope and general performance standards for surface coal mining and reclamation operations, which contain the requirements specified by the commenters.

One of the commenters also stated that access ramps and fences should be constructed above the highwall. OSM does not believe access ramps or fences are needed in all cases and believes that flexibility should be provided for the construction of whatever structures are needed at the particular site based on the approved postmining land use. Another commenter stated that the permittee should be required to use geotechnical analysis to demonstrate the stability of the highwall. Along the same theme, a commenter wanted the permit application to show that stability of the highwall and outslope area would be achieved. Another commenter recommended allowing a certification from a registered professional engineer on the stability of the highwall for protection of the environment, public safety, and recovery of the coal resource. Highwall stability can be affected by either an increase in stress or decrease in strength of the highwall material. No commonly accepted mathematical or physical means have been developed to predict the stresses in rock or to obtain an engineering estimate of the strength of a large rock mass. Frequently, the best information is simply related to the highwall slope, type of rock, and observations of existing highwalls under similar conditions. For these reasons, OSM feels that the means used to demonstrate the highwall stability should be specified by the regulatory authority, depending upon site-specific conditions.

*F. Section 826.12(b)(5)*

New § 826.12(b)(5) will require that spoil placed on the outslope during previous mining operations not be disturbed if such disturbance will cause instability of the remaining spoil or otherwise increase the hazard to the public health and safety or to the environment.

One commenter believed that it should be mandatory that unstable material on the outslope be used as backfill. The commenter stated that only by this mechanism would unstable outslopes be removed in second-cut operations if it is not economical to do so.

OSM has not imposed such a requirement in the interim final rule because there may be situations where more damage would be caused by the mandatory removal of unstable spoil. In addition, mandatory operations on steep slopes or unstable spoil may jeopardize the safety of the equipment operator. If such spoil was reasonably available and was needed to eliminate the highwall, it would have to be used for that purpose so long as the hazard to the public health and safety is not increased.

*G. Proposed § 826.12(b)(6) Not Adopted*

The proposed requirement to achieve maximum recovery of the coal resource given economic and technical constraints in proposed Paragraph (b)(6) has not been adopted in the interim final rules. The change from the proposal was made because maximum utilization and conservation of the coal is required of all surface coal mining operations under Section 515(b)(1) of the Act and §§ 816.59 and 817.59 of the existing rules. The proposed requirement was therefore duplicative. Although the existing sections require utilization of the best appropriate technology currently available to maintain environmental integrity, that standard is not imposed on the maximum utilization and conservation of the coal.

Two commenters expressed concern about the discussion in the preamble to the proposal of a showing required by the operator as to how far mining would have to proceed into the mountain in order to generate sufficient spoil to completely cover the highwall and the reasons why mining to that point would not be economically or technically feasible. See 47 FR at 929 and 930. They stated that certification by a registered professional engineer that insufficient spoil was available should be adequate, and that the proposed requirement would place an excessive burden on the operator.

One commenter pointed out that regardless of the economic and technical stipulations of the rule, mining will proceed only to the point where the next cut would be unprofitable, whether or not enough spoil would be generated to cover the highwall. Therefore, the rule would not affect the degree of highwall

elimination or of reclamation of the area.

Another commenter recommended that the phrase "of the coal mining operator" should be added at the end of proposed § 826.12(b)(6). This would require the assessment of maximum coal recovery to be based on the equipment used by the person who proposes to remine an area, as well as on the characteristics of the site. Two other commenters reflected the same belief that the requirement should be based on individual operators' equipment. In contrast, another commenter stated that in order to assure maximum coal recovery, so that an area will not be remined in the future, an operator should be required to use the best technology available—the equipment that results in extraction of the most coal in the locale of the operation.

OSM believes that choice of the equipment an operator uses for coal mining is an individual responsibility and not a proper role for OSM. In addition, OSM believes that economic and technical constraints are proper considerations in determining the maximum utilization and conservation of coal. There is no requirement that an operator recover additional coal if it is unprofitable to do so (assuming other performance standards are met). As to the nature of possible economic and technical constraints which justify a limitation of mining, OSM continues to support a case-by-case determination by regulatory authorities based upon showings by individual operators. The existing rule is satisfied by a demonstration that all coal which is economically feasible to be recovered will be mined. See 44 FR 15178 (March 13, 1979) for a further discussion of §§ 816.59 and 817.59. Spoil generated up to that point of mining will be considered as reasonably available and will have to be used to eliminate the highwall.

OSM is in complete agreement that remining activities should improve the environmental character of previously mined areas that were not reclaimed to the standards established by the Act. But it also recognizes the wide diversity of factors that determine how much coal can be economically recovered from a particular site and to what degree a specific area can be reclaimed through reminng.

*H. Response to Other Comments on the Proposed Rule*

The relationship between the abandoned mine land (AML) reclamation provisions of Title IV of the Act and the performance standards of Title V was discussed in four comments. Two commenters believed that a legally remined area would be removed from consideration for reclamation by the Abandoned Mine Land Reclamation Fund established under the Act. To the extent that a remining operation affects a portion of previously mined land, the operator's reclamation responsibilities are established by Title V of the Act and the rules promulgated thereunder, including these rules. A portion of land previously left totally or partly unreclaimed which is not affected by the remining operation would still remain eligible for funding under the AML program assuming that the other requirements in Title IV of the Act are met.

Two commenters urged using money from the AML fund to subsidize remining operations, thereby assuring maximum coal recovery and reclamation. One of those commenters believed further that determination of whether an area should be remined is a responsibility of the Title IV authority, and that remining should not be allowed without a waiver from that authority.

The issue of subsidization of remining activities from the AML fund is beyond the scope of this rulemaking. OSM is in the process of examining issues arising out of the relationship between Titles IV and V of the Act. However, nothing in the Act requires a Title IV waiver before a Title V permit may be issued for a mining or remining operation.

One commenter proposed that the rules should allow reentry into areas that have been fully reclaimed according to the standards of the Act and the rules, as there would be times when changed market conditions would make it economical to return to previously mined areas for additional coal recovery. Remining may occur in an area that has been fully reclaimed under the Act, but the operation must meet the performance standards of the Act including total elimination of the highwalls. Another commenter remarked that the rules do not consider the economics of remining an area that is currently being mined. Where there are continued operations under a permit, this is not a remining situation. The rules adopted today for steep-slope mining are for a special situation where the spoil from the previous operation is unavailable for highwall elimination. Therefore, these special remining rules do not apply to operations in areas where there has been past compliance with the Act or there is a continuing responsibility under the Act.

Two commenters believed that OSM's Technical Memorandum 1 (TM 1, 46 FR 62034, December 21, 1981), which deals with the issue of drainage or road structures on backfilled materials in steep-slope areas, conflicts with the second-cut remining rules. They contend that TM 1 calls for highwall elimination, and that it therefore conflicts with the second-cut remining rules, which allow partial elimination of the highwall when there is insufficient backfill material due to the previous operation. Technical memorandums are issued to assist the public in complying with and understanding statutory and regulatory requirements in various technical areas. TM 1 provides guidelines for normal mining operations where total highwall elimination is required. These remining rules merely allow partial highwall elimination only in cases of insufficient backfill in remining situations. Therefore, there is no conflict between TM 1 and these interim final rules.

One commenter stated that the rules omit consideration of access to proven coal resources in cases of national emergencies. One of the purposes of the Act stated in Section 102(f) is to strike a balance between the protection of the environment and the Nation's need for coal as an essential energy source. These rules attempt to strike that balance. The rules are not intended to address national emergencies. The same commenter continued that he believes the best interests of the owner, government, and miner are not considered by these rules. OSM considered the purposes of the Act when developing the proposed and interim final rules and believes that the rules are a reasonable interpretation of the Act's provisions and consistent with its purposes. The interests of all persons were considered during this rulemaking process.

## III. Procedural Matters

*Executive Order 12291 and the Regulatory Flexibility Act*

The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

These interim final rules are not major rules and do not require a regulatory impact analysis because they allow less costly reclamation procedures for mining in previously mined areas.

These interim final rules will not have a significant economic impact on a substantial number of small entities because they make it easier for small operators to remine and reclaim previously mined areas.

*National Environmental Policy Act*

OSM prepared an environmental assessment (EA) on the impacts of the revision of § 826.12(b) and the cumulative impacts of this revision in relation to revisions of certain other rules. In the finding of no significant impact (FONSI) for those certain revisions whose cumulative impacts were analyzed, this revision of § 826.12(b) was considered to be in Category I, which contains those revisions for which the analysis of impacts is sufficiently certain to support a FONSI. This revised rule was also reconsidered in the draft supplement to OSM's Final Environment Statement OSM–EIS–1 and will be reconsidered in the final supplement to OSM–EIS–1.

**List of Subjects in 30 CFR Part 826**

Coal mining, Environmental protection, Reporting and recordkeeping requirements, Surface mining, Underground mining.

Accordingly, 30 CFR Part 826 is amended as set forth herein.

Dated: October 10, 1982.

**Wm. P. Pendley,**

*Acting Assistant Secretary, Energy and Minerals.*

## PART 826—SPECIAL PERMANENT PERFORMANCE STANDARDS—OPERATIONS ON STEEP SLOPES

1. In § 826.12, paragraph (b) is revised to read as follows:

**§ 826.12 Steep slopes: Performance standards.**

* * * * *

(b) The disturbed area shall be backfilled and graded to comply with the provisions of §§ 816.101–816.106 and 817.101–817.106 of this chapter to return the site to the approximate original contour and completely cover the highwall; *Provided, however,* that where contour-mining operations affect previously mined areas that were not reclaimed to the standards of this chapter and the volume of all reasonably available spoil is demonstrated in writing the regulatory authority to be insufficient to completely backfill the highwall, the highwall shall be eliminated to the maximum extent technically practical in accordance with the following criteria.

(1) The person who conducts the surface coal mining and reclamation operation shall demonstrate to the regulatory authority that the fill, designed by a qualified registered professional engineer, has a minimum static safety factor for the stability of the backfill of at least 1.3.

(2) All spoil generated by the mining operation and other reasonably available spoil shall be used to backfill the area. Reasonably available spoil shall include spoil generated by the mining operation and other spoil located in the permit area that is accessible and available for use and that when rehandled will not cause a hazard to the public safety or significant damage to the environment.

(3) The backfill shall be graded to a slope which is compatible with the approved postmining land use and which provides adequate drainage and long-term stability.

(4) Any remnant of the highwall shall be stable and not pose a hazard to the public health and safety or to the environment.

(5) Spoil placed on the outslope during previous mining operations shall not be disturbed if such disturbances will cause instability of the remaining spoil or otherwise increase the hazard to the public health and safety or to the environment.

* * * * *

(Pub. L. 95–87, 91 Stat. 445 (30 U.S.C. 1201 et seq.))

[FR Doc. 82-30863 Filed 11-10-82; 8:45 am]

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federal register

Friday
November 12, 1982

Part V

# Department of Health and Human Services

## Health Resources and Services Administration

## Designation of Medically Underserved Areas; List of Final Deletions

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

### Designation of Medicaly Underserved Areas; List of final Deletions

**AGENCY:** Health Resources and Services Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** This notice is to advise all interested individuals and organizations, particularly Health Systems Agencies and State Health Planning and Development Agencies, of the final deletions from the list of areas that have been designated as medically underserved areas (MUAs). The final deletions result from analysis of comments received since the publication on October 28, 1981, in the **Federal Register** (46 FR 53320) of areas proposed for deletion.

**DATE:** These areas are deleted effective November 12, 1982.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard Bohrer, Acting Associate Bureau Director, Office of Primary Care, Bureau of Health Care Delivery and Assistance, Room 7A–55, Parklawn Building, 5600 fishers Lane, Rockville, Maryland 20857. Telephone number 301 443–2260.

**SUPPLEMENTARY INFORMATION:** A notice was published in the October 14, 1981, **Federal Register** (46 FR 50677) announcing that certain areas that were designated as MUAs were proposed to be deleted from that listing That notice described how the proposed listing of deletions was generated, but the actual listing of the areas was inadvertently not published with the notice. However, the listing of areas proposed for deletion was published in the October 28, 1981 **Federal Register** (46 FR 53320). The proposed deletions were based on the most recently available national data. Comments and more current local data were requested from all interested individuals and organizations. In addition, governors of States in which MUAs were proposed for deletion were consulted by letter.

Comments from areas where the lack of MUA designation would be critical in the Department's fiscal year 1982 Community Health Center (CHC) funding decisions were considered first. Commenters who submitted more current local data that was analyzed have been notified individually of the decision regarding their submissions. In addition, affected CHCs have been notified regarding the loss of MUA status.

Dated: October 26, 1982.

**Robert Graham,**

*Administrator, Assistant Surgeon General.*

DELETIONS TO CURRENT MUA LIST

| County name | Census tract |
|---|---|
| **Alabama** | |
| Jefferson | 0008.00, 0011.00, 0012.00, 0013.00, 0015.00, 0017.00, 0018.00, 0044.00, 0048.02, 0104.00, 0114.00, 0119.00, 0125.00, 013C.00, 0133.00, 0138.00, 0141.02. |
| Morgan | 0052.00. |
| Tuscaloosa | 0103.00, 0106.00, 0125.00. |
| **Alaska** | |
| Outer Ketchikan Division .. | |
| | MCD/CCD |
| Skagway-Yakutat Division. | Yakutat Portion. |
| **Arizona** | |
| | MCD/CCD |
| Yuma | Parker Div., Wellton Div. |
| | Census Tract |
| Pima | 0004.00. |
| **Arkansas** | |
| Boone | |
| | MCD/CCD |
| Benton | Brightwater Twp., Mount Vernon Twp. |
| Craighead | Big Creek Twp., Buffalo Twp., Lake City Twp., Little Texas Twp., Maumelle Twp. |
| | Census Tract |
| Pulaski | 0012.00, 0013.00, 0018.00, 0038.00, 0040.02, 0043.00. |
| Saline | 0105.00. |
| Washington | 0101.00, 0105.00, 0110.00. |
| **California** | |
| | MCD/CCD in Previously Whole Counties |
| San Benito | Hollister Div., San Benito-Bitterwater Div., San Juan Bautista Div. |
| | MCD/CCD |
| Imperial | Calipatria Div., West Imperial Div. |
| Merced | Dos Palos Div., Livingston-Delhi Div. |
| Sierra | East Sierra. |
| Yuba | Yuba Foothills Div. |
| | Census Tract |
| Kern | 0037.00, 0060.00. |
| Los Angeles | 1923.00, 2031.00, 2034.00, 2061.00, 2063.00, 2087.00, 2089.00, 2095.00, 2098.00, 2113.00, 2118.00, 2146.00, 2164.00, 4024.04, 5746.01, 5758.00, 5766.00, 5767.00, 7014.00. |
| Napa | 2013.00. |
| Sacramento | 0009.00, 0010.00, 0013.00, 0094.00, 0095.00. |
| San Bernardino | 0049.00, 0058.00, 0059.00, 0060.00. |
| San Diego | 0056.00, 0170.04, 0200.01. |
| San Francisco | 0124.00, 0255.00. |
| Santa Clara | 5009.00, 5010.00. |
| Solano | 2527.00. |
| Tulare | 0002.00, 0006.00. |
| **Colorado** | |
| Cheyenne | |
| Custer | |
| Huerfano | |
| Jackson | |
| Kiowa | |
| Lake | |
| | MCD/CCD in Previously Whole Counties |
| Montezuma | Cortez Div., Dolores Div., Mancos Div., Pleasant View Div. |
| | MCD/CCD |
| Baca | Campo Div. |
| Lincoln | Hugo Div., Karval Div. |
| Logan | Crook Div., Fleming Div. |
| Morgan | Weldona Div., Wiggins Div. |
| Phillips | Haxtun Div. |
| | Census Tract |
| Adams | 0089.52. |
| Pueblo | 0006.00, 0008.00, 0011.00, 0015.00, 0019.00, 0020.00, 0026.00, 0028.02, 0030.02. |
| **Connecticut** | |
| | MCD/CCD |
| Windham | Eastford Town, Killingly Town, Plainfield Town, Pomfret Town, Putnam Town, Sterling Town. |
| | Census Tract |
| Fairfield | 0201.00, 0222.00, 0716.00. |
| Hartford | 5016.00, 5021.00, 5022.00, 5034.00. |
| Middlesex | 5408.00, |
| New Haven | 1409.00, 1417.00, 1424.00. |
| New London | 6907.00, 6968.00. |
| **Delaware** | |
| | Census Tract |
| New Castle | 0006.01, 0008.00. |
| **District of Columbia** | |
| District of Columbia | 0005.00, 0014.00, 0033.01, 0036.00, 0038.00, 0041.00, 0069.00, 0074.01, 0083.01. |
| **Florida** | |
| | MCD/CCD in Previously Whole Counties |
| Bay | Lynn Haven Div., Mexico Beach Div., Panama City Beaches Div., Springfield Div. |
| Gulf | Port St Joe Div. |
| Hendry | Clewiston Div. |
| | MCD/CCD |
| Okaloosa | Crestview Div. |
| | Census Tract |
| Alachua | 0002.00. |
| Broward | 0405.00, 0421.00, 0901.00, 1001.00. |
| Dade | 0002.01, 002.08, 0004.03, 0015.02, 0036.02, 0052.00, 0053.00, 0064.00, 0066.00, 0067.02, 0083.03, 0104.00, 0106.02, 0113.00, 0114.00. |
| Duval | 0007.00, 0008.00, 0022.00, 0023.00, 0027.00, 0113.00, 0155.00. |
| Escambia | 0005.00, 0014.00, 0019.00, 0020.00, 0021.00, 0022.00, 0024.00, 0025.00, 0026.00, 0032.00, 0034.00. |
| Hillsborough | 0018.00, 0049.00. |
| Orange | 0114.00. |
| Seminole | 0210.00, 0212.00. |
| Franklin | |
| Glynn | |

## DELETIONS TO CURRENT MUA LIST—Continued

| County name | Census tract |
|---|---|
| | MCD/CCD in Previously Whole Counties |
| Troup | Abbottsford Div., Hillcrest Div., La Grange Div., Mountville Div., Oak Grove Div., Pleasant Grove Div., Tatum Div. |
| Upson | Atwater Div., The Rock-Yatesville Div., Thomaston Div. |
| | MCD/CCD |
| Catoosa | Ringgold Div. |
| Stephens | Toccoa Creek Div. |
| | Census Tract |
| Chatham | 0021.00, 0022.00, 0029.00, 0030.00, 0032.00, 0033.00, 0036.01, 0106.02. |
| Chattahoochee | 0201.00. |
| Clarke | 0001.00, 0004.00, 0007.00, 0008.00, 0010.00, 0011.00, 0012.00. |
| Douglas | 0803.00, 0804.00. |
| Fulton | 0008.00, 0017.00, 0019.00, 0104.00. |
| Richmond | 0004.00, 0006.00, 0007.00, 0009.00, 0014.00, 0015.00. |
| **Hawaii** | |
| | Census Tract |
| Honolulu | 0062.02 |
| **Idaho** | |
| Clearwater | |
| | MCD/CCD in Previously Whole Counties |
| Bingham | Blackfoot Div., Alridge Div., Fort Hall Div., Firth Div., Shelley Div., Moreland Div. |
| | MCD/CCD |
| Benewah | Tensed Div. |
| Gem | Sweet Div. |
| **Illinois** | |
| Putnam | |
| | MCD/CCD in Previously Whole Counties |
| De Witt | Barnett Twp., Clintonia Twp., De Witt Twp., Harp Twp., Nixon Twp., Rutledge Twp., Santa Anna Twp., Texas Twp., Wapella Twp., Waynesville Twp., Wilson Twp. |
| Morgan | Allexander Prec., Arcadia Prec., Centerville Prec., Chapin Prec., Concord Prec., Franklin Prec., Jacksonville Prec., Literberry Prec., Lynnville Prec., Markham Prec., Meredosia Prec., Murrayville Prec., Nortonville Prec., Pisgah Prec., Prentice Prec., Sinclair Prec., Woodson Prec. |
| Saline | Brushy Twp., Cottage Twp., East Eldorado Twp., Harrisburg Twp., Independence Twp., Long Branch Twp., Mountain Twp., Raleigh Twp., Rector Twp., Stonefort Twp., Tate Twp. |
| Warren | Berwick Twp., Coldbrook Twp., Ellison Twp., Floyd Twp., Greenbush Twp., Hale Twp., Kelly Twp., Lenox Twp., Monmouth Twp., Point Pleasant Twp., Spring Grove Twp., Sumner Twp., Swan Twp., Tompkins Twp. |
| Washington | Ashley Twp., Beaucoup Twp., Bolo Twp., Covington Twp., Hoyleton Twp., Irvington Twp., Johannisburg Twp., Lively Grove Twp., Nashville Twp., Oakdale Twp., Pilot Knob Twp., Plum Hill Twp., Richview Twp., Venedy Twp. |
| | MCD/CCD |
| Adams | Camp Point Twp. Honey Creek Twp., Keene Twp. |
| **Illinois** | |
| | MCD/CCD |
| Carroll | Lima Twp. |
| Cass | Arenzville Twp. |
| Clinton | Irishtown Twp., Meridian Twp., Santa Fe Twp. |
| Coles | Ashmore Twp., Charleston Twp., Pleasant Grove Twp. |
| Edgar | Edgar Twp. |
| Fulton | Buckheart Twp., Harris Twp., Joshua Twp., Lewistown Twp., Vermont Twp. |
| Iroquois | Pigeon Grove Twp., Stockland Twp. |
| La Salle | Freedom Twp., Hope Twp. |
| Montgomery | Bois D'Arc Twp., Butler Grove Twp., Hillsboro Twp. |
| Shelby | Sigel Twp. |
| Williamson | Stonefort Prec. |
| | Census Tract |
| Champaign | 0002.00. |
| Cook | 0310.00, 0317.00, 0320.00, 0321.00, 0514.00, 0608.00, 0621.00, 0708.00, 0719.00, 0803.00, 0810.00, 0812.00, 0813.00, 0815.00, 1603.00, 2308.00, 2406.00, 2409.00, 2411.00, 2420.00, 2426.00, 2435.00, 2524.00, 2607.00, 2701.00, 2708.00, 2709.00, 2829.00, 2910.00, 2915.00, 2919.00, 3005.00, 3014.00, 3107.00, 3201.00, 3301.00, 3403.00, 3506.00, 3509.00, 3512.00, 3701.00, 3704.00, 3904.00, 3907.00, 4004.00, 4007.00, 4008.00, 4914.00, 6603.00, 6606.00, 6609.00, 6717.00, 6801.00, 6805.00, 6806.00, 6811.00, 6812.00, 7105.00, 7207.00, 8095.00, 8123.00, 8126.00, 8128.00, 8148.00, 8149.00, 8150.00, 8151.00, 8160.00, 8290.00, 8297.00. |
| Peoria | 0002.00, 0010.00, 0012.00, 0013.00, 0017.00. |
| Rock Island | 0206.00, 0224.00. |
| Sangamon | 0008.00. |
| Vermilion | 0109.00. |
| **Indiana** | |
| Steuben | |
| | MCD/CCD in Previously Whole Counties |
| Fayette | Columbia Twp., Connersville Twp., Fairview Twp., Harrison Twp., Jackson Twp., Jennings Twp., Orange Twp., Posey Twp. |
| Orange | French Lick Twp., Greenfield Twp., Jackson Twp., Northeast Twp., Northwest Twp., Orangeville Twp., Orleans Twp., Paoli Twp., Southeast Twp. |
| White | Big Creek Twp., Cass Twp., Jackson Twp., Monon Twp., Prairie Twp., Princeton Twp., Round Grove Twp., Union Twp., West Point Twp. |
| Adams | St. Marys Twp., Union Twp., Wabash Twp. |
| Jay | Penn Twp. |
| Jefferson | Saluda Twp. |
| Jennings | Lovett Twp. |
| Knox | Vigo Twp. |
| Randolph | White River Twp. |
| Rush | Orange Twp. |
| | Census Tract |
| Dearborn | 0803.00, 0805.00. |
| Lake | 0108.00, 0114.00, 0122.00, 0124.00, 0129.00, 0302.00. |
| Marion | 3413.00, 3416.00, 3501.00, 3502.00, 3508.00, 3510.00, 3511.00, 3514.00, 3517.00, 3525.00, 3528.00, 3532.00, 3538.00, 3552.00, 3558.00. |
| **Iowa** | |
| Lucas | |
| | MCD/CCD in Previously Whole Counties |
| Adams | Carl Twp., Colony Twp., Douglas Twp., Grant Twp., Jasper Twp., Lincoln Twp., Mercer Twp., Modaway Twp., Union Twp., Washington Twp. |
| Chickasaw | Chickasaw Twp., Dayton Twp., Deerfield Twp., Dresden Twp., Fredericksburg Twp., New Hampton Twp., Richland Twp., Stapleton Twp., Utica Twp. |
| Delaware | Adams Twp., Dremen Twp., Coffins Grove Twp., Colony Twp., Delaware Twp., Hazel Green Twp., North Fork Twp., Oneida Twp., Prairie Twp., South Fork Twp., Union Twp. |
| Tama | Buckingham Twp., Carlton Twp., Carroll Twp., Clark Twp., Columbia Twp., Crystal Twp., Geneseo Twp., Grant Twp., Highland Twp., Howard Twp., Indian Village Twp., Lincoln Twp., Oneida Twp., Otter Creek Twp., Richland Twp., Tama Twp., Toledo Twp. |
| Taylor | Benton Twp., Clayton Twp., Dallas Twp., Gay Twp., Grant Twp., Grove Twp., Holt Twp., Jackson Twp., Marshall Twp., Mason Twp., Modaway Twp., Platte Twp., Polk Twp., Ross Twp., Washington Twp. |
| | MCD/CCD |
| Cherokee | Pitcher Twp. |
| Clarke | Troy Twp. |
| Clayton | Boardman Twp., Cass Twp., Giard Twp., Mendon Twp., Sperry Twp., Volga Twp., Wagner Twp. |
| Greene | Jefferson Twp. |
| Hamilton | Williams Twp. |
| Howard | Vernon Springs Twp. |
| Kossuth | Luverne Twp., Whittemore Twp. |
| Louisa | Columbus City Twp., Eliot Twp., Morning Sun Twp., Port Louisa Twp., Wapello Twp. |
| Palo Alto | Rush Lake Twp., Walnut Twp. |
| Sac | Levey Twp. |
| Union | New Hope Twp. |
| Van Buren | Jackson Twp. |
| Wapello | Adams Twp., Columbia Twp., Richland Twp. |
| | Census Tract |
| Black Hawk | 0005.00. |
| Pottawattamie | 0215.00, 0308.00. |
| **Kansas** | |
| Cheyenne | |
| Cowley | |

## DELETIONS TO CURRENT MUA LIST—Continued

| County name | Census tract |
|---|---|
| Harper | |
| Stevens | |
| | MCD/CCD in Previously Whole Counties |
| Bourbon | Drywood Twp., Fort Scott City, Franklin Twp., Freedom Twp., Marmaton Twp., Mill Creek Twp., Osage Twp., Pawnee Twp., Scott Twp., Timberhill Twp., Walnut Twp. |
| Crawford | Baker Twp., Crawford Twp., Frontenac City, Grant Twp., Osage Twp., Pittsburg City, Sheridan Twp., Sherman Twp., Washington Twp. |
| Kearny | East Hibbard Twp., Hartland Twp., Kendall Twp., Lakin Twp., Southside Twp., West Hibbard Twp. |
| Morris | Burdick Twp., Clarks Creek Twp., Council Grove Twp., Diamond Valley Twp., Elm Creek Twp., Four Mile Twp., Garfield Twp., Grandview Twp., Highland Twp., Neosho Twp., Ohio Twp., Overland Twp., Parker Twp., Valley Twp., Warren Twp. |
| Stanton | Manter Twp., Stanton Twp. |
| Sumner | Avon Twp., Belle Plaine Twp., Bluff Twp., Caldwell Twp., Chikaskia Twp., Conway Twp., Creek Twp., Dixon Twp., Downs Twp., Eden Twp., Falls Twp., Gore Twp., Greene Twp., Guelph Twp., Harmon Twp., Illinois Twp., Jackson Twp., London Twp., Morris Twp., Osborn Twp., Oxford Twp., Palestine Twp., Ryan Twp., Seventy-Six Twp., South Haven Twp., Springdale Twp., Sumner Twp., Valverde Twp., Walton Twp., Wellington City, Wellington Twp. |
| | MCD/CCD |
| Barber | Kiowa Twp. |
| Hamilton | Syracuse Twp. |
| Jefferson | Rock Creek Twp., Union Twp. |
| Kingman | Bennett Twp. |
| Phillips | Logan Twp. |
| Rice | Farmer Twp. |
| Rooks | Stockton Twp. |
| | Census Tract |
| Butler | 0206.00. |
| Leavenworth | 0709.00, 0710.00, 0711.00. |
| Sedgwick | 0004.00, 0008.00, 0033.00, 0078.00. |
| Shawnee | 0003.00, 0004.00, 0014.00. |
| Wyandotte | 0408.00, 0412.01, 0412.02, 0416.00, 0417.00, 0420.02, 0425.02, 0426.00, 0431.02. |
| **Kentucky** | |
| Madison | |
| | MCD/CCD in Previously Whole Counties |
| Pendleton | Butler Div., Falmouth West Div. |
| | MCD/CCD |
| Boyle | Junction City Div., Perryville Div. |
| Hardin | Cecilia Div., Summit Div. |
| Hopkins | Dawson Springs Div., Mortons Gap Div., St. Charles Div. |
| Mason | Maysville Div. |
| Woodford | Versailles North Div. |
| | Census Tract |
| Jefferson | 0057.00, 0065.00, 0066.00, 0067.00, 0068.00, 0072.00, 0078.00. |

## DELETIONS TO CURRENT MUA LIST—Continued

| County name | Census tract |
|---|---|
| **Louisiana** | |
| West Feliciana | |
| | MCD/CCD |
| LaFourche | Ward 9. |
| | Census Tract |
| Orleans | 0003.00, 0007.02, 0009.04, 0013.01, 0015.00, 0025.03, 0026.00, 0025.00, 0036.00, 0037.02, 0046.00, 0064.00, 0096.00, 0102.00, 0106.00. |
| St. Bernard | 0303.00, 0307.00. |
| **Maine** | |
| | MCD/CCD in Previously Whole Counties |
| Somerset | Cambridge Town, Canaan Town, Cornville Town, Dennisstown Plantation, Detroit Town, Fairfield Town, Harmony Town, Hartland Town, Jackman Town, Mercer Town, Moose River Town, Norridgewock Town, Palmyra Town, Pittsfield Town, Ripley Town, Skowhegan Town, Smithfield Town, St. Albans Town, Starks Town, Unorg. Terr. of Central Somers, Unorg. Terr. of North Somers. |
| Washington | Alexander Town, Baileyville Town, Beals Town, Beddington Town, Calais City, Centerville Town, Charlotte Town, Codyville Plantation, Columbia Falls Town, Columbia Town, Cooper Town, Crawford Town, Cutler Town, Deblois Town, Dennysville Town, Grand Lake Stream Plantation, Jonesboro Town, Machias Town, Machiasport Town, Marshfield Town, Meddybemps Town, Milbridge Town, Northfield Town, Pembroke Town, Plantation No. 14, Plantation No. 21, Robbinston Town, Roque Bluffs Town, Talmadge Town, Unorg. Terr. of Baring, Unorg. Terr. of East Central, Vanceboro Town, Waite Town, Wesley Town, Whiting Town, Whitneyville Town. |
| | MCD/CCD |
| Franklin | Rangeley Town, Weld Town. |
| Kennebec | Clinton Town. |
| Lincoln | Bristol Town, Damariscotta Town, Dresden Town, Edgecomb Town, South Bristol Town. |
| Oxford | Hiram Town. |
| Penobscot | Garland Town, Greenbush Town, Kenduskeag Town, Winn Town. |
| York | Parsonfield Town. |
| | Census Tract |
| Cumberland | 0008.00. |
| **Maryland** | |
| | MCD/CCD in Previously Whole Counties |
| Dorchester | Dist. 10 Straits, Dist. 11 Drawbridge, Dist. 13 Bucktown, Dist. 14 Linkwood, Dist. 16 Madison, Dist. 17 Salem, Dist. 18 Elliott, Dist. 4 Taylors Island, Dist. 5 Lakes, Dist. 7 Cambridge, Dist. 8 Neck. |
| St. Marys | Dist. 1 St. Inigoes, Dist. 2 Valley Lee, Dist. 3 Leonardtown, Dist. 5 Mechanicsville, Dist. 6 Patuxent, Dist. 8 Bay, Dist. 9 St. George Island. |

## DELETIONS TO CURRENT MUA LIST—Continued

| County name | Census tract |
|---|---|
| | MCD/CCD |
| Allegany | Dist. 31 McCoole. |
| Kent | Dist. 1 Masseys, Dist. 2 Kennedyville, Dist. 5 Edesville. |
| Wicomico | Dist. 7 Trappe. |
| | Census Tract |
| Anne Arundel | 7028.00, 7063.00. |
| Baltimore City | 0903.00, 2709.03. |
| Prince Georges | 8026.00. |
| **Massachusetts** | |
| | Census Tract |
| Middlesex | 3524.00, 3548.00, 3550.00. |
| Suffolk | 0101.00, 0103.00, 0607.00 0801.00, 0804.00, 0806.00, 0807.00, 0811.00, 0909.00. |
| Worcester | 7316.00. |
| **Michigan** | |
| Iron | |
| | MCD/CCD in Previously Whole Counties |
| Huron | Bad Axe City, Bingham Twp., Bloomfield Twp., Brookfield Twp., Caseville Twp., Chandler Twp., Colfax Twp., Fairhaven Twp., Gore Twp., Grant Twp., Harbor Beach City, Hume Twp., Huron Twp., Lincoln Twp., McKinley Twp., Meade Twp., Oliver Twp., Paris Twp., Pointe Aux Barques Twp., Rubicon Twp., Sand Beach Twp., Sebewaing Twp., Sheridan Twp., Verona Twp., Winsor Twp. |
| Ogemaw | Cumming Twp., Edwards Twp., Foster Twp., Goodar Twp., Horton Twp., Klacking Twp., Logan Twp., Ogemaw Twp., Richland Twp., Rose City, West Branch City, West Branch Twp. |
| Oscoda | Clinton Twp., Comins Twp., Elmer Twp., Greenwood Twp. |
| Presque Isle | Bearinger Twp., Bismarck Twp., Case Twp., Krakow Twp., Metz Twp., Moltke Twp., North Allis Twp., Ocqueoc Twp., Posen Twp., Presque Isle Twp., Pulawski Twp., Rogers City, Rogers Twp. |
| Sanilac | Austin Twp., Bridgehampton Twp., Brown City, Buel Twp., Croswell City, Custer Twp., Delaware Twp., Elmer Twp., Greenleaf Twp., Lamotte Twp., Lexington Twp., Marlette Twp., Moore Twp., Sandusky City, Washington Twp., Watertown Twp. |
| Chippewa | Bay Mills Twp., Chippewa Twp., Hulbert Twp., Pickford Twp., Rudyard Twp., Superior Twp., Trout Lake Twp., Whitefish Twp. |
| Delta | Brampton Twp. |
| Isoco | Burleigh Twp., Plainfield Twp. |
| Luce | Lakefield Twp. |
| Manistee | Marilla Twp. |
| Otsewgo | Charlton Twp., Corwith Twp. |
| Wexford | Antioch Twp., Boon Twp., Manton City, Springville Twp. |
| | Census Tract |
| Clinton | 0107.00. |
| Ingham | 0041.00. |
| Jackson | 0002.00, 0011.00. |
| Lapeer | 0201.00, 0211.00. |
| Muskegon | 0011.00, 0013.00. |
| Oakland | 1038.01. |

## DELETIONS TO CURRENT MUA LIST—Continued

| County name | Census tract |
|---|---|
| Wayne | 0003.00, 0016.00, 0021.00, 0035.00, 0039.00, 0066.00, 0115.00, 0175.00, 0521.00, 0663.00, 0757.00, 0837.00, 0960.00. |

**Minnesota**

| | |
|---|---|
| Lake of the Woods | |
| Traverse | Arthur Twp., Clifton Twp., Croke Twp., Dollymount Twp., Dumont Village, Folsom Twp., Lake Valley Twp., Leonardsville Twp., Monson Twp., Parnell Twp., Redpath Twp., Tara Twp., Taylor Twp., Tintah Twp., Tintah Village, Walls Twp., Wheaton Village, Windsor Twp. |
| | MCD/CCD in Previously Whole Counties |
| Waseca | Alton Twp., Blooming Grove Twp., Byron Twp., Freedon Twp., Isoco Twp., Janesville Twp., Janesville Village, New Richland Twp., Otisco Twp., Vivian Twp., Waldorf Village, Maseca City, Wilton Twp., Woodville Twp. |
| | MCD/CCD |
| Becker | Frazee Village, Lake Park Village. |
| Carlton | Barnum Twp., Carlton Village. |
| Faribault | Barber Twp., Foster Twp. |
| Goodhue | BelvidereTwp., Kenyon Village. |
| Hubbard | Todd Twp., |
| Koochiching | Big Falls Village. |
| Lyon | Cottonwood Village, Minneota Village. |
| Martin | Sherburn Village. |
| Mille Lacs | Kathio Twp. |
| Morrison | Ripley Twp. |
| Otter Tail | Pelican Rapids Village. |
| Wabasha | Lake City, Plainview Village, Wabasha City. |
| Winona | UticaTwp. |
| | Census Tact |
| Hennepin | 0033.00, 0036.00, 0042.00, 0044.00, 0046.02, 0052.00, 0069.00, 0071.00. |
| Ramsey | 0336.00, 0337.00 |
| St. Louis | 0131.00 |

**Mississippi**

| | |
|---|---|
| | CensusTract |
| Harrison | 0007.00, 0020.00, 0034.00. |
| Hinds | 0006.00, 0009.00, 0019.00, 0107.00, 0108.00 |

**Missouri**

| | |
|---|---|
| | MCD/CCD in Previously Whole Counties |
| Ray | Camden Twp., Fishing River Twp., Grape Grove Twp., Knoxville Twp., Orrick Twp., Polk Twp., Richmond Twp. |
| Saline | Blackwater Twp., Grand Pass Twp., Liberty Twp., Marshall Twp., Miami Twp., Salt Fork Twp., Salt Pond Twp. |
| | MCD/CCD |
| Adair | Nineveh Twp. |
| Butler | Ash Hill Twp., Beaver Dam Twp., Gillis Bluff Twp., Neely Twp., St. Francois Twp. |
| Callaway | Bourbon Twp., Calwood Twp., Jackson Twp., West Fulton Twp. |
| Cooper | Clear Creek Twp., Kelly Twp., Pilot Grove Twp. |
| Henry | Fairview Twp. |
| Jasper | Jasper Twp., Sarcoxie Twp. |
| Nodaway | Jefferson Twp., White Cloud Twp. |
| Perry | Bois Brule Twp., Brazeau Twp., Union Twp. |
| Phelps | Arlington Twp., Spring Creek Twp. |
| St. Francois | Iron Twp., Pendleton Twp. |
| | Census Tract |
| Boone | 0001.00, 0005.00, 0008.00. |
| St. Louis | 2123.00. |
| St. Louis City | 1021.00. |

**Montana**

| | |
|---|---|
| Fallon | |
| Jefferson | |
| Silver Bow | |
| Wheatland | |
| | MCD/CCD in Previously Whole Counties |
| Lake | Charlo Div., Polson Div., Ronan Div. |
| Phillips | Dodson Div., Landusky-Zortman Div., Loring Div., Regina-Sun Prairie Div., Saco Div., Warm Spring Creek Div., Whitewater Div. |
| Pondera | Conrad Div., Conrad Rural-Brady Div. |
| Sweet Grass | North of the Yellowstone Div. |
| | MCD/CCD |
| Powell | Avon-Elliston Div., Cottonwood Div. |

**Nebraska**

| | |
|---|---|
| Cherry | |
| Garden | |
| Kimball | |
| | MCD/CCD in Previously Whole Counties |
| Butler | Alexis Twp., Bone Creek Twp., Center Twp., Franklin Twp., Linwood Twp., Olive Twp., Platte Twp., Plum Creek Twp., Read Twp., Reading Twp., Richardson Twp., Savannah Twp., Skull Creek Twp., Summit Twp., Ulysses Twp., Union Twp. |
| Custer | Algernon Twp., Ansley Twp., Berwyn Twp., Broken Bow City, Broken Bow Twp., Cliff Twp., Comstock Twp., Corner Twp., Custer Twp., Douglas Grove Twp., East Custer Twp., Elim Twp., Elk Creek Twp., Garfield Twp., Grant Twp., Hayes Twp., Lillian Twp., Loup Twp., Milburn Twp., Myrtle Twp., Ryno Twp., Spring Creek Twp., Triumph Twp., Victoria Twp., Wayne Twp., West Union Twp., Westerville Twp., Wood River Twp. |
| Harlan | Albany Twp., Alma Twp., Antelope Twp., Eldorado Twp., Emerson Twp., Fairfield Twp., Mullally Twp., Prairie Dog Twp., Republican City Twp., Reuben Twp., Sappa Twp., Scandinavia Twp., Spring Grove Twp., Turkey Creek Twp., Washington Twp. |
| Valley | Arcadia Twp., Davis Creek Twp., Elyria Twp., Elyria Village, Enterprise Twp., Eureka Twp., Geranium Twp., Independent Twp., Liberty Twp., Michigan Twp., Noble Twp., Ord City, Ord Twp., Springdale Twp., Vinton Twp., Yale Twp. |
| | MCD/CCD |
| Box Butte | Dorsey Prec. |
| Buffalo | Collins Twp., Shelton Twp. |
| Chase | Imperial Prec., Wauneta Prec. |
| Gage | Wymore Twp. |
| Hall | South Loup Twp. |
| Keith | Paxton Prec. |
| Lincoln | East Hinman Prec. Sutherland Prec. |
| Morrill | Bridgeport City, Camp Clark Prec. |
| Otoe | North Syracuse Prec. |
| Perkins | Liberty Prec. |

**Nevada**

| | |
|---|---|
| | MCD/CCD in Previously Whole Counties |
| Nye | Beatty Twp., Gabbs Twp., Round Mountain Twp., Tonopah Twp. |

**New Hampshire**

| | |
|---|---|
| | Census Tract |
| Hillsboro | 0013.00. |

**New Jersey**

| | |
|---|---|
| | Census Tract |
| Cumberland | 0402.00. |
| Essex | 0013.00, 0015.00, 0018.00, 0026.00, 0027.00, 0030.00, 0032.00, 0034.00, 0040.00, 0057.00, 0058.00, 0062.00, 0063.00, 0066.00, 0067.00, 0082.00, 0083.00, 0085.00, 0088.00, 0089.00, 0090.00, 0092.00, 0096.00, 0154.00, 0168.00, 0170.00, 0185.00. |
| Hudson | 0017.00, 0044.00, 0051.00, 0053.02, 0155.00, 0169.00, 0184.00, 0193.00, 0197.00. |
| Mercer | 0001.00, 0008.00, 0009.00, 0010.00, 0011.00, 0014.00, 0015.00, 0016.00, 0017.00, 0018.00, 0019.00, 0020.00, 0021.00, 0022.00. |
| Middlesex | 0045.00, 0049.00, 0053.00, 0055.00, 0057.00, 0058.00, 0059.00. |
| Warren | 0311.00 |

**New Mexico**

| | |
|---|---|
| | MCD/CCD in Previously Whole Counties |
| Colfax | Raton Div. |
| | Census Tract in Previously Whole Counties |
| Curry | 0002.00, 0003.00, 0006.00, 0008.00. |
| Otero | 0002.00, 0003.00, 0004.00, 0005.00, 0006.00, 0007.00, 0009.00. |
| | Census Tract |
| Bernalillo | 0013.00, 0014.00, 0020.00, 0042.00, 0048.00. |
| Dona Ana | 0015.00. |

**New York**

| | |
|---|---|
| | MCD/CCD |
| Allegany | Grove Town, West Almond Town. |
| Cattaraugus | Humphrey Town. |
| Chenango | Coventry Town, Guilford Town, McDonough Town, Otselic Town, Oxford Town, Preston Town, Smyrna Town. |
| Greene | Prattsville Town. |
| Jefferson | Lyme Town. |
| St. Lawrence | Clare Town, Clifton Town, Fine Town, Hammond Town, Russell Town. |
| Steuben | Wayne Town. |

## DELETIONS TO CURRENT MUA LIST—Continued

| County name | Census tract |
|---|---|
| | Census Tract |
| Bronx | 0205.00, 0215.02, 0378.00, 0380.00, 0392.00 |
| Chemung | 0001.00, 0002.00, 0003.00, 0004.00, 0005.00, 0006.00, 0009.00, 0010.00, 0011.00, 0101.00, 0102.00, 0108.00, 0109.00. |
| Kings | 0121.00, 0563.00, 1148.00. |
| Monroe | 0090.00. |
| New York | 0013.00, 0018.00, 0021.00, 0033.00, 0039.00, 0043.00, 0047.00, 0049.00, 0051.00, 0053.00, 0062.00, 0097.00, 0112.02, 0137.00, 0156.02, 0162.00, 0164.00, 0170.00, 0172.01, 0172.02, 0174.01, 0174.02, 0178.00, 0180.00, 0182.00, 0184.00, 0186.00, 0188.00, 0190.00, 0192.00, 0194.00, 0197.02, 0202.00. |
| Onondaga | 0053.00, 0168.00, 0169.00. |
| Suffolk | 1803.00. |
| Westchester | 0119.01. |
| **North Carolina** | |
| | MCD/CCD in Previously Whole Countries |
| Jackson | Canada Twp., Caney Fork Twp., Cullowhee Twp., Dillsboro Twp., Mountain Twp., River Twp., Savannah Twp., Scott Creek Twp., Sylva Twp., Webster Twp. |
| Moore | Twp. 2 Bensalem, Twp. 3 Sheffields, Twp. 4 Ritters, Twp. 5 Deep River, Twp. 6 Greenwood, Twp. 7 McNeills, Twp. 8 Sand Hill. |
| Swain | Charleston Twp. |
| Transylvania | Boyd Twp., Brevard Twp., Catheys Creek Twp., Dunns Rock Twp., Eastatoe Twp., Hogback Twp., Little River Twp. |
| Watauga | Bald Mountain Twp., Blowing Rock Twp., Blue Ridge Twp., Boone Twp., Brushy Twp., Cove Creek Twp., Elk Twp., Laurel Creek Twp., Heat Camp Twp., New River Twp., North Fork Twp., Shawneehaw Twp. |
| | Census Tract in Previously Whole Counties |
| Davidson | 0601.00, 0602.00, 0603.00, 0604.00, 0605.00, 0606.00, 0607.00, 0608.00, 0609.00, 0610.00, 0611.00, 0612.00, 0613.00, 0615.00, 0616.00, 0617.00, 0618.00, 0619.00, 0620.00. |
| | MCD/CCD |
| Avery | Beech Mountain Twp. |
| Burke | Upper Creek Twp. |
| Haywood | Crabtree Twp., Iron Duff Twp., Ivy Hill Twp., Jonathans Creek Twp. |
| Henderson | Hoopers Creek Twp. |
| Iredell | Bethany Twp., Statesville Twp. |
| Surry | Bryan Twp., Eldora Twp., Marsh Twp., Siloam Twp., South Westfied Twp. |
| | Census Tract |
| Alamance | 0214.00, 0215.00. |
| Buncombe | 0005.00. |
| Forsyth | 0005.01. |
| Gaston | 0316.00, 0317.00. |
| Guilford | 0110.00, 0139.00, 0141.00, 0142.00, 0146.00. |
| Wake | 0011.00, 0029.00. |
| **North Dakota** | |
| Griggs | |

## DELETIONS TO CURRENT MUA LIST—Continued

| County name | Census tract |
|---|---|
| | MCD/CCD in Previously Whole Countries |
| Renville | Mohall Div., South Renville Div. |
| | MCD/CCD |
| Pembina | Cavalier Div., Cavalier South Div. |
| Ransom | Lisbon Div., Lisbon West Div. |
| Richland | Northeast Richland Div. |
| Williams | Ray Div., Williston Div., Williston East Div., Williston West Div. |
| **Ohio** | |
| | MCD/CCO |
| Auglaize | Clay Twp. |
| Guernsey | Liberty Twp., Richland Twp. |
| Hardin | Buck Twp. |
| Henry | Monroe Twp. |
| Licking | Bowling Green Twp. |
| Paulding | Benton Twp., Crane Twp. |
| Shelby | Cynthian Twp., Turtle Creek Twp., Washington Twp. |
| Washington | Fairfield Twp. |
| | Census Tract |
| Franklin | 0017.00. |
| Lucas | 0047.00, 0048.00, 0051.00. |
| Montgomery | 0001.00, 001.600, 0017.00, 0019.00, 0020.00, 0021.00, 0022.00, 0023.00, 0025.00, 0026.00, 0027.00, 0029.00, 0031.00, 0032.00, 0033.00, 0034.00, 0035.00, 0036.00, 0037.00, 0039.00, 0041.00, 0042.00, 0044.00, 0047.00, 0052.00, 0054.00, 0062.00, 0064.00. |
| Summit | 5019.00. |
| **Oklahoma** | |
| | MCD/CCD in Previously Whole Counties |
| Jackson | Altus Div., Altus North Div., Altus South Div., East Jackson Div. |
| Ottawa | Miami Div., Miami Rural Div., Picher-Peoria Div., Wyandotte Div. |
| Pawnee | Cleveland Div. |
| Pottawatomie | Maud Div., Shawnee Northeast Div., Shawnee Northwest Div., Shawnee West Div., Tecumseh Div. |
| | Census Tract in Previously Whole Counties |
| Osage | 0101.00, 0102.00, 0103.00, 0105.00, 0107.00, 0108.00. |
| | MCD/CCD |
| Garfield | Covington Div. |
| Kay | Kaw City Div. |
| | Census Tract |
| Comanche | 0002.00, 0008.00, 0010.00, 0014.00, 0015.00. |
| Oklahoma | 1004.00, 1006.00, 1018.00, 1035.00, 1043.00, 1046.00, 1088.04. |
| **Oregon** | |
| | MCD/CCD in Previously Whole Counties |
| Baker | Baker Div., Halfway Div., Herefored Div., Huntington Div., Wingville Div. |
| Grant | John Day Div., Prairie City Div., Seneca Div. |
| | MCD/CCD |
| Curry | Agness Div. |
| Harney | Drewsey Div. |
| Jackson | Prospect Div. |
| | Census Tract |
| Lane | 0001.00. |
| Multnomah | 0052.00, 0056.00. |
| Washington | 0334.00. |

## DELETIONS TO CURRENT MUA LIST—Continued

| County name | Census tract |
|---|---|
| **Pennsylvania** | |
| Forest | |
| | MDC/CCD in Previously Whole Counties |
| Clearfield | Bloom Twp., Bradford Twp., Brady Twp., Brisbin Borough, Burnside Borough, Chester Hill Borough, Clearfield Borough, Coalport Borough, Curwensville Borough, Decatur Twp., Du Bois City, Falls Creek Borough (Part), Ferguson Twp., Girard Twp., Glen Hope Borough, Goshen Twp., Graham Twp., Grampian Borough, Greenwood Twp., Huston Twp., Irvona Borough, Knox Twp., Lawrence Twp., Lumber City Borough, Mahaffey Borough, Morris Twp., New Washington Borough, Newburg Borough, Osceola Borough, Pike Twp., Pine Twp., Ramey Borough, Sandy Twp., Troutville Borough, Union Twp., Wallaceton Borough, Westover Borough. |
| Greene | Center Twp., Cumberland Twp., Franklin Twp., Freeport Twp., Gilmore Twp., Gray Twp., Jackson Twp., Perry Twp., Springhill Twp., Washington Twp., Wayne Twp. |
| Snyder | Adams Twp., Beaver Twp., Beavertown Borough, Centre Twp., Franklin Twp., Freeburg Borough, Jackson Twp., McClure Borough, Middleburg Borough, Middlecreek Twp., Monroe Twp., Penn Twp., Selinsgrove Borough, Shamokin Dam Borough, Spring Twp., Union Twp., Washington Twp., West Beaver Twp., West Perry Twp. |
| Wayne | Berlin Twp., Bethany Borough, Buckingham Twp., Canaan Twp., Cherry Ridge Twp., Clinton Twp., Dyeberry Twp., Lake Twp., Lebanon Twp., LeHigh Twp., Manchester Twp., Oregon Twp., Paupack Twp., Preston Twp., Prompton Borough, Salem Twp., Scott Twp., South Canaan Twp., Starrucca Borough, Sterling Twp., Texas Twp. |
| | MDC/CCD |
| Armstrong | Boggs Twp., Kittanning Borough, Madison Twp., Mahoning Twp., Parker City, South Bethlehem Borough. |
| Bedford | Bloomfield Twp., Colerain Twp., Harrison Twp., Monroe Twp., West St. Clair Twp., Woodbury Twp. |
| Clarion | Perry Twp., Strattanville Borough. |
| Columbia | Benton Borough, Conyngham Twp. |
| Crawford | Athens Twp., Beaver Twp., Centerville Borough, Conneautville Borough, Richmond Twp., Rockdale Twp., Sparta Twp., Spartansburg Borough, Spring Twp. |
| Jefferson | Big Run Borough, Brookville Borough, Union Twp. |
| Lycoming | Lewis Twp., Picture Rocks Borough. |
| McKean | Eldred Twp., Otto Twp., Sergeant Twp. |
| Mercer | Lake Twp. |
| Schuylkill | Foster Twp., Frailey Twp. |
| Tioga | Charleston Twp., Chatham Twp., Westfield Borough. |

## DELETIONS TO CURRENT MUA LIST—Continued

| County name | Census tract |
|---|---|
| Union | Hartley Twp., Lewisburg Borough, Limestone Twp. |
| Venango | Pinegrove Twp., Plum Twp. |
| Allegheny | 0508.00, 0707.00, 0803.00, 0808.00, 1410.00, 1601.00, 2502.00, 2503.00, 2505.00, 4031.00, 4832.00, 4865.00, 5082.00, 5133.00, 5141.00, 5508.00, 5602.00. |
| Beaver | 6013.00, 6015.00, 6021.00, 6028.00, 6041.00, 6046.00. |
| Berks | 0019.00, 0024.00. |
| Erie | 0003.00, 0009.00, 0014.00, 0115.00, 0122.00. |
| Philadelphia | 0003.00, 0015.00, 0020.00, 0031.00, 0077.00, 0078.00, 0087.00, 0091.00, 0093.00, 0094.00, 0106.00, 0107.00, 0110.00, 0122.00, 0134.00, 0144.00, 0157.00, 0166.00, 0167.00, 0168.00, 0174.00, 0207.00, 0208.00, 0283.00, 0301.00, 0307.00. |
| Somerset | 0215.00, 0216.00, 0217.00. |
| Washington | 7751.00, 7753.00. |

**Puerto Rico**

| | |
|---|---|
| Humacoa | |

**Rhode Island**

| | |
|---|---|
| Bristol | 0305.00, 0307.00. |
| Providence | 0160.00, 0172.00. |

**South Carolina**

| | MCD/CCD in Previously Whole Counties |
|---|---|
| Kershaw | Camden Div., DeKalb Div., Elgin Div., Mt. Zion Div. |
| Newberry | Newberry Div., Newberry South Div., Pomaria Div., Prosperity Div., Whitmire Div. |
| | **Census Tract** |
| Greenville | 0024.00, 0039.00, 0040.00, 0041.00. |
| Richland | 0005.00, 0007.00, 0009.00, 0015.00, 0019.00, 0020.01, 0021.00, 0105.02, 0107.01, 0117.01, 0117.02. |
| Spartanburg | 0201.00, 0206.00, 0207.00, 0211.00, 0212.00, 0213.00, 0214.00, 0215.00, 0219.00, 0220.00, 0232.00. |

**South Dakota**

| | |
|---|---|
| Jackson | |
| Walworth | |
| | **MCD/CCD in Previously Whole Counties** |
| Brule | America Twp., Brule Twp., Chamberlain City, Chamberlain Twp., Cleveland Twp., Eagle Twp., Grandview Twp., Highland Twp., Kimball Twp., Lyon Twp., Ola Twp., Plainfield Twp., Pleasant Grove Twp., Plummer Twp., Pukwana Town Pukwana Twp., Red Lake Twp., Richland Twp., Smith Twp., Torrey Lake Twp., Union Twp., Waldro Twp., West Point Twp., Wilbur Twp., Willow Lake Twp. |

## DELETIONS TO CURRENT MUA LIST—Continued

| County name | Census tract |
|---|---|
| Fall River | Ardmore Town, Argentine Twp., Cottonwood Twp., Dryden Twp., Dudley Twp., Edgemont City, Harmony Twp., Limestone Twp., Loomer Twp., Oelrichs Town, Provo Twp, Robins Twp., Slim Butte Twp., Unorg. Terr. of Northeast FA., Unorg. Terr. of Southwest FA. |
| Meade | Eagle Twp., Howard Twp., Lakeside Twp., Sturgis City, Union Twp., Unorg. Terr. of Blackhawk-Pl, Upper Red Owl Twp. |
| | **MCD/CCD** |
| Lawrence | Deadwood City, Spearfish City, Unorg. Terr. of North Lawren, Unogr, Terr. of South Lawren. |

**Tennessee**

| | MDC/CCD in Previously Whole Counties |
|---|---|
| Bradley | Charleston Div., Cleveland Rural Div., Southeast Bradley Div., West Bradley Div. |
| Coffee | Tullahoma Div., Tullahoma North Div. |
| Dickson | Burns-White Bluff Div., Dickson Div., Tennessee City Div., Vanleer Div. |
| Sevier | Beech Spring Div., Chilhowee Div., Gatlinburg Div., Sevierville Div., Wear Valley Div. |
| Washington | Boone Div., Johnson City Div., Johnson City North Div., Johnson City South Div., Jonesboro Div., Sulphur Springs Div. |
| Williamson | Brentwood Div., Fairview Div., Franklin Div., Nolensville Div. |
| | **MCD/CCD** |
| Maury | Lower Rutherford Creek Div., Poplar Top Div., Spring Hill Div., Upper Big Bigby Div. |
| Rutherford | Eagleville Div. |
| | **Census Tract** |
| Shelby | 0007.00, 0069.00, 0073.00, 0105.00. |
| Sumner | 0207.00. |

**Texas**

| | |
|---|---|
| Dallam | |
| Loving | |
| | **MCD/CCD in Previously Whole Counties** |
| Concho | Eola-Paint Rock Div. |
| | **MCD/CCD** |
| Andrews | Andrews South Div. |
| Palo Pinto | Palo Pinto-Santo Div. |
| Titus | Cookville Div., Talco Div. |
| | **Census Tract** |
| Bexar | 1203.00, 1403.00, 1418.00, 1501.00, 1504.00, 1521.00, 1620.00, 1708.00, 1711.00, 1907.00. |
| Dallas | 0002.01, 0002.02, 0010.00, 0011.01, 0012.00, 0017.01, 0021.00, 0024.00, 0025.00, 0026.00, 0027.02, 0029.00, 0031.02, 0032.01, 0032.02, 0033.00, 0034.00, 0035.00, 0036.00, 0037.00, 0038.00, 0039.01, 0040.00, 0043.00, 0045.00, 0046.00, 0048.00, 0049.00, 0050.00, 0051.00, 0053.00, 0054.00, 0055.00, 0056.00, 0057.00, 0069.00, 0086.00, 0087.01, 0087.02, 0088.00, 0089.00, 0092.01, 0092.02, 0093.02, 0113.00, 0114.01, 0165.01, 0167.01, 0181.04. |

## DELETIONS TO CURRENT MUA LIST—Continued

| County name | Census tract |
|---|---|
| Ector | 0003.00, 0011.00, 0015.00. |
| Galveston | 1232.00. |
| Grayson | 0001.00, 0005.00, 0011.00. |
| Guadalupe | 2104.00, 2106.00, 2108.00. |
| Kaufman | 0501.00, 0502.00, 0504.00, 0506.00, 0508.00, 0510.00, 0511.00, 0512.00, 0513.00. |
| Lubbock | 0002.02, 0003.00, 0006.02, 0107.00. |
| Montgomery | 0909.00. |
| Parker | 0401.00, 0402.00, 0403.00. |
| Potter | 0106.00, 0111.00, 0121.00. |
| Rockwall | 0403.00, 0404.00. |
| Smith | 0002.02, 0006.00, 00150.,00, 0017.00, 0021.00. |
| Tarrant | 0038.00, 0044.00. |
| Travis | 0013.02, 0023.02. |
| Wichita | 0107.00, 0108.00, 0110.00, 0111.00, 0113.00, 0116.00, 0137.00. |

**Utah**

| | |
|---|---|
| Garfield | |

**Vermont**

| | MCD/CCD in Previously Whole Counties |
|---|---|
| Orleans | Albany Town, Barton Town, Charleston Town, Coventry Town, Craftsbury Town, Derby Town, Greensboro Town, Holland Town, Irasburg Town, Jay Town, Morgan Town, Newport City, Newport Town, Westfield Town, Westmore Town. |
| | **MCD/CCD** |
| Bennington | Winhall Town. |
| Orange | Corinth Town. |

**Virginia**

| | |
|---|---|
| Galax City | |
| James City | |
| | **MCD/CCD in Previously Whole Counties** |
| Culpeper | Catalpa Dist., Salem Dist., Stevensburg Dist. |
| Fauquier | Cedar Run Dist., Center Dist., Scott Dist. |
| Grayson | Elk Creek Dist., Old Town Dist., Providence Dist. |
| Smyth | Atkins Dist., Park Dist., Royal Oak Dist. |
| Wythe | Black Lick Dist., East Wytheville Dist., Fort Chiswell Dist., Lead Mines Dist., West Wytheville Dist. |
| | **MCD/CCD** |
| Bedford | Lakes Dist. |
| Dinwiddie | Namozine Dist., Rowanty Dist., Sapony Dist. |
| Prince George | Brandon Dist., Templeton Dist. |
| Rockbridge | Buffalo Dist., Kerrs Creek Dist. |
| | **Census Tract** |
| Campbell | 0208.00, 0209.00. |
| Norfolk City | 0009.00, 0027.00, 0028.00, 0034.00, 0039.00, 0049.00, 0050.00, 0065.02. |
| Richmond City | 0204.00, 0405.00, 0406.00, 0409.00, 0410.00. |

**Washington**

| | |
|---|---|
| San Juan | |
| | **MCD/CCD in Previously Whole Counties** |
| Cowlitz | Div. 1, Div. 2, Div. 4, Div. 5, Div. 6, Div. 7, Div. 8, Div. 9, Kelso Div., Longview Div. |

DELETIONS TO CURRENT MUA LIST—Continued

| County name | Census tract |
|---|---|
| Grays Harbor | Aberdeen Div., Div. 11, Div. 12, Div. 13, Div. 5, Div. 6, Div. 8, Div. 9, Hoquiam Div. |
| Okanogan | Div. 1, Div. 10, Div. 11, Div. 12, Div. 13, Div. 14, Div. 16, Div. 2, Div. 3, Div. 4, Div. 5, Div. 6, Div. 7, Div. 8, Div. 9, Omak Div. |
| | MCD/CCD |
| Adams | Div. 10, Div. 2, Div. 8. |
| Asotin | Clarkston Div. |
| Jefferson | Div. 4, Div. 5. |
| Skagit | Div. 1. |
| Yakima | Div. 17, Div. 19. |
| **West Virginia** | |
| | MCD/CCD in Previously Whole Counties |
| Greenbrier | Fort Spring Dist., Frankford Dist., Irish Corner Dist., Lewisburg Dist., Meadow Bluff Dist., White Sulphur Dist. |
| Morgan | Allen Dist., Bath Dist., Rock Gap Dist., Sleepy Creek Dist. |
| Pocahontas | Edray Dist., Greenbank Dist., Huntersville Dist. |
| | MCD/CCD |
| Randolph | Dry Fork Dist., New Interest Dist. |
| | Census Tract |
| Cabell | 0005.00, 0008.00, 0016.00. |
| Kanawha | 0008.00, 0012.00, 0109.00, 0112.00, 0132.00. |
| Wood | 0109.00. |
| **Wisconsin** | |
| | MCD/CCD in Previously Whole Counties |
| Lafayette | Belmont Town, Belmont Village, Benton Village, Blanchard Town, Cuba City (Part), Elk Grove Town, Fayette Town, Gratiot Town, Gratiot Village, Kendall Town, Lamont Town, Monticello Town, Seymour Town, Shullsburg Town, South Wayne Village, Wayne Town, White Oak Springs Town, Willow Springs Town, Wiota Town. |
| Taylor | Browning Town, Chelsea Town, Deer Creek Town, Gilman Village, Goodrich Town, Greenwood Town, Little Black Town, Lublin Village, Medford City, Medford Town, Rib Lake Town, Stetsonville Village, Westboro Town. |
| Washburn | Barronett Town, Bass Lake Town, Beaver Brook Town, Birchwood Town, Birchwood Village, Casey Town, Crystal Town, Evergreen Town, Long Lake Town, Madge Town, Sarona Town, Spooner City, Spooner Town, Springbrook Town, Stinnett Town, Stone Lake Town, Trego Town. |

DELETIONS TO CURRENT MUA LIST—Continued

| County name | Census tract |
|---|---|
| | MCD/CCD |
| Columbia | Wyocena Village. |
| Crawford | Eastman Village, Ferryville Village, Haney Town, Lynxville Village, Mount Sterling Village, Steuben Village, Wauzeka Town, Wauzeka Village. |
| Door | Baileys Harbor Town, Washington Town. |
| Grant | Bagley Village, Mount Hope Village, Woodman Town. |
| Iowa | Arena Village, Avoca Village, Rewey Village. |
| Jackson | Black River Falls City, City Point Town, Hixton Village, Knapp Town, Millston Town, Taylor Village. |
| Langlade | Ainsworth Town, Elcho Town, Parrish Town, Summit Town, Upham Town. |
| Manitowoc | Reedsville Village. |
| Monroe | Cashton Village, Grant Town, Kendall Village, New Lyme Town, Norwalk Village, Scott Town, Wilton Village. |
| Oneida | Enterprise Town, Schoepke Town. |
| Pierce | Elmwood Village, Union Town. |
| Trempealeau | Caledonia Town, Ettrick Town, Ettrick Village, Galesville City, Pigeon Falls Village, Unity Town. |
| Walworth | Bloomfield Town, Fontana on Geneva Lake Vil., Geneva Town, Sharon Town, Williams Bay Village. |
| | Census Tract |
| Milwaukee | 0040.00, 0083.00, 0101.00, 0103.00, 0105.00, 0109.00, 0111.00, 0113.00, 0114.00, 0116.00, 0120.00, 0121.00, 0138.00, 0140.00. |
| Racine | 0001.00. |
| **Wyoming** | |
| Big Horn | |
| Campbell | |
| Converse | |
| Johnson | |
| Laramie | |
| Niodrara | |
| Washakie | |
| | MCD/CCD |
| Albany | Rock River Div. |
| Carbon | Hanna Div. |
| Fremont | Shoshoni Div. |
| Sheridan | Sheridan Div. |
| Weston | Upton Div. |
| | Outlying Areas |
| | MCD/CCD in Previously Whole Counties |
| Guam | Agana Heights, Asan, Barrigada, Dededo, Mansilao, Sinajuna, Tamuning, Yigo. |

[FR Doc. 82-31030 Filed 11-10-82; 8:45 am]
BILLING CODE 4160-16-M

federal register

Friday
November 12, 1982

Part VI

# Department of Health and Human Services

## Health Resources and Services Administration

## Designation of Areas as Medically Underserved; Review of Requests

# Part VI

# Department of Health and Human Services

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

### Requests That Certain Areas Be Designated as Medically Underserved Areas

**AGENCY:** Health Resources and Services Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** This notice is to advise all interested individuals and organizations particularly Health Systems Agencies and State Health Planning and Development Agencies, that the Department is reviewing a number of requests that certain areas be added to the current listing of areas designated as Medically Underserved Areas (MUAs). Governors of affected States will be consulted by letter regarding the proposed designations in their States. These areas are being reviewed as the result of requests for designation submitted by Health Systems Agencies.

**DATE:** Individuals and entities wishing to comment on the proposed designations must do so by December 13, 1982.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard Bohrer, Acting Associate Bureau Director, Office of Primary Care, Bureau of Health Care Delivery and Assistance, Room 7A–55, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Telephone 301–443–2260.

**SUPPLEMENTARY INFORMATION:** Criteria and procedures for designating areas as MUAs and a list of MUA designations were published in the **Federal Register** on October 15, 1976 (41 FR 45718–45777). In addition, on October 14 and 28, 1981, notices were published in the **Federal Register** (46 FR 50677 and 46 FR 53320) proposing deletions of some MUAs because of changes in available data and revisions in the weighting of data since the October 15, 1976 publication of the MUA list. The designation of MUAs has significance for eligibility or priority in number of Federal health programs including:

(1) Community Health Centers (Section 330 Public Health Service (PHS) Act);

(2) Health Maintenance Organizations (Title XIII PHS Act):

(3) Health Resources Development (Title XVI PHS Act); and

(4) Medicare/Medicaid-Reimbursement for Rural Health Clinic Services (Titles XVIII and XIX Social Security Act).

Individuals and entities wishing to comment on these requested additions to the MUA list, which the Department is presently considering, must do so by December 13, 1982.

**ADDRESS:** Comments should be mailed to: Mr. Richard Bohrer, Acting Associate Bureau Director, Office of Primary Care, Bureau of Health Care Delivery and Assistance, Room 7A–55, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Dated: October 26, 1982.

**Robert Graham,**

*Administrator, Assistant Surgeon General.*

PROPOSED LIST OF MEDICALLY UNDERSERVED AREAS

| County Name | Counties |
|---|---|
| **California** | |
| | Census Tract |
| Sacramento | 0055.02, 0062.02, 0063.00, 0064.00, 0065.00, 0066.00, 0067.00, 0068.00, 0069.00, 0072.04. |
| **Connecticut** | |
| | Census Tract |
| New Haven | 1402.00, 1403.00, 1404.00, 1405.00, 1406.00, 1407.00, 1415.00, 1416.00. |
| **Florida** | |
| | Census Tract |
| Broward | 0103.00, 0104.00, 0107.00, 0302.00, 0303.00, 0304.00, 0305.00, 0306.00, 0307.00, 0308.00. |
| **Idaho** | |
| Payette | Entire county. |
| | MCD/CCD [1] |
| Ada | Kuna Twp., Orchard Twp. |
| Canyon | Melba Twp., Huston Twp. |
| **Iowa** | |
| Monroe | Entire county. |
| **Massachusetts** | |
| | Census Tract |
| Middlesex | 2051.00, 2052.00, 2060.00, 2061.00, 2062.00, 2063.00, 2064.00, 2065.00, 2066.00, 2067.00, 2068.00, 2069.00, 2070.00, 2072.00. |
| **Michigan** | |
| | Census Tract |
| Wayne | 5042.00, 5043.00, 5044.00, 5045.00, 5046.00, 5047.00, 5107.00, 5108.00, 5109.00, 5110.00, 5111.00, 5112.00, 5117.00, 5121.00, 5122.00, 5123.00, 5124.00, 5125.00, 5126.00, 5127.00, 5128.00, 5129.00, 5130.00, 5131.00, 5132.00, 5133.00, 5134.00, 5135.00, 5136.00, 5137.00, 5138.00, 5139.00, 5140.00, 5141.00, 5142.00, 5143.00, 5144.00, 5145.00, 5146.00, 5147.00, 5148.00, 5149.00, 5150.00, 5151.00, 5152.00, 5153.00, 5155.00, 5156.00, 5157.00, 5161.00, 5162.00, 5164.00, 5165.00, 5167.00, 5168.00, 5179.00, 5182.00, 5183.00, 5184.00, 5185.00, 5186.00, 5187.00, 5188.00. |
| **New Jersey** | |
| | Census Tract |
| Essex | 0099.00, 0100.00, 0101.00, 0102.00, 0103.00, 0104.00, 0105.00, 0106.00, 0107.00, 0108.00, 0109.00, 0110.00, 0111.00, 0112.00, 0113.00, 0114.00, 0115.00, 0116.00, 0117.00, 0118.00. |
| Passaic | 1803.00, 1804.00, 1805.00, 1806.00, 1807.00. |

PROPOSED LIST OF MEDICALLY UNDERSERVED AREAS—Continued

| County Name | Counties |
|---|---|
| **New York** | |
| | Census Tract |
| Westchester | 0133.04, 0135.00, 0136.00, 0137.00. |
| **New Mexico** | |
| | Census Tract |
| Bernalillo | 0023.00, 0024.00, 0025.00, 0026.00, 0027.00, 0028.00, 0029.00, 0030.00, 0031.00, 0032.00, 0034.00, 0035.00, 0036.00, 0040.00, 0043.00, 0044.00, 0045.00, 0046.00, 0047.00. |
| **Ohio** | |
| Harrison | Entire county. |
| | Census Tract |
| Cuyahoga | 1081.00, 1082.00, 1083.00, 1084.00, 1085.00, 1086.00, 1112.00, 1115.00, 1116.00, 1117.00, 1118.00, 1119.00, 1135.00, 1136.00, 1142.00, 1162.00, 1163.00, 1164.00, 1165.00, 1166.00, 1167.00, 1168.00, 1182.00, 1183.00, 1184.00, 1185.00, 1186.00, 1187.00, 1192.00. |
| | MCD/CCD |
| Perry | Bearfield Twp., Clayton Twp., Coal Twp., Harrison Twp., Jackson Twp., Monday Creek Twp., Monroe Twp., Pike Twp., Pleasant Twp., Reading Twp., Salt Lick Twp. |
| **Pennsylvania** | |
| | Census Tract |
| Lackawana | 0001.00, 0002.00, 0003.00, 0004.00, 0007.00, 0014.00, 0015.00, 0024.00, 0025.00, 0026.00, 0029.00. |
| **South Dakota** | |
| | Census Tract |
| Minnehaha | 0001.00, 0002.00, 0003.00, 0005.00, 0006.00, 0007.00, 0008.00, 0009.00, 0015.00, 0016.00. |
| **Texas** | |
| | Census Tract |
| Jefferson | 0051.00, 0052.00, 0062.00, 0063.00, 0069.00. |
| **Washington** | |
| Franklin | Entire county. |
| | Census Tract |
| King | 0299.00, 0304.00, 0305.00, 0306.00, 0307.00, 0308.00, 0309.00, 0310.00, 0311.00, 0312.00. |
| **Wisconsin** | |
| | MCD/CCD |
| Forest | Wabena Twp. |
| Oconto | Armstrong Twp., Bagley Twp., Brazeau Twp., Breed Twp., Doty Twp., How Twp., Lakewood Twp., Maple Valley Twp., Riverview Twp., Townsend Twp., Suring Twp. |

[1] The following abbreviations are used in this list: Minor Civil Division (MCD); Census County Division (CCD); and Township (TWP).

[FR Doc. 82–31031 Filed 11–10–82; 8:45 am]

BILLING CODE 4160–17–M

federal register

Friday
November 12, 1982

Part VII

# Department of Commerce

National Oceanic and Atmospheric Administration

Foreign Fishing; Proposed Rule

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**[Docket No. 2019-213]**

**50 CFR Part 611**

**Foreign Fishing**

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

**ACTION:** Proposed rule.

**SUMMARY:** NOAA proposes the 1983 poundage fee schedule for foreign vessels fishing in the fishery conservation zone. Under this fee schedule, foreign vessels will pay for 30 percent of the FY 1982 Magnuson Act costs, and foreign fleets will be encouraged to reduce their bycatch. Comments are also requested on offering discounted fees and conducting competitive bidding for allocations during 1983. This action is needed to comply with section 204(b)(10) of the Magnuson Act.

**DATE:** Comments must be received on or before December 13, 1982.

**ADDRESS:** Send comments to: Permits and Regulations Division, F/CM7, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

Copies of the regulatory impact review (RIR) and a detailed breakdown of NMFS costs are available at this address.

**FOR FURTHER INFORMATION CONTACT:** Susan E. Jelley, 202-634-7432.

**SUPPLEMENTARY INFORMATION:** NOAA proposes a schedule of fees for fishing during 1983 by foreign vessels in the U.S. fishery conservation zone (FCZ). The new schedule will result in collections of approximately $43-45 million. This amount is determined as described below. As in previous years, no fee will be collected by the Federal government for U.S.-caught fish received at sea by foreign flag processing vessels (joint ventures).

### Total Cost of Administering the Act

Section 204(b)(10) of the Magnuson Fishery Conservation and Management Act (Magnuson Act) (16 U.S.C. 1801 *et seq.*) states, in part, "The fees . . . shall be at least in an amount sufficient to return to the United States an amount which bears to the total cost of carrying out the provisions of this Act . . . during [FY 1982] the same ratio as the aggregate quantity of fish harvested by foreign fishing vessels within the fishery conservation zone during [1981] bears to the aggregate quantity of fish harvested by both foreign and domestic fishing vessels within such zone and the territorial waters of the United States during [1981]".

Cost to the Federal government of carrying out the provisions of the Magnuson Act were calculated for FY 1982 using the same methods used to develop the 1982 fee schedule (see 46 FR 55729, November 12, 1981). All National Marine Fisheries Service (NMFS) units submitted documentation of the planned use of their funding allocations. The documents are "operations plans", which include a narrative description of activities and the amount budgeted for labor, travel, contracts, etc. The operations plans were analysed to identify the costs of performing functions under the Magnuson Act, without regard to legislative authorization for certain activities predating the Magnuson Act. NOAA's policy is to calculate the full costs—not incremental costs—both direct and indirect, for performance of services for others (NOAA Budget Handbook, Chapter 2, Section 3). Documentation of NMFS' determination of Magnuson Act costs is available at the above address. The documentation specifies, by unit, the amount of each operations plan considered to contribute to the total cost of carrying out the provisions of the Magnuson Act. Using this process, the total FY 1982 NMFS cost was $62,245,700.

There is no increase in NOAA costs from FY 1981. The "Sea Grant" costs are those funds appropriated for support of university-conducted programs meeting specific fisheries management needs under the Magnuson Act. (See Table 1).

TABLE 1.—FISCAL YEAR 1982 MAGNUSON ACT COSTS

[Thousands of dollars]

| | Total |
|---|---|
| NMFS: | |
| Alaska Region | $2,641.6 |
| Northeast Center | 11,576.0 |
| Northeast Region | 3,183.3 |
| Northwest Center | 10,338.0 |
| Northwest Region | 2,182.2 |
| Southeast Center | 8,999.5 |
| Southeast Region | 2,878.0 |
| Southwest Center | 5,485.2 |
| Southwest Region | 1,804.9 |
| Washington Office | 13,157.0 |
| Total | [1]62,245.7 |
| NOAA: | |
| National Ocean Survey—fleet operations | 146 |
| National Ocean Survey—ship operations | 2,836 |
| Sea Grant | 493 |
| Procurement and Personnel | 490 |
| Environmental Data Services | 245 |
| Total | 4,210 |

[1] Observer program is not included.

The U.S. Department of State estimates its FY 1982 costs at $280,000. The U.S. Coast Guard estimates its FY 1982 costs at $78.1 million (including $11.16 million for shoreside base support, which was not included when calculating FY 1981 costs). Therefore, total FY 1982 Magnuson Act cost was $144,835,700.

The ratio of foreign to total catch during 1981 was calculated as described at 47 FR 625 for the 1981 fee schedule. The calculations are presented in Table 2.

TABLE 2.—ESTIMATE OF RATIO OF FOREIGN CATCH TO TOTAL CATCH, 1981

[Including internal waters]

| | Metric tons |
|---|---|
| Total U.S. reported catch [1] | 2,925,981 |
| Exclusions: | |
| International waters (exc. tunas) | 17,265 |
| Tunas | 222,207 |
| Freshwater (inc. G. Lakes alewives) | 56,043 |
| Total | (295,516) |
| Adjusted U.S. commercial catch in territorial waters and fishery conservation zone (FCZ) | 2,630,466 |
| Add correction for mollusks [2] | 787,920 |
| Add recreational catch [3] | 185,068 |
| Total U.S. catch, territorial waters and FCZ | 3,603,452 |
| Add total foreign catch, FCZ less Canadian catch [4] | 1,567,015 |
| Grand total catch, territorial waters and FCZ (P.L. 94-265 as amended) (less Canadian catch) | 5,170,167 |

Ratio of foreign catch to total is 30.3 percent

[1] This figure and all following figures for U.S. commercial catch from pages 8-11, "Fisheries of the United States, 1981." Calculated in pounds and converted to metric—figures may not add to total.

[2] Addition of mollusk shells. U.S. statistics for internal use include only edible portions of mollusks, but international standard is whole animal. Conversion factor varies for each species; they are available upon request.

[3] From page 14, "Fisheries of the United States, 1981." Includes catch types A and B1, assumes that Pacific catch is 15% of the total. Only 1979 figures are available.

[4] From pages 26, 29 "Fisheries of the United States, 1981." Conversion factor of 8.3 is used to convert scallop meats into live weight.

Applying the ratio of 0.303 to $144,833,700, the minimum 1983 target is $43,885,220. From this is subtracted the $87,400 which is projected to be collected through 1983 permit application fees. After rounding, the target is $43.8 million.

### The 1983 Fee Collection Target

Section 204(b)(10) of the Magnuson Act prescribes that the fees imposed shall collect at least the share of the costs, as calculated above.

Because the United States wants to reserve for U.S. fishermen the significant species comprising the foreign bycatch, and because foreign fishermen are able to exert some controls over the extent of their bycatch, the fees for significant bycatch species (i.e., those bycatch species not grouped in "other species" categories) will be assessed at 100

percent of the U.S. exvessel price. This should encourage foreign fleets to minimize their bycatch; consequently, the fees for directed species have been calculated so that the collection target will be fully attained from fees paid for directed species.

The prices used to establish the 1983 fees for significant bycatch species are presented in Table 3. If a species in an area could be the subject of either a directed or a bycatch fishery, it is considered a directed fishery, and assessed the lower fee in that fishing area. For example, sablefish caught as a bycatch in the pollock fishery will be assessed the same relatively low price as sablefish caught in the directed longline fishery. This approach relieves enforcement officers from determining whether or not a species was the subject of a directed fishery.

TABLE 3. BASE U.S. EXVESSEL PRICES FOR SIGNIFICANT BYCATCH SPECIES

| Species | U.S. exvessel price (dollars per metric ton) |
|---|---|
| 1. Butterfish | [1] $749 |
| 2. River herring | [1] 177 |
| 3. Flounders (Pacific) | [2] 573 |
| 4. Jack mackerel | [2] 198 |
| 5. Sablefish (Pacific) | [3] 573 |
| 6. Rockfish | 661 |

[1] From pages 8–11 of *Fisheries of the United States, 1981.*
[2] 1982 price to date.
[3] 1982 weighted average of prices during recent months. Sablefish in Alaska are considered a directed fishery.

### Setting the Poundage Fees

On November 12, 1981, NOAA published five criteria to evaluate poundage fee schedules (46 FR 55731). These criteria, in order of priority, are: (1) Be consistent with the Magnuson Act, Governing International Fishery Agreements, and other applicable law; (2) achieve recovery of Magnuson Act costs; (3) be easy to administer; (4) be flexible enough to consider the economics of different fisheries; and (5) minimize disruption of traditional fishing practices, existing markets and consumer demand.

The reference level used to prepare the 1983 schedule for target species and insignificant bycatch species in the 1982 fees; this is the same procedure as was used last year, when the 1981 fees were used as a reference level for the 1982 schedule. However, NOAA made two general exceptions.

(A) In 1982, no fees were established for royal red shrimp and Western Pacific precious coral. In 1981 (the last year that fees were based on U.S. prices), the fees were 7 percent of U.S. prices. Therefore, the proposed 1983 fees are seven percent of the 1982 U.S. price and 1981 Taiwan price, respectively. These are the most recent prices available.

(B) To encourage joint venture possibilities for Atlantic hakes and Pacific whiting, the fees for these species are not increased.

The remaining fees for directed and insignificant bycatch species are multiplied by 1.33. This figure equals: The fee collection target of $43.8 million minus the revenues expected from groups A and B, above, divided by the revenues expected from directed species caught during 1983 at the 1982 price.

The proposed fees are presented in Table 1 at the end of this document. NOAA believes that the proposed schedule meets all of the criteria.

### Request for Additional Comments

NOAA wishes to consider alternative procedures for collecting foreign fishing fees under section 204(b)(10) of the Magnuson Act. The goal of these procedures is to increase the benefits to the United States. Many commentors on previous fee schedules have suggested competitive bidding for allocations or offering discounted fees. NOAA now requests additional comments on the issues of sealed competitive bidding for allocations, and offering discounted fees in return for participation in joint ventures, technology transfer, reducing tariff and non-tariff trade barriers, scientific research, or other contributions to full utilization of the optimum yield by United States fishermen. If the information developed through this request supports more detailed consideration of these alternatives, NOAA will analyze the advantages and disadvantages of discounts and/or sealed competitive bidding. NOAA will publish a notice of its findings at their conclusion. If a decision is made to implement either alternative, the findings will be included as a part of a proposed rulemaking.

NOAA seeks public input on the following questions:

(1) What are the advantages or disadvantages to the United States of a system of discounted fees in return for benefits?

(2) What are quantifiable advantages or disadvantages of a competitive bidding system as an alternative means of implementing the foreign fishing allocation provisions of the Magnuson Act for selected species? Which species would be most advantageous or disadvantageous?

### Other Matters

NOAA has prepared a regulatory impact review (RIR) that discusses the economic consequences and impacts of the proposed fee schedule and its alternatives. Copies of the RIR are available at the above address. Based on the RIR, the Administrator, NOAA, has determined that the proposed schedule does not constitute a major rule under E.O. 12291. The regulatory impact review demonstrates that the proposed fee schedule complies with the requirements of section 2 of E.O. 12291. Therefore, the General Counsel for the Department of Commerce has certified that the proposed fee schedule will not have a significant economic impact upon a substantial number of small entities for purposes of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* This certification has been forwarded to the Chief Counsel for Advocacy of the Small Business Administration. Because the proposed fee schedule will not have a significant economic impact upon a substantial number of small entities, a regulatory flexibility analysis is not required.

NOAA Directive 02–10 published at 45 FR 49312 (July 24, 1980) adopts internal procedures to implement the National Environmental Policy Act (NEPA), as amended (42 U.S.C. 4321 *et seq.*). Under those procedures, programmatic functions with no potential for significant environmental impacts are generally excluded from NEPA requirements.

The proposed fee schedule has no direct impact on the fishery resources in the FCZ. At the most, a fee schedule might affect the harvesting strategy of foreign fishing vessels and result in a different species mix being removed from the environment; however, the proposed schedule was selected in part because it meets the criterion that fees should minimize disruption of traditional fishing patterns on target species. Since this fee schedule will not prevent the harvesting of the total allowable level of foreign fishing (TALFF), and the environmental impact of harvesting the TALFF is described for each fishery management plan, no further environmental assessment is necessary.

This proposed rule has no information collection provisions, for purposes of the Paperwork reduction Act, 44 U.S.C. 3501 *et seq.*

### List of Subjects of 50 CFR Part 611

Fish, Fisheries, Foreign relations, Reporting requirements.

Dated: November 9, 1982.

**Roland F. Smith,**

*Acting Assistant Administrator, National Marine Fisheries Service.*

## PART 611—[AMENDED]

For the reasons in the preamble, 50 CFR Part 611 is proposed to be amended as follows:

1. The authority citation for Part 611 is:

**Authority:** 16 U.S.C. 1801 *et seq.*; 22 U.S.C. 1980.

2. The title of § 611.22 and Table I of § 611.22 are revised to read as follows:

### § 611.22 Fee schedule for foreign fishing.

* * * * *

TABLE 1. SPECIES AND POUNDAGE FEE

[Dollars per metric ton, unless otherwise noted]

| Species | Poundage fee |
|---|---|
| 1. Butterfish | $749 |
| 2. Hake, red | 15 |
| 3. Hake, silver | 18 |
| 4. Herring, river | 177 |
| 5. Mackerel, Atlantic | 53 |
| 6. Other finfish (Atlantic) | 105 |
| 7. Sharks (Atlantic) | 67 |
| 8. Squid, Illex | 31 |
| 9. Squid, Loligo | 114 |
| 10. Shrimp, royal red | 463 |
| 11. Atka mackerel | 17 |
| 12. Cod, Pacific | 60 |
| 13. Flatfish (Alaska) | 23 |
| 14. Flounders (Pacific) | 573 |
| 15. Jack mackerel | 198 |
| 16. Pacific ocean perch | 97 |
| 17. Other groundfish (Alaska) | 20 |
| 18. Other fish (Pacific) | 48 |
| 19. Pollock, Alaska | 31 |
| 20. Sablefish (Alaska) | 145 |
| 21. Sablefish (Pacific) | 573 |
| 22. Rockfish | 661 |
| 23. Snails | 41 |
| 24. Squid (Pacific) | 23 |
| 25. Whiting, Pacific | 10 |
| 26. Western Pacific corals (per kilogram) | 70 |
| 27. Seamount groundfish | 31 |
| 28. Dolphinfish (mahi mahi) | 114 |
| 29. Wahoo | 17 |
| 30. Sharks (Pacific) | 19 |
| 31. Swordfish (Pacific) | 355 |
| 32. Striped marlin (Pacific) | 570 |
| 33. Other Pacific billfish | 229 |

[FR Doc. 82-31231 Filed 11-10-82; 11:37 am]

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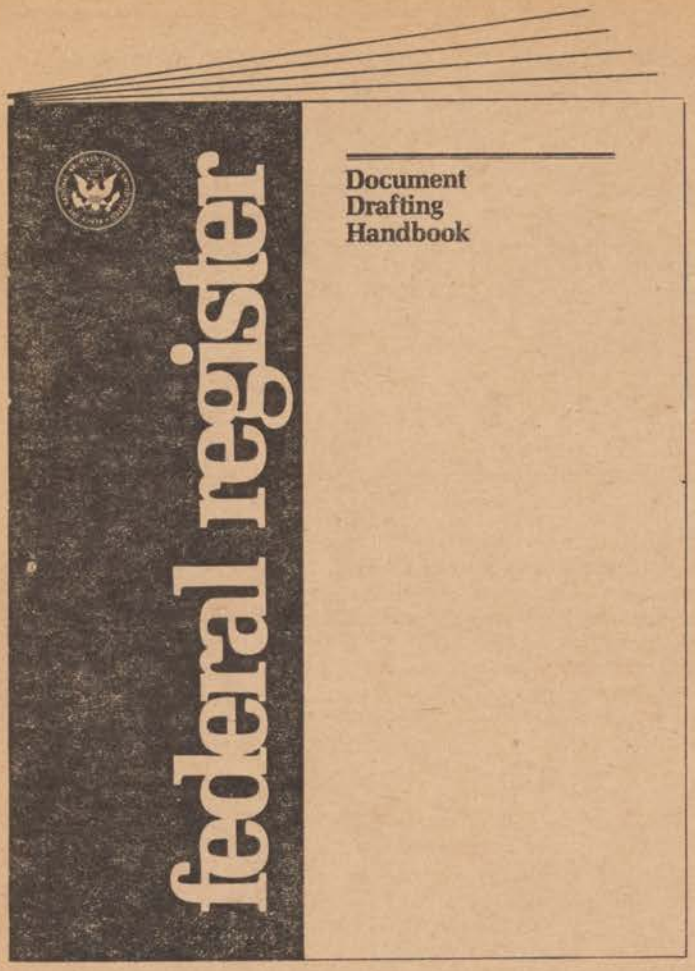
**Last Listing October 28, 1982**

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