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Wednesday
November 17, 1982

Selected Subjects

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Selected Subjects

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CFR PARTS AFFECTED IN THIS ISSUE

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

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Presidential Documents

Title 3—

The President

Proclamation 5000 of November 15, 1982

National Home Health Care Week, 1982

By the President of the United States of America

A Proclamation

In recent years, home health care has rapidly gained acceptance as an important and successful element of high quality care. Many Americans have found that caring for the needs of our sick at home or in a community setting is not only as effective as in an institution, but that it is less costly and often more desirable for the patient. Communities, together with States and Federal government, have begun building integrated networks to provide care for the elderly and disabled in homes and in the community.

Federal expenditures on Medicare and Medicaid, two of government's largest programs serving the elderly, poor, and disabled, are expected to exceed $75 billion in 1983, about two out of every ten dollars spent on health care in this nation. Over the past fourteen years, the number of home health agencies participating in Medicare has increased by two-thirds, and there are now more than 4,000 certified providers of home care. My Administration has initiated reforms and expansions of home health care benefits provided under Medicare to complement this work.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, in accordance with Senate Joint Resolution 113, do hereby designate the week of November 28 through December 4, 1982, as National Home Health Care Week, and I call upon government officials, citizens, and interested organizations and associations to observe this week with appropriate activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of Nov., in the year of our Lord nineteen hundred and eighty-two, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 82-31704
Filed 11-16-82; 10:05 am]
Billing code 3195-01-M

Presidential Documents

Executive Order 12392 of November 15, 1982

International Financial Institutions

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 301 of Title 3 of the United States Code, and in order to assign to the Secretary of the Treasury the authority to make payments to certain international financial institutions, it is hereby ordered that the functions vested in the President by Section 129 of Public Law 97–276 (October 2, 1982) are delegated to the Secretary of the Treasury.

Ronald Reagan

THE WHITE HOUSE,
November 15, 1982.

[FR Doc. 82–31705
Filed 11–16–82; 10:06 am]
Billing code 3195–01–M

Presidential Documents

Memorandum of November 16, 1982

Determination Under Section 301 of the Trade Act of 1974

Memorandum for the United States Trade Representative

Pursuant to Section 301(a)(2) of the Trade Act of 1974 (19 U.S.C. 2411(a)(2)), I have determined that the action described below is an appropriate and feasible response to subsidy practices of the European Community (EC), Belgium, France, Italy, the United Kingdom, Austria and Sweden, which are inconsistent with Articles 8 and 11 of the Agreement on the Interpretation and Application of Articles VI, XVI and XXIII of the General Agreement on Tariffs and Trade (Subsidies Code). With a view toward eliminating the harmful effects of such practices, I am directing the United States Trade Representative (USTR) to: (1) request the United States International Trade Commission to conduct an expedited investigation under Section 201 of the Trade Act of 1974 (19 U.S.C. 2251) with regard to the five specialty steel products subject to the 301 investigation; (2) initiate multilateral and/or bilateral discussions aimed at the elimination of all trade distortive practices in the specialty steel sector; and (3) monitor imports of specialty steel products subject to the 201 proceeding. If during the pendency of the International Trade Commission section 201 investigation imports cause damage which is difficult to repair, consideration would be given to what action, if any, might appropriately be taken on an emergency, interim basis under Section 301 of the Trade Act of 1974, consistent with U.S. international obligations.

Statement of Reasons

The Office of the USTR initiated investigations under Section 301 on February 26, 1982 (47 F.R. 10107) and on August 9, 1982 (47 F.R. 35387) on the basis of petitions filed by the Tool and Stainless Steel Industry Committee and the United Steelworkers of America. Petitioners principally allege that the EC and the above-mentioned countries have subsidized the production of specialty steel in a manner inconsistent with their obligations under Articles 8 and 11 of the Subsidies Code.

Petitioners' allegations are well founded. The United States believes that subsidies have been provided by the Government of Austria in the form of grants and capitalization, by the Government of Sweden in the form of preferential loans, loan guarantees and grants, and by the European Communities and its member governments in the form of preferential loans, loan guarantees, capital grants, "recapitalization" of financial losses, interest rebate programs, exemptions from taxation, and other practices.

The injury to the domestic industry is clear. The specialty steel industry is an efficient, technologically up-to-date and export-oriented branch of the steel industry. Its output is used in a wide range of demanding applications critical to an industrial economy and thus commands a price far higher than ordinary steel. Regarded as an advanced, innovative and competitive industry, specialty steel producers in the United States have tended to be more profitable than the industry as a whole and far more so than most of their major competitors abroad. Nevertheless, the industry is facing an unprecedented challenge to its continued prosperity, and a number of its member firms are fighting for survival.

Part of the problem can be traced to the recession that began in America's basic industries more than two years ago. However, it is clear that since the

lifting of import quotas in February 1980, imports have steadily captured a larger share of the U.S. market, further depressing operating rates, employment, prices and revenues. Through the first eight months of 1982, imports were at historically high levels, with import penetration ratios ranging from 11 to more than 50 percent, depending on the product. In every product category, imports now exceed the surge levels established by the Department of Commerce.

The majority of these imports are currently under investigation for unfair trade practices under Section 301, the countervailing duty statute, or the antidumping duty statute. However, they do not cover all important, or potentially important, sources of specialty steel imports. A partial remedy against unfair imports can be rendered meaningless by a substitution of new foreign suppliers for those whose shipments are affected. Thus, the specific subsidy complaints could lead to a remedy that fails to resolve the overall import problem. Moreover, dealing with the specific subsidy problem itself probably would not have a great impact on the world steel trading environment in which our industry must compete. Subsidies are only one of a wide range of trade restrictive and trade distortive practices that many of our trading partners engage in to protect their industries and to stimulate exports. If we are ever to put an end to constant trade disputes in steel, we must stop dealing with discrete import and export issues in isolation and instead begin a coordinated approach to the problem. By combining the Section 201 and Section 301 approaches, the United States hopes to stabilize the immediate import situation and to reverse the global trend toward greater excess capacity, increased subsidization, and closed markets.

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

Ronald Reagan

THE WHITE HOUSE,
Washington, November 16, 1982.

[FR Doc. 82-31748
Filed 11-16-82; 11:55 am]
Billing code 3195-01-M

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 29

Tobacco Inspection, Alternative Packaging for Burley Tobacco and Identifying and Preventing "Nesting"

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department issued a notice of proposed rulemaking in the **Federal Register** on September 9, 1982, allowing interested parties a 30-day comment period for views and comments on alternative packaging for burley tobacco and on identifying and preventing the problem of "nesting" in flue-cured and burley tobaccos. Based on comments received from a cross-section of the burley industry the Department has determined that it will continue to provide official grading on U.S. Type 31 tobacco only when offered for sale at auction tied in hands or untied in bales. The Department is amending the regulations to provide a new grademark designation for tobacco that is determined by a Federal inspector to be "nested." Additional amendments adopted herein by the Department concern the manner in which burley tobacco is to be displayed for inspection.

EFFECTIVE DATE: November 17, 1982.

FOR FURTHER INFORMATION CONTACT: J. T. Bunn, Deputy Director, Tobacco Division, Agricultural Marketing Service, Room 502 Annex Building, United States Department of Agriculture, Washington, D.C. 20250, (202) 447-7235.

SUPPLEMENTARY INFORMATION: In an effort to improve the current burley marketing program and in the interest of promoting and maintaining orderly marketing conditions in the tobacco industry, the Agricultural Marketing Service (AMS) and the Commodity Credit Corporation (CCC) issued a joint advance notice of proposed rulemaking on April 26, 1982 (47 FR 17825). In response to the more than 1,500 comments received, on September 9, 1982 (47 FR 39688), AMS issued a notice of proposed rulemaking allowing a 30-day period for views and comments from interested parties. CCC published an interim final rule on October 18, 1982, in response to comments applicable to them. The AMS proposal included allowing burley tobacco, U.S. Type 31, to be eligible for official grading when marketed untied on burlap sheets, as well as tied in hands and untied in bales, providing a new grademark of "No-G-Nested" for burley and flue-cured tobaccos determined by a Federal inspector to be nested, and additional proposals concerning the manner in which burley tobacco is displayed for inspection. This final rule, issued as result of the comments received in response to the publication of the proposed rulemaking (47 FR 39688), adopts all of the proposals set forth by AMS in its proposed rulemaking with the exception that U.S. Type 31 burley tobacco is not to be sold untied on burlap sheets and that burley tobacco weighed in prior to the official weigh-in date will not receive an official grade. The authority for promulgating these regulations is contained in the Tobacco Inspection Act of 1935 (49 Stat. 731; 7 U.S.C. *et seq.*).

Background and Discussion

Prior to the 1978–79 marketing season, burley tobacco was eligible for official grading and price support only when marketed on baskets and tied in hands. As early as 1974, various segments of the burley tobacco industry expressed a desire to market their tobacco in an untied fashion which, through history and custom, has been marketed tied in hands. In an effort to cooperate with and meet the needs of the burley industry, the Department has cooperated in experimental sales of untied burley tobacco since 1974.

Following each of the 1978–79, 1979–80, and 1980–81 seasons, the Department collected pertinent project data on relevant aspects of the experiment. Much data was supplied by the Universities of Kentucky and Tennessee. At the request of AMS, studies were made and reports were complied by the Economics and Statistics Service which analyzed, interpreted, and summarized all available data on the experiment. Based on the Department's evaluation of these experiments, regulations were amended in 1981 to apply Official Standard Grades and make eligible for loan, unlimited quantities of burley tobacco when it is tied in hands or untied in bales.

Even though official grading has not been provided for packaging methods other than hand-tied and untied loose leaf in approximately 70-pound bales on baskets or pallets, other types of packaging appeared on the auction market during the 1981–82 season. Federal graders applied "No-G," a no-grade designation, to these lots. A small quantity of untied tobacco on burlap sheets has appeared on the burley markets for the last few years with the amount increasing each year. During the 1981 marketing season, approximately 5 percent of the crop was sold untied on burlap sheets.

A total of 7,106 comments were received from all segments of the tobacco industry on the proposal for marketing U.S. Type 31 burley tobacco untied on burlap sheets. Comments received totaled 3,973 in favor of selling tobacco untied on burlap sheets and 3,130 opposed. Those opposed wanted the tobacco to be sold either untied in bales or in the traditional method of hand-tied bundles. The majority of commentors (4,437) responded on preprinted postcards: 2,462 in favor of sheeted sales and 3,075 against sheeted sales. Three commentors voiced neutrality on the issue. The Department received two congressional responses favoring "sheeted" tobacco—one from Tennessee and one from Virginia. Additionally, one Senator from Tennessee stated that he would support any decision made by the Department on alternative packaging methods for burley tobacco.

One farm organization strongly supported loose-leaf sales and specifically stated that the baling concept had a definite, permanent place in the orderly marketing of burley tobacco. It further emphasized it would oppose any proposal threatening to restrict producers from continuing to bale. A major buying concern stated it

supported loose-leaf packaging and recommended moving towards one packaging method.

Many commentors stated that the burley industry should decide on the package it desires. Two prominent buying concerns, while basically against sheeting, recommended that certain criteria be included if sheeted tobacco was to be officially graded, such as sheet size, minimum-maximum weights, and that a lot consist of only one sheet.

An organization representing various segments of the burley tobacco industry, while receptive to the majority of the Department's proposals, emphasized that there is no place in the system for 3 types of packaging and that the Department should not approve price support on sheeted sales. It also recommended rewording § 29.75a to include resales to accommodate all packages of burley tobacco offered for sale. The Department declines to include the word "resale" in revising Section 29.75a because that section concerns certification procedures for the "sale" of burley tobacco. "Resale" certifications fall under the authority of CCC. This recommendation was forwarded to CCC prior to the publication of the proposal by AMS. CCC declined the recommendation because resale tobacco is not eligible for price support. For further information regarding "resale", interested parties should contact C. Russell Levering, Marketing Specialist, Agricultural Stabilization and Conservation Service, Washington, D.C. 20013. Telephone: (202) 447–7446.

The major revision to the Department's proposal is that tobacco marketed untied on burlap sheets will not be officially graded nor price-supported for the 1982–83 marketing season. The Department arrived at this decision after a thorough review of the substantive comments received from a cross-section of the tobacco industry and an intensive evaluation among Departmental officials of AMS, CCC, and ASCS. This determination is made in the interest of the burley industry in an effort to avoid the possibility of market congestion, deterioration of quality and, most importantly, to provide the opportunity for further observation of the relatively new system of marketing burley tobacco untied in bales. The Department emphasizes that this does not preclude the possibility of an experimental program for sheeted sales in future marketing seasons.

Other proposals by the Department referred to warehouse floor spacing, inspector titles, nesting, official weigh-in date, the word "lot" substituted for the word "basket" and a new definition for the word "oriented." The comments received were favorable regarding these items with the exception of two commentors who objected to the Department's proposal to expand its regulations on warehouse floor spacing to provide that tobacco displayed for sale at auction have not less than eight inches between adjacent lots of tobacco. These commentors stated that one lot supports the other by placing them closer together. The Department rejects this recommendation because it has been determined that additional space between lots facilitates the inspection and marketing process. Therefore, the Department, in the issuance of this final rule, makes no revision to this item as proposed September 9, 1982 (47 FR 39688).

In the Department's proposal, it was stated that a need exists to closely examine the weigh-in date on the warehouse sales ticket to insure that it is not prior to the official weigh-in date established by the Burley Sales Committee of the Burley Auction Warehouse Association. The Department had indicated its intention to grade a lot that was found to have a weigh-in date which was prior to the official weigh-in date but to have the grader immediately report it to the office of the appropriate loan association. After further evaluation of this proposal and discussions with Departmental officials, it has been determined that tobacco found to have a weigh-in date prior to the official weigh-in date will not receive an official grade unless the warehouse operator informs the grader that he intends to violate the weigh-in provisions of the loan association's contract with that warehouse firm. The Department's initial proposal on weigh-in dates requiring the Federal grader to notify the loan association would have been ineffective. The lag time between notification by the grading official and the time of the sale of the tobacco in question would have been insufficient for the loan association to review the weigh-in date. Therefore, for the 1982–83 and succeeding seasons, only that tobacco weighed in at the warehouse on or after the official weigh-in date established by the Burley Sales Committee will receive an official grade. Instructions to graders will reflect this determination.

The Department received several telephone and written comments supporting the proposal that AMS and ASCS cooperate in the collection and publication of sales figures regarding ASCS Forms MQ–79 and 80. The recommendations essentially requested that AMS expand its publication of burley sales figures in the printed market news reports. The Department accepts these recommendations and will administratively implement them for the 1982–83 burley marketing season. Therefore, it is not necessary to write regulations for AMS in this regard.

One of the Department's proposals concerned the problem of "nesting" in the flue-cured and burley types. Twenty-one formal comments were received on this issue—all in support of the Department's proposal to provide a new grademark designation of "No-G-Nested." Comments ranged from making nested tobacco ineligible for price support, strengthening regulations on "nesting," withholding payment from producers who nest, to reporting all "nests" to ASCS and reducing the offenders' poundage the following year. The nesting problem will be carefully scrutinized during the coming burley tobacco season and throughout the 1983 flue-cured season to see if there are decreased incidences of nesting resulting from the use of the new grademark "No-G-Nested." If the results are favorable, there will be no need to further revise the regulations in this regard.

This final rule has been reviewed under USDA procedures established to implement Executive Order 12291 and the Secretary's Memorandum 1512–1 and has been determined to be a "nonmajor" rule because it does not meet any of the criteria established for major rules under the executive order. Initial review of the regulations contained in 7 CFR Part 29, for need, currency, clarity, and effectiveness has been completed.

Additionally, in conformance with the provisions of Pub. L. 96–354, Regulatory Flexibility Act, full consideration has been given to the potential economic impact upon small business. Tobacco warehousemen and producers fall within the confines of "small business" as defined in the Regulatory Flexibility Act. A number of firms which are affected by these adopted regulations do not meet the definition of small business either because of their individual size or because of their dominant position in one or more marketing areas. It has been determined that the economic impact upon all entities, small or large, will not be adverse and will in no way affect the normal competition in the market place.

List of Subjects in 7 CFR Part 29

Administrative practices and procedure, Tobacco.

PART 29—TOBACCO INSPECTION

Accordingly, the Department hereby amends the regulations under the

Tobacco Inspection Act contained in 7 CFR Part 29 as follows:

1. In § 29.75a (a) and (b) are revised to read as follows:

§ 29.75a Display of burley tobacco on auction warehouse floors in designated markets.

(a)(1) Each lot of burley tobacco displayed for sale on auction warehouse floors shall have a minimum space of 24 inches from butts to butts between the rows. Distances between lots of tobacco within the row shall be no less than 8 inches between immediately adjacent lots.

(2) The number of bales on a pallet shall not exceed eight. Tobacco packed in bales shall have the stems turned toward the aisle.

(3) Each warehouse operator shall display a plainly visible sign showing the total number of lots of burley tobacco allotted to be sold each day. Such sign shall be displayed at the point of lots where the days' sales will conclude and no additional tobacco shall be graded beyond that point.

(4) Each warehouse operator shall arrange his entire day's sale in a continuous and orderly arrayed sequence of lots and rows of tobacco. Any arrangement of tobacco in rows of progressively varying lengths, or any deviations from an orderly arrayed sequence of lots and rows of tobacco, shall have prior approval of the Set Work Leader or Circuit Supervisor.

(5) Each warehouse operator shall designate to the Set Work Leader or Circuit Supervisor the starting point or lot for each day's sale, and counting and grading will begin at this designated point and proceed to the closing point of the sale in an orderly sequence. All lot spaces, containing or not containing a lot of tobacco, and all lots of tobacco, covered or uncovered, shall be counted and included in the daily sales allotment. Lots of tobacco shall not be removed, added, rearranged, or substituted between the time they are counted for the day's sale and the time they are graded for the day's sale, provided, however, that with prior approval of the Set Work Leader or Circuit Supervisor compensating lots of tobacco may be substituted for empty spaces and covered lots included in a daily sales count.

(6) Each operator of a warehouse at which baled burley tobacco is offered for sale shall open the particular bale, in a lot of tobacco, chosen by a grader for inspection and reseal that bale after inspection.

(7) Each seller, by offering burley tobacco for sale, certifies that the lot inspected by a grader is representative of the grade of all the tobacco in that lot, that the leaf was stalk-cured, that the bales do not contain any foreign matter or material, and are not nested.

(b) Before starting inspection of the day's sale of burley tobacco in each warehouse, the Set Work Leader or Circuit Supervisor shall determine if there is compliance with the requirements of paragraph (a) of this section. If he determines that the prescribed requirements have not been followed, the inspector shall proceed to the next sale or sales as originally scheduled for that day and grade the number of lots of tobacco scheduled for such sale or sales, and shall return to the noncomplying warehouse or the next regularly scheduled sales day for such warehouse, at which time the Set Work Leader or Circuit Supervisor shall again determine if the prescribed system has been followed before starting the inspection. If noncompliance or failure to observe requirements of paragraph (a) of this section are discovered after inspection for the day's sale has started, the inspector shall discontinue inspection and proceed to the next sale or sales scheduled for that day and shall return to the noncomplying warehouse on the next regularly scheduled sales day for such warehouse.

* * * * *

§ 29.1035 Nested. [Amended]

2. Remove the phrase "(See rule 23.)" at the end of § 29.1035 and replace it with the phrase "(See rule 27.)."

3. Section 29.1036 is revised to read as follows:

§ 29.1036 No-G.

A designation applied to a lot of tobacco which is offtype, semicured, fire-killed, smoked, oxidized over 10 percent, or has an odor foreign to the type. (See rule 23.)

§§ 29.1038–29.1078 [Redesignated as §§ 29.1039–29.1079]

4. Sections 29.1038–29.1078 are renumbered §§ 29.1039–29.1079, respectively.

5. Section 29.1038 is added to read as follows:

§ 29.1038 No-G-Nested.

A designation applied to a lot of tobacco which is classified as nested. (See rule 27.)

6. Section 29.1129 is revised to read as follows:

§ 29.1129 Rule 23.

Tobacco shall be designated by the grademark "No-G," when it is offtype, semicured, fire-killed, smoked, oxidized over 10 percent, or has an odor foreign to the type.

7. Section 29.1133 is added to read as follows:

§ 29.1133 Rule 27.

Tobacco shall be designated by the grademark "No-G-Nested" when it is nested.

§ 29.1181 Summary of standard grades. [Amended]

8. The last sentence of § 29.1181 is amended to read: Tobacco not covered by the standard grades is designated "No-G", "No-G-F", or "No-G-Nested."

9. Section 29.3036 is revised to read as follows:

§ 29.3036 Lot.

A pile, basket, bulk, bale or bales, case, hogshead, tierce, package or other definite package unit.

10 Section 29.3039 is revised to read as follows:

§ 29.3039 Nested.

Any lot of tobacco which as has been loaded, packed or arranged to conceal foreign matter or tobacco of inferior grade, quality, or condition. Nested includes:

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

(b) Any lot of tobacco which consists of distinctly different grades, qualities or conditions and which is stacked or arranged with the same kinds together so that the tobacco in the lower portions of the lot is distinctly inferior in grade, quality or condition from the tobacco in the top portion of the lot.

11. Section 29.3040 is revised to read as follows:

§ 29.3040 No grade.

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

§ 29.3041 [Redesignated as § 29.3042]

12. Renumber § 29.3041 Offtype, as § 29.3042 to maintain alphabetical sequence of the definitions contained in 7 CFR Part 29.

13. Section 29.3041 is added to read as follows:

§ 29.3041 No-G-Nested.

A designation applied to a lot of tobacco which is classified as nested.

§§ 29.3044–29.3074 [Redesignated as §§ 29.3045–29.3075]

14. Current §§ 29.3044–29.3074 are renumbered §§ 29.3045–29.3075, respectively.

15. Section 29.3044 is added to read as follows:

§ 29.3044 Oriented.

A term applied to untied tobacco which denotes the arrangement of leaves in a straight and orderly manner. Oriented includes any lot of baled tobacco in which the leaves are packed parallel to the length of the bale with the butts to the outside and the tips of the leaves overlapping sufficiently to make a level, solid and uniform package;

16. Section 29.3051 (as renumbered from § 29.3050) is revised to read as follows:

§ 29.3051 Rework.

Any lot of tobacco which needs to be restored or otherwise rearranged to prepare it properly for market, including:

(a) Tobacco which contains an abnormally large quantity of foreign matter or an unusual number of muddy or extremely dirty leaves which should be removed;

(b) Tobacco not properly tied in hands, not packed in bales approximately 1 x 2 x 3 feet, not oriented, not packed straight, bales not opened for inspection when chosen by a grader, or otherwise not properly prepared for market.

17. Section 29.3126 is revised to read as follows:

§ 29.3126 Rule 23.

Tobacco shall be designated as No Grade, using the grademark, "No-G," when it is dirty, offtype, semicured, needs to be reworked, damaged 20 percent or more, contains foreign matter, or has an odor foreign to the type.

18. Section 29.3127 is added to read as follows:

§ 29.3127 Rule 24.

Tobacco shall be designated by the grademark "No-G-Nested" when it is nested.

§ 29.3181 Summary of standard grades. [Amended]

19. The last sentence of § 29.3181 is amended to read: Tobacco not covered by the standard grades is designated by No-G or No-G-Nested.

Dated: November 15, 1982.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 82-31503 Filed 11-16-82; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 29

Tobacco Inspection; User Fees

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Secretary of Agriculture revised by interim final rule, effective July 1, 1982, and published in the **Federal Register** (47 FR 27057, June 23, 1982), the fees and charges assessed by the Department for the mandatory inspection and certification of quota tobacco, and other services, including administrative and supervisory costs, at tobacco auction markets, to reflect the Department's increased costs of operating the tobacco inspection program. The fees and charges assessed by the Department for the permissive inspection of tobacco, performed upon request and paid for at a prescribed hourly fee, were also increased effective July 1, 1982. This document adopts the interim rules as final rules without change as they were published on June 23, 1982.

EFFECTIVE DATE: July 1, 1982.

FOR FURTHER INFORMATION CONTACT: J. T. Bunn, Deputy Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250 (202) 447–7235.

SUPPLEMENTARY INFORMATION: Notice was given (47 FR 27057, June 23, 1982) that the Department was amending the regulations effective July 1, 1982, to increase fees and charges both for the permissive inspection and certification of tobacco conducted pursuant to request and for the mandatory inspection and certification of tobacco sold at designated tobacco auction markets throughout the tobacco producing areas. Interested parties were given an opportunity to comment upon the interim final rule (47 FR 27057, June 23, 1982).

Only one comment was received on the interim final rule. The Flue-Cured Tobacco Cooperative Stabilization Corporation, Raleigh, North Carolina, stated than an increase of almost 15 percent for permissive inspection hourly rates is unwarranted and unjustified in view of present economic conditions, budget restraints, and general belt-tightening. It further recommended that the increase in permissive inspection fees be no more than 5 percent. The Department must reject this recommendation because it is required by law to fix and collect fees and charges to cover, as nearly as practical, the costs of operating permissive inspection services requested by the industry.

Therefore, the Department hereby adopts the regulations appearing in the interim final rule which provided for increased charges for inspection and certification. These charges, as nearly as possible, cover the costs of the services, including administrative and supervisory costs. The authority for these regulations is contained in the Tobbaco Inspection Act (49 Stat. 731; 7 U.S.C 511 *et seq.*) as amended by the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35).

Prior to October 1, 1981, the Department, pursuant to the Tobacco Inspection Act, provided free and mandatory inspection of all quota tobacco sold at designated auction markets. The Omnibus Budget Reconciliation Act of 1981 directed the Secretary of Agriculture to promulgate regulations setting fees and charges under the Tobacco Inspection Program for the inspection and certification of tobacco, and other services, including administrative and supervisory costs for all quota tobacco sold on designated markets. These fees and charges were, as nearly as possible, to cover the Department's costs of performing these services. Effective October 1, 1981, the Department established these fees and charges at $.0045 per pound, as published in the **Federal Register** (46 FR 6239) on December 24, 1981. This fee had been calculated after a review of historical data regarding production and marketing. However, a review of data not available prior to the implementation of user fees on October 1, 1981, demonstrated that the initial fee of $.0045 per pound was insufficient to reimburse the Department for its costs of operating the tobacco inspection program at the level of service requested by the industry. The primary reasons for the need to increase the assessed fee were as follows: (1) The effective quota for flue-cured tobacco was the smallest since the inception of the acreage-poundage concept thereby reducing the revenues to the Department; (2) Government-wide salary increases; (3) Cost of workers' compensation and unemployment compensation previously paid for from USDA appropriated budget and which must now be included as part of the administrative costs of this program; and (4) The cost of recruitment and training resulting from the large number of resignations and retirements of tobacco inspectors. Therefore, it is determined that in order to cover the Department's costs associated with the mandatory inspection and certification of tobacco

and thereby maintain the level of service requested by growers, warehousemen, and tobacco buyers, it was necessary to increase the fee to $.0055 per pound.

This final rule also increases the fees and charges under which permissive tobacco inspection and grading services are provided to those requesting the service. The Tobacco Inspection Act requires that permissive inspections, as defined by 7 CFR 29.56, be made available to interested parties on a fee basis. The hourly fee schedule for permissive inspection had not been increased since February 3, 1981 (46 FR 10451). The Department determined that prior to July 1, 1982, the fees for permissive inspections were insufficient to cover the Department's costs of inspection and certification, and other services, including administrative and supervisory costs. The major factors causing the need for an increase in the fees include the government-wide salary increase, and the cost of workers' compensation and unemployment compensation previously paid for from USDA appropriated budget and which must now be included as part of the administrative cost. Therefore, based on these factors, the Department determined that, in order to cover the Department's costs of providing permissive tobacco inspection, the hourly salary fee needed to be increased from a "basic hourly salary of $17.80", an "overtime rate of $21.30", and a "Sunday and holiday rate of $26.70", to "$20.45, "$24.40", and "$30.50" per hour, respectively.

This final rule has been reviewed under U.S.A.D. procedures established to implement Executive Order 12291 and the Secretary's Memorandum 1512–1 and has been determined to be a "nonmajor rule" because it does not meet any of the criteria established for major rule under the Executive Order. Review of the regulations, with regard to user fees, contained in 7 CFR Part 29, for need, currency, clarity, and effectiveness has been completed.

Additionally, in conformance with the provisions of the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601) full consideration has been given to the potential economic impact upon small business. All tobacco warehousemen and producers fall within the confines of "small business," as defined in the Regulatory Flexibility Act. Prior to publication of the interim final rule (47 FR 27057, June 23, 1982) the Department had informally advised all segments of the tobacco industry of the anticipated increase of user fees and that there would be no change in the level of the services provided. It has been determined that the economic impact upon small entities is not adverse and in no way affects normal competition in the market place. Furthermore, the Department is required by law to fix and collect fees and charges to cover the Department's cost in operating the Tobacco Inspection Program.

List of Subjects in 7 CFR Part 29

Administrative practice and procedure, Tobacco.

PART 29—TOBACCO INSPECTION

Accordingly, the Department hereby adopts as final regulations without change the interim regulations amending §§ 29.123 and 29.9251 which were published at 47 FR 27058 (June 23, 1982).

Dated: November 9, 1982.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 82-31341 Filed 11-16-82; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. 82–348]

Citrus Canker—Mexico

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and notice of public hearing.

SUMMARY: This document, on an emergency basis, establishes an interim rule based on the recent finding of citrus canker disease in the State of Colima and in the municipio of Coahuayana in the State of Michoacan in Mexico (these areas are referred to below as infected areas). There is reason to believe that citrus canker disease is carried by any fruit of peel of Mexican lime (*Citrus aurantifolia*) from any area in Mexico, and by any other fruit of peel of citrus or citrus relatives (fruit or peel of any genera, species, or varieties of the subfamilies *Aurantioideae, Rutoideae,* and *Toddalioideae* of the botanical family *Rutaceae*) from infected areas in Mexico. The interim rule provides that any of these articles offered for importation into the United States will be refused importation into the United States, unless imported by the U.S. Department of Agriculture for experimental or scientific expertise it appears that there are no less drastic measures that would be adequate to prevent the introduction into the United States of citrus canker disease. The interim rule also provides that fruit or peel of ethrog (*Citrus medica*), grapefruit (*Citrus paradisi*), lemon (*Citrus limon*), orange (*Citrus sinensis*), Persian lime (*Citrus latifolia*), and tangerine (*Citrus reticulata*) from uninfected areas in Mexico is allowed to be imported into the United States only in accordance with certain restrictions. This action is necessary as an emergency measure to prevent the introduction of citrus canker disease into the United States.

A companion document captioned "Citrus Canker—Mexico" proposes to establish similar provisions as a final rule. The companion document is published in the proposed rule section of this issue of the **Federal Register**. Also, a public hearing will be held concerning the establishment of the final rule.

DATES: Effective date of the interim rule is November 17, 1982. Written comments must be received on or before January 17, 1983. A public hearing concerning a final rule will be held on December 7, 1982.

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. A public hearing concerning a final rule will be held at the Conquistador Room, La Quinta Airport East, 333 N.E. Loop 410, San Antonio, Texas.

FOR FURTHER INFORMATION CONTACT: Contact either: Frank Cooper, Staff Officer, Regulatory Services Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 637 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8248; or Stephen Poe, Plant Pathologist, Emergency Programs, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 609 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–6365.

SUPPLEMENTARY INFORMATION:

Emergency Action

Harvey L. Ford, Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists which warrants publication of this interim rule

without prior opportunity for public comment. Immediate action is necessary to prevent the introduction into the United States of citrus canker disease.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest; and good cause is found for making this interim rule effective less than 30 days after publication of this document in the **Federal Register**. A public hearing has been scheduled concerning a final rule and comments have been solicited for 60 days after publication of this document. A final document discussing comments received and any amendments required will be published in the **Federal Register** as soon as possible.

Public Hearing

The public hearing to consider a final rule will be held at the Conquistador Room, La Quinta Airport East, 333 N.E. Loop 410, San Antonio, Texas.

A representative of the Animal and Plant Health Inspection Service will preside at the hearing. Any interested person may appear and be heard in person, by attorney, or by other representative.

The hearing will begin at 10 a.m., and is scheduled to end at 5 p.m. local time. However, the hearing may be terminated at any time after it begins if all of those persons desiring an opportunity to speak have been heard. Persons who wish to speak are requested to register with the presiding officer prior to the hearing. The prehearing registration will be conducted at the location of the hearing from 9 a.m. to 10 a.m. Those registered persons will be heard in the order of their registration. However, any other person who wishes to speak at the hearing will be afforded such opportunity after the registered persons have been heard. It is requested that duplicate copies of any written statements that are presented be provided to the presiding officer at the hearing.

If the number of preregistered persons and other participants in attendance at the hearing warrants it, the presiding officer may limit the time for each presentation in order to allow everyone wishing to speak the opportunity to be heard.

Background

This document establishes an interim rule on an emergency basis because of the recent finding of citrus canker disease in areas in Mexico. Citrus canker disease has been found to occur in Mexico in the State of Colima and in the municipio of Coahuayana in the State of Michoacan (these areas are referred to below and designated in the interim rule as infected areas).

Citrus canker disease, which does not occur in the United States, can be one of the most damaging diseases of citrus. This disease is caused by the infectious bacterium *Xanthomonas campestris* pv. *citri* (Hasse 1915) Dye 1976. The strain of citrus canker found to occur in areas in Mexico has been found to infect twigs and foliage of Mexican lime trees and Persian lime trees. It damages the twigs and foliage of the trees.

This document does not concern twigs and foliage of Mexican lime or Persian lime. Twigs and foliage of all citrus and citrus relatives from Mexico, including Mexican lime and Persian lime, are already subject to provisions of the "Citrus Canker and Other Citrus Diseases" regulations (7 CFR 319.19). These regulations appear to be adequate to prevent the dissemination of citrus canker disease into the United States by the movement of such twigs and foliage.

Based on departmental expertise it has been determined that there is reason to believe that any fruit or peel of Mexican lime (*Citrus aurantifolia*) from any area in Mexico, and any other fruit or peel of citrus or citrus relatives (fruit or peel of any genera, species, or varieties of the subfamilies *Aurantioideae, Rutoideae, Toddalioideae* of the botanical family *Rutaceae*) from infected areas in Mexico, carry citrus canker disease. The interim rule provides that any of these articles offered for importation into the United States will be refused importation into the United States, unless imported by the U.S Department of Agriculture for experimental or scientific purposes under conditions explained below.

It is necessary to refuse to allow such importations of any fruit or peel of citrus or citrus relatives, including Mexican lime, from infected areas in Mexico. Based on departmental expertise it appears that there are no less drastic measures that would be adequate to prevent the introduction into the United States of citrus canker disease. Citrus canker infections cause high levels of citrus canker bacteria to spread to fruit on infected trees and to fruit on nearby uninfected trees. Based on departmental expertise it has been determined that there is reason to believe that any fruit or peel of citrus or citrus relatives grown in the infected areas is contaminated with a high level of citrus canker bacteria. Further, there is reason to believe that some of the citrus canker bacteria are lodged in the pores of the fruit since this occurs when high levels of bacteria are present. There does not appear to be a feasible method for inspection or treatment, or other procedures for removing all of the bacteria and thereby preventing the introduction into the United States of citrus canker disease.

It is also necessary to refuse to allow the importation of the fruit or peel of any Mexican limes from uninfected areas in Mexico. Most of the Mexican limes grown in Mexico are grown in the infected areas of Mexico. These Mexican limes are moved throughout Mexico. There are no feasible methods for assuring that any Mexican limes offered for importation had not come from infected areas.

Action to refuse to allow the importation of these articles is authorized under section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd) on an emergency basis without a public hearing until regulations can be established pursuant to sections 7 and 9 of the Plant Quarantine Act (7 U.S.C. 160, 162) after a public hearing. In a companion document published in this issue of the **Federal Register**, it is proposed to establish similar provisions as a final rule. It is proposed that the articles which would be refused importation under the interim rule be designated as prohibited articles and be prohibited from being imported into the United States, except for importations by the U.S. Department of Agriculture under the conditions set forth in this interim rule. Also, as noted above in other sections of this document, a public hearing is scheduled. The public hearing concerns these proposed provisions.

The interim rule in § 319.27(b) also designates the following articles from uninfected areas in Mexico as restricted articles: fruit or peel of ethrog (*Citrus medica*), grapefruit (*Citrus paradisi*), lemon (*Citrus limon*), orange (*Citrus sinensis*), Persian lime (*Citrus latifolia*), and tangerine (*Citrus reticulata*). Pursuant to § 319.27(a) of the interim rule these articles may be imported into the United States only if imported by the U.S. Department of Agriculture for experimental or scientific purposes under conditions explained below, or if such movement is in conformity with all of the applicable restrictions in the interim regulations. Because of the possibility of natural spread of the bacteria and because of the spread of bacteria by the movement of Mexican limes from infected areas, there is a risk that fruit or peel of ethrog, grapefruit, lemon, orange, Persian lime, and tangerine from uninfected areas, could

become lightly contaminated with surface bacteria which could artificially cause the spread of the disease. Although, as noted above, there are no feasible measures that could be taken to eliminate the risk of spread of the disease from articles in infected areas that contain high levels of bacteria, the restrictions as set forth below, including treatment and other procedures, appear to be adequate to destroy any light surface contamination that could occur in uninfected areas. There do not appear to be other feasible methods for preventing the introduction into the United States of surface contamination on such imported articles.

It does not appear that it is necessary to provide additional precautions with respect to restricted articles to assure that they would not be mixed with these types of peel or fruit grown in infected areas. Only small amounts of the types of fruit designated as restricted articles are grown in the infected areas. Further, it appears that such fruit grown in the infected areas is used in the infected areas. Also, Mexico has established procedures which appear to be adequate to prevent the movement of such fruit from the infected areas.

Sections 5 and 9 of the Plant Quarantine Act (7 U.S.C. 159, 162), among other things, contain authority to impose restrictions on the importation into the United States of these articles when the Secretary of Agriculture or his delegate determines after a public hearing that it is necessary to prevent the introduction into the United States of citrus canker disease. Under sections 105 and 106 of the Federal Plant Pest Act (7 U.S.C. 150dd, 150ee) there is authority to take similar action on an emergency basis without a public hearing until regulations can be established under the Plant Quarantine Act after a public hearing. In a companion document published in this issue of the **Federal Register** it is proposed to establish the provisions of the interim rule concerning restricted articles as a final rule. The public hearing referred to above also concerns these proposed provisions.

In addition, it should be noted that the restricted articles are also subject to the provisions of the fruits and vegetables regulations (7 CFR 319.56 *et seq.*). A footnote is added to § 319.27(b) of the interim rule to explain that the importation of restricted articles is also subject to the fruits and vegetables regulations.

Consideration for restricted article status was given only to fruit or peel of ethrog, grapefruit, lemon, orange, Persian lime, and tangerine from uninfected areas in Mexico. All other fruit and peel of citrus and citrus relatives from Mexico are to be refused importation pursuant to this interim rule (with certain exceptions for importations by the U.S. Department of Agriculture) or are in effect prohibited from being imported under the fruits and vegetables regulations.

It is provided in § 319.27(d) that any article refused importation under the provisions of 7 U.S.C. 150dd or for noncompliance with the requirements of the interim regulations shall be promptly removed from the United States or abandoned by the importer, and that pending removal or abandonment, the article shall be subject to the immediate application of such safeguards against escape of plant pests as the inspector determines necessary to prevent the introduction into the United States of plant pests. It also provided in § 319.27(d) that such restricted articles may be seized, destroyed, or otherwise disposed of if not promptly removed or abandoned by the importer. These provisions are necessary to implement the provisions of sections 105 and 107 of the Federal Plant Pest Act (7 U.S.C. 150dd, 150ff) which authorize emergency measures against such articles.

Further, § 319.27(e) provides that any article subject to the provisions of the interim rule may be imported without complying with other provisions of the interim rule if:

(1) Imported by the United States Department of Agriculture for experimental or scientific purposes;

(2) Imported at the Plant Germplasm Quarantine Center, Building 320, Beltsville Agricultural Research Center East, Beltsville, MD 20705 or at a port of entry designated by an asterisk in § 319.37–14(b);

(3) Imported pursuant to a departmental permit issued for such article and kept on file at the port of entry;

(4) Imported under conditions specified on the departmental permit and found by the Deputy Administrator to be adequate to prevent the introduction into the United States of plant pests, i.e., conditions of treatment, processing, shipment, and disposal; and

(5) Imported with a departmental tag or label securely attached to the outside of the container containing the article or securely attached to the article itself if not in a container, and with such tag or label bearing a departmental permit number corresponding to the number of the departmental permit issued for such article.

It is consistent with the purposes of the Federal Plant Pest Act and the Plant Quarantine Act to allow articles to be imported by the U.S. Department of Agriculture for experimental or scientific purposes under special conditions not allowed for other importers. Further, the specified conditions are necessary to identify articles imported for experimental or scientific purposes; to assure that the conditions for treatment, processing, shipment, and disposal are understood; and to assure that qualified personnel would be available at the port of entry to take any necessary action in accordance with such conditions. The imposition of more specific conditions would have to be made on a case-by-case basis, since all of the specific conditions cannot be anticipated. If it appears that additional general criteria can be developed, amendment of the regulations in this regard will be considered.

Definitions of the terms "Deputy Administrator," "import," "inspector," "person," "plant pest," "Plant Protection and Quarantine," "Secretary," and "United States" are set forth in § 319.27–1 for informational purposes.

Pursuant to the provisions of the Federal Plant Pest Act and the Plant Quarantine Act there is authority to regulate the importation of fruit and peel of citrus and citrus relatives into Guam. However, Guam is not listed as a jurisdiction subject to the provisions of the interim rule and it is not proposed to regulate the importation of these articles into Guam under the proposed rule. Citrus canker occurs in Guam and the introduction of citrus canker into Guam from Mexico would not cause significant additional damage to crops in Guam. Also, there appears to be adequate protection against the risk of spread of citrus canker disease from Guam into other parts of the United States since the provisions in 7 CFR 318.82–2 in essence prohibit the importation into other parts of the United States from Guam of the classes of articles subject to the provisions of this interim rule.

Section 319.27–2 is headed by the term "Permits." This section is designated "reserved" and is reserved for any provisions that may be necessary concerning permits. A footnote is added to this section to explain that under § 319.56–3 of the fruits and vegetables regulations (7 CFR 319.56–3), any article designated as a restricted article under the interim rule may be imported only after issuance of a written permit by Plant Protection and Quarantine. The footnote also states that procedures for obtaining a permit are set forth in § 319.56–3 of the fruits and vegetables regulations.

The permit system was designed to allow the Department to advise persons who wish to import certain articles of all of the applicable requirements that must

be met for the importation of such articles. Persons applying for a permit under the fruits and vegetables regulations would also be advised of applicable requirements under this interim rule or a final rule established to prevent the introduction of citrus canker disease into the United States.

Section 319.27–3 provides that any restricted article shall be accompanied at the time of importation into the United States by a phytosanitary certificate of inspection from the plant protection service of Mexico. It also provides that the certificate shall be addressed to the plant protection service of the United States (Plant Protection and Quarantine), shall contain a description of the restricted article intended to be imported into the United States, and shall certify that the article has been thoroughly inspected and is believed to be free from injurious plant diseases and insect pests. This section also provides that if the article has been treated in Mexico prior to importation in accordance with § 319.27–4 as explained below, the phytosanitary certificate of inspection shall also contain accurate information stating that the article had been so treated in Mexico. This section further provides that the certificate may cover more than one article and more than one container kept together during shipment and offer for importation.

Section 1 of the Plant Quarantine Act (7 U.S.C. 154) provides that at the time of importation all restricted articles from a country maintaining an official system of inspection for such articles must be accompanied by a phytosanitary certificate of inspection from an official of the country from which the importation is made, certifying that the article has been thoroughly inspected and is believed to be free from injurious plant diseases and insect pests.

Mexico has such a system of inspection, and therefore, any restricted article would be required to be accompanied by such a certificate at the time of importation. In addition, for any restricted article treated in Mexico in accordance with § 319.27–4, it is necessary that the phytosanitary certificate of inspection contain an accurate additional statement that such article had been so treated in Mexico, in order to provide a record so there would be assurance that the article had in fact been treated in Mexico.

The interim rule also would require that a phytosanitary certificate of inspection be issued not more than 15 days prior to shipment of the listed restricted articles in order for the certificate to be valid. This would help assure that the restricted articles would be promptly shipped after inspection and treatment in Mexico, and it affords additional protection against such articles becoming infected or infested with injurious plant diseases or insect pests after inspection and treatment.

Section 319.27–4 provides that a restricted article prior to movement into the United States from the port of entry (a) shall be free of leaves, litter, and stems, other than stems less than one inch in length attached to fruit, and (b) shall have been treated in Mexico under the supervision of a U.S. Department of Agriculture (USDA) inspector or an official of the plant protection service of Mexico, or shall be treated at the port of entry under the supervision of a USDA inspector by thorough wetting with a solution containing 200 parts per million active chlorine for a period of at least two minutes.

Based on research and field use it has been determined that compliance with these requirements is adequate to destroy surface contamination of citrus canker bacteria without damage to the restricted articles. Except for importations by the U.S. Department of Agriculture for experimental or scientific purposes under conditions set forth in § 319.27(e), it appears that such measures are the only feasible methods for preventing the possible introduction into the United States of citrus canker disease accompanying restricted articles. The treatments are required to be performed under supervision as explained above in order to assure compliance with treatment procedures.

The provisions in § 319.27–5(a) require that at the time of importation certain marking and identification information must plainly and correctly appear on the outer container of a restricted article or directly on such article if not in a container. The following information is required:

(1) General nature and quantity of the contents;

(2) Country or locality of origin;

(3) Name and address of the shipper, owner, or person shipping or forwarding the article;

(4) Name and address of consignee;

(5) Identifying shipper's mark and number;

(6) A letter "C" within the figure of a diamond or a rectangle if the article had been treated in Mexico in accordance with § 319.27–4; and

(7) A statement such as "origin in a citrus canker free zone," to represent origin outside of the infected areas.

This information would help the inspector to determine that the article is a restricted article, to contact persons for obtaining any necessary clarifications concerning the article, and to check whether a valid permit had been issued for the article in question. Also, the identifying shipper's mark and number would enable an inspector to locate the restricted article at the port of entry by comparing the shipper's mark and number on available entry documents (e.g., manifest, waybill) with such information on the restricted article or container thereof. In addition, a letter "C" within the figure of a diamond or rectangle would be helpful to identify those articles which had been treated in Mexico. This will also help the inspector at the port of entry determine which articles are covered by an accompanying phytosanitary certificate of inspection.

The provisions in § 319.27–5(b) also require that any shipment containing restricted articles be accompanied by an invoice or packing list indicating the contents of the shipment. This appears necessary because such information on the outside of a package or on a restricted article could become illegible, or be destroyed or lost during shipment.

The provisions in § 319.27–6 require the importer, upon arrival at a port of entry of any shipment of any restricted article, to promptly notify Plant Protection and Quarantine of such shipment's arrival by such means as a manifest, Customs entry document, commercial invoice, waybill, a broker's document, or notice form provided for that purpose. The purpose of the regulations in this regard is to assure that Plant Protection and Quarantine is advised that any restricted article has arrived at a port of entry. It appears that this can be accomplished by any document which specifies what is contained in a shipment, such as those documents listed above.

The provisions in § 319.27–7 state the policy of Plant Protection and Quarantine concerning costs and charges in connection with the services of inspectors and treatment of articles. It is provided that the services of an inspector during regularly assigned hours of duty and at the usual places of duty be furnished without cost to the importer and that Plant Protection and Quarantine will not be responsible for any other costs or charges. A footnote is added to explain that provisions relating to costs for other services of an inspector are already established and are set forth in 7 CFR Part 354.

Section 319.27–8(a) provides that any restricted article that had been treated in Mexico in accordance with § 319.27–4 may be imported only at a port of entry listed in § 319.37–14(b) of the "Nursery Stock, Plants, Roots, Bulbs, Seeds, and Other Plant Products" regulations (7 CFR 319.37–14(b)). The ports of entry

listed in § 319.37–14(b) are the ports of entry where inspectors are stationed and authorized to take action in connection with the importation of these restricted articles.

Section 319.27–8(b) provides that any restricted article that has not been treated in Mexico in accordance with § 319.27–4 may be imported only at the port of Laredo, Texas. Currently, this is the only port that has facilities for treating restricted articles in accordance with the provisions in § 319.27–4.

Executive Order 12291 and Regulatory Flexibility Act

This interim rule 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 rule will not have a significant effect on the economy; that this rule will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and that this rule 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.

The interim rule provides that any fruit or peel of Mexican lime from any area in Mexico, and any fruit or peel of citrus or citrus relatives from infected areas in Mexico will be refused importation into the United States unless imported by the U.S. Department of Agriculture for experimental or scientific purposes in accordance with certain conditions. The interim rule also provides that fruit or peel of ethrog, grapefruit, lemon, orange, Persian Lime, and tangerine from uninfected areas in Mexico are allowed to be imported into the United States only in accordance with certain restrictions.

The interim rule essentially only affects fruit or peel of Mexican lime, ethrog, grapefruit, lemon, orange, Persian lime, and tangerine. This is because under the fruits and vegetables regulations (7 CFR 319.56 *et seq.*) fruit and peel of all other citrus and citrus relatives from Mexico are already prohibited from being imported.

The interim rule will not have a significant effect on United States importers and sellers of the affected articles. Almost all of such importers and sellers are involved with a wide range of commodities. Activities involving these articles comprise an insignificant portion of such businesses. Also, the interim rule would not have a significant effect with respect to the articles refused importation since the amount of these articles imported into the United States has not been significant in comparison with the amount of such articles consumed in the United States.

In addition, the treatment procedures will not add significant costs to the cost of the fruit. The fruit is customarily imported free of leaves, litter, and stems longer than one inch. Also, the fruit is washed before it is imported. It is anticipated that almost all of the fruit will be treated in Mexico, and that the chlorine treatment will be included in the washing process. Also, the use of the chlorine will not add significant costs to the cost of the fruit.

Further, it does not appear that any other restrictions imposed by the interim rule on the importations of restricted articles would add significant costs to the cost of the fruit.

Under the circumstances explained above, Dr. H. 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.

List of Subjects in 7 CFR Part 319

Agricultural commodities, Imports, Plant diseases, Plants (agriculture), Transportation, Citrus canker, Fruit.

Under the circumstances referred to above, 7 CFR Part 319 is amended by adding "Subpart—Citrus Canker—Mexico" to read as follows:

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Citrus Canker—Mexico

Sec.

Authority: Secs 105, 106, and 107; 71 Stat. 32–34; 7 U.S.C. 150dd, 150ee, 150ff; 7 CFR 2.17, 2.51, and 371.2(c).

§ 319.27 Articles refused importation; restrictions; infected areas; disposal of articles refused importation; importation for experimental or scientific purposes.

(a) Pursuant to section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd), any fruit or peel of Mexican Lime (*Citrus aurantifolia*) from any area in Mexico, and any other fruit or peel of citrus or citrus relatives (fruit or peel of any genera, species, or variety of the subfamilies *Aurantioideae, Rutoideae,* and *Toddalioideae* of the botanical family *Rutaceae*) from areas in Mexico designated as infected areas will be refused importation into the United States unless imported in accordance with paragraph (e) of this section. There is reason to believe that these articles carry citrus canker disease.

(b) No person shall import any restricted article unless in conformity with all of the applicable restrictions in this subpart.[1] Fruit or peel of the following articles from areas in Mexico not designated as infected areas are listed as restricted articles:
ethrog (*Citrus medica*)
grapefruit (*Citrus paradisi*)
lemon (*Citrus limon*)
orange (*Citrus sinensis*)
Persian lime (*Citrus latifolia*)
tangerine (*Citrus reticulata*)

(c) The following areas in Mexico are designated as infected areas:

The entire State of Colima.

The entire municipio of Coahuayana in the State of Michoacan.

(d) Any article refused importation under the provisions of 7 U.S.C. 150dd or for noncompliance with the requirements of this subpart shall be promptly removed from the United States or abandoned by the importer, and pending such action shall be subject to the immediate application of such safeguards against escape of plant pests as the inspector determines necessary to prevent the introduction into the United States of plant pests. If such article is not promptly removed from the United States or abandoned by the importer for destruction, it may be seized, destroyed, or otherwise disposed of in accordance with sections 105 and 107 of the Federal Plant Pest Act (7 U.S.C. 150dd, 150ff).

(e) An article subject to provisions in this subpart may be imported without complying with other provisions under this subpart if:

(1) Imported by the U.S. Department of Agriculture for experimental or scientific purposes;

(2) Imported at the Plant Germplasm Quarantine Center, Building 320, Beltsville Agricultural Research Center East, Beltsville, MD 20705, or at a port of entry designated by an asterisk in § 319.37–14(b);

(3) Imported pursuant to a departmental permit issued for such

[1] Restricted articles are also subject to the provisions of the fruits and vegetables regulations (7 CFR 319.56 *et seq.*).

article and kept on file at the port of entry;

(4) Imported under conditions specified on the departmental permit and found by the Deputy Administrator to be adequate to prevent the introduction into the United States of plant pests, i.e., conditions of treatment, processing, shipment, disposal; and

(5) Imported with a departmental tag or label securely attached to the outside of the container containing the article or securely attached to the article itself if not in a container, and with such tag or label bearing a departmental permit number corresponding to the number of the departmental permit issued for such articles.

§ 319.27-1 Definitions.

Terms used in the singular form in this subpart shall be construed as the plural, and vice-versa, as the case may demand. The following terms, when used in this subpart, shall be construed, respectively, to mean:

Deputy Administrator. The Deputy Administrator of the Animal and Plant Health Inspection Service, U.S. Department of Agriculture for Plant Protection and Quarantine, or any other officer or employee of the Department to whom authority to act in his/her stead has been or may hereafter be delegated.

Import. (Importation, imported). To import or move into the United States.

Inspector. Any employee of Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or other person, authorized by the Deputy Administrator in accordance with law to enforce the provisions of the regulations in this subpart.

Person. Any individual, corporation, company, society, association or other organized group.

Plant pest. The egg, pupal, and larval stages as well as any other living stage of any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, viruses, or any organisms similar to or allied with any of the foregoing, or any infectious substances, which can directly or indirectly injure or cause disease or damage in any plants or parts thereof, or any processed, manufactured, or other products of plants.

Plant Protection and Quarantine. The organizational unit within the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, delegated responsibility for enforcing provisions of the Plant Quarantine Act, the Federal Plant Pest Act, and related legislation, and regulations promulgated thereunder.

Secretary. The Secretary of Agriculture, or any other officer or employee of the Department of Agriculture to whom authority to act in his/her stead has been or may hereafter be delegated.

United States. The States, District of Columbia, American Samoa, Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States.

§ 319.27-2 Permits.[2]

[Reserved]

§ 319.27-3 Inspection and Phytosanitary certificates of inspection.

A restricted article shall be accompanied at the time of importation into the United States by a phytosanitary certificate of inspection from the plant protection service of Mexico. The certificate shall be addressed to the plant protection service of the United States (Plant Protection and Quarantine), shall have been issued not more than 15 days prior to shipment of the article from Mexico, shall contain a description of the restricted article intended to be imported into the United States, and shall certify that the article has been thoroughly inspected and is believed to be free from injurious plant diseases and insect pests. If the restricted article was treated in Mexico in accordance with § 319.27-4, the phytosanitary certificate of inspection shall also contain accurate information describing that the article had been so treated. Such certificate may cover more than one article and more than one container kept together during shipment and offer for importation.

§ 319.27-4 Treatments and other requirements.

A restricted article prior to movement into the United States from the port of entry

(a) Shall be free of leaves, litter, and stems other than stems less than one inch in length attached to fruit, and

(b) Shall have been treated in Mexico under the supervision of either an inspector or an official of the plant protection service of Mexico or shall be treated at the port of entry under the supervision of an inspector by thorough wetting with a solution containing 200 parts per million active chlorine for a period of at least two minutes.

§ 319.27-5 Marking and identity.

(a) Any restricted article at the time of importation shall plainly and correctly bear on the outer container (if in a container) or on the restricted article (if not in a container) the following information:

(1) General nature and quantity of the contents,

(2) Country or locality of origin,

(3) Name and address of shipper, owner, or person shipping or forwarding the article,

(4) Name and address of consignee,

(5) Identifying shipper's mark and number,

(6) A letter "C" within the figure of a diamond or a rectangle if the article had been treated in Mexico in acordance with § 319.27-4, and

(7) A statement, such as "origin in a citrus canker free zone," to represent origin outside of the infected areas.

(b) Any restricted article shall be accompanied at the time of importation by an invoice or packing list indicating the contents of the shipment.

§ 319.27-6 Arrival notification.

Promptly upon arrival of any restricted article at a port of entry, the importer shall notify Plant Protection and Quarantine of the arrival by such means as a manifest, Customs entry document, commercial invoice, waybill, a broker's document, or a notice form provided for that purpose.

§ 319.27-7 Costs and changes.

The services of the inspector during regularly assigned hours of duty and at the usual places of duty shall be furnished without cost to the importer.[3] Plant Protection and Quarantine will not be responsible for any costs or changes, other than those indicated in this section.

§ 319.27-8 Ports of Entry.

(a) Any restricted article that was treated in Mexico in accordance with § 319.27-4 may be imported only at any port of entry listed in § 319.37-14(b) of this Part.

(b) Any restricted article that was not treated in Mexico in accordance with § 319.27-4 may be imported only at the port of Laredo, Texas.

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[2] Under § 319.56-3 of the fruits and vegetables regulations (7 CFR 319.56-3), restricted articles subject to this subpart may be imported only after issuance of a written permit by Plant Protection and Quarantine. The procedures for obtaining a permit are set forth in § 319.56-3 of the fruits and vegetables regulations.

[3] Provisions relating to costs for other services of an inspector are contained in 7 CFR Part 354.

Done at Washington, D.C., this 15th day of November 1982.

Harvey L. Ford,

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

[FR Doc. 82-31656 Filed 11-16-82; 8:45 am]

BILLING CODE 3410-34-M

Federal Grain Inspection Service

7 CFR Part 802

Effective Date of Requirement for Change in Mode of Operation

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Confirmation of final rule.

SUMMARY: This action affirms an emergency final rule which delayed until January 1, 1983, for scales installed on or before January 1, 1981, the requirement in § 802.2(r) of the regulations promulgated under the United States Grain Standards Act (7 CFR 802.2(r)) which provided that all grain-weighing automatic hopper scales would be designed so that the mode of operation, and each change in mode of operation, would be indicated on the printed record in a prescribed manner. For scales installed after January 1, 1981, the January 1, 1981, effective date remained unchanged. No comments were received as a result of the emergency final rulemaking and the final rule is made effective without change.

DATE: The emergency final rule became effective December 8, 1980.

FOR FURTHER INFORMATION CONTACT: Lewis Lebakkan, Jr., Regulations and Directives Unit, Resources Management Division, FGIS, USDA, Room 1636 South Building, 1400 Independence Avenue, S.W., Washington, D.C. 20250, telephone (202) 382-0231.

SUPPLEMENTARY INFORMATION: This action has been issued in conformance with Executive Order 12291, and Secretary's Memorandum 1512-1 and has been determined to be "not major" because it does not meet the criteria therein for a major rule.

Pursuant to section 4 of the Regulatory Flexibility Act (5 U.S.C. 601 note), the provisions of that Act do not apply to this action because rulemaking was initiated prior to January 1, 1981. However, it should be noted that this action will not have a significant impact on a substantial number of small entities because the action does not impose new requirements but merely delays implementation of existing requirements.

Emergency final rulemaking with a 60-day opportunity for public comment was published in the December 8, 1980, **Federal Register** (45 FR 80985).

The requirement in section 802.2(r) of the regulations under the United States Grain Standards Act (7 CFR 802.2(r)) as originally published in the March 11, 1980 **Federal Register** (45 FR 15865) which provided that effective January 1, 1981, all grain-weighing automatic hopper scales be designed so the mode of operation, and each change in mode of operation, be indicated on the printed record in a prescribed manner was amended by emergency final rulemaking so that, for scales installed on or before January 1, 1981, the effective date would be delayed until January 1, 1983. For scales installed after January 1, 1981, the January 1, 1981 effective date remained the same.

As indicated in a December 8, 1980, **Federal Register** publication, FGIS had received several requests from the trade to delay implementation of the effective date in § 802.2(r) until January 1, 1983, for scales installed on or before January 1, 1981. These requests cited the unavailability of modified equipment or plans for the installation of new weighing equipment as justification for the delay.

No comments were received with respect to the emergency final rulemaking. Accordingly, the emergency final rule amending § 802.2(r) of the regulations will remain effective without change, as published at 45 FR 80985.

(Sec. 9, Pub. L. 94-582, 90 Stat. 2875, (7 U.S.C. 79a))

Done in Washington, D.C. on: November 3, 1982.

K. A. Gilles,

Administrator.

[FR Doc. 82-31304 Filed 11-16-82; 8:45 am]

BILLING CODE 3410-EN-M

Agricultural Marketing Service

7 CFR Part 989

Raisins Produced From Grapes Grown in California; Amendment of Subpart—Quality Control; Temporary Changes in Minimum Grade Standards

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule temporarily relaxes grading requirements for packed raisins under the Federal marketing order for California raisins. Adverse weather and slow drying conditions during harvest severely damaged the 1982 raisin crop. Although the full extent of the damage is still unknown, preliminary estimates indicate that the damage could be as much as 50 to 60 percent of that crop. The grade changes were recommended by the Raisin Administrative Committee to: (1) aid producers and handlers in the recovery of the maximum quantity of raisins acceptable for human consumption from the 1982 production; (2) limit as much as possible producers' crop losses due to the rain; and (3) make more raisins available to consumers and the trade than would otherwise be available.

EFFECTIVE DATE: November 17, 1982 through November 30, 1983.

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

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512-1 and has been determined to be a "non-major" rule under criteria contained therein.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated 20 handlers.

It is found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rulemaking and that good cause exists for not postponing the effective date of the action until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because: (1) The action temporarily lowers the minimum grade standards for packed raisins in order to permit recovery of raisins suitable for human consumption; (2) it is necessary that this action become effective promptly to allow handlers to maximize the quantity of raisins available for human consumption as fast as possible; and (3) this action was discussed at an open Committee meeting, handlers are aware of it, and need no additional time to prepare for operation under the less restrictive requirements.

The temporary changes made herein are pursuant to the marketing agreement and Order No. 989, both as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California (hereinafter referred to collectively as the "order"). The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Pursuant to § 989.59(a) of the order, § 989.702 of Subpart—Quality Control (7 CFR 989.701–989.703) prescribes minimum standards for packed Natural (sun-dried) Seedless, Dipped Seedless, Oleate and Related Seedless, Golden Seedless, Muscats (including Layer or Cluster Muscats and other raisins with seeds), Sultana, Zante Currant, and Monukka raisins. Section 989.59(b) provides that the Committee may recommend changes in the minimum grade standards for packed raisins of any varietal type. It further provides that the Secretary shall approve any such change if he finds, upon the basis of data submitted to him by the Committee or from other information available to him, that to do so would tend to effectuate the declared policy of the act.

Rains and poor drying conditions during the month of September seriously damaged California's 1982 raisin crop. In addition, cool weather during the growing season delayed the proper development of sugar in the raisin grapes, and this reduced the maturity of the raisin crop. Also, when raisin grapes are subjected to rain while drying in the fields there is a sugar loss. This sugar loss further reduced the maturity of the 1982 raisin crop.

Producers and handlers are making special efforts to recover the maximum quantity of raisins acceptable for human consumption. However, it is expected that mechanical damage sustained by the raisins will be greater than normal due to additional washing and more intensive reconditioning required to accomplish this objective.

The changes in the minimum grade standards for pack raisins, as hereinafter set forth, would continue through November 30, 1983, and would aid in the recovery of raisins acceptable for human consumption. Because the temporary standards are less restrictive, more raisins would be made available to consumers and the trade than would be made available without the temporary changes.

After consideration of all relevant matter presented, the Committee's recommendation, and other available information, it is hereby found that the changes in the minimum grade standards for packed raisins, and contained in § 989.703 hereinafter set forth, would tend to effectuate the declared policy of the act.

List of Subjects in 7 CFR Part 989

Marketing Agreements and orders Grapes, Raisins, California.

PART 989—[AMENDED]

Therefore, the temporary changes in the minimum grade standards for certain raisins are set forth by revising § 989.703 of Subpart—Quality Control (7 CFR 989.701–989.703) to read as follows:

Subpart—Quality Control

§ 989.703 Changes in minimum grade standards for packed raisins for the period through November 30, 1983.

Effective pursuant to § 989.59(b) and through November 30, 1983, the tolerance for moldy and damaged raisins for Natural (sun-dried) Seedless, Dipped Seedless, Oleate and Related Seedless, Golden Seedless, Muscats (including Layer or Cluster Muscats and other raisins with seeds), Sultana, Zante Currant, and Monukka raisins shall be five percent and 10 percent, respectively, and the total tolerance for discolored, damaged, and moldy raisins shall be 15 percent. The tolerance for determining "slight discoloration damage" and "discoloration damage" around the capstem shall be ¼ inch in diameter. Also, the requirements for seedless raisins in U.S. Grade C that not less than 55 percent, by weight, of the raisins must be well-matured or reasonably well-matured, shall be suspended through November 30, 1983.

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

Dated: November 10, 1982.

D. S. Kuryloski,

Acting Director, Fruit and Vegetable Division.

[FR Doc. 82-31469 Filed 11-16-82; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 999

Raisins Produced From Grapes Grown in California; Amendment of Raisin Import Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule temporarily relaxes grade requirements for imported raisins. The Agricultural Marketing Agreement Act of 1937, as amended, requires that raisin imports must meet the same or comparable grade requirements as domestic raisins regulated under the Federal marketing order. Under the marketing order for California raisins, temporary relaxations are being made in the grade requirements for all varietal types of packed raisins and similar relaxations must be made in the grade requirements for imported raisins.

EFFECTIVE DATE: November 17, 1982 through November 30, 1983.

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

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the 20 known importers who have imported raisins during the last three years.

It is found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rulemaking and that good cause exists for not postponing the effective time of this action until 30 days after publication in the Federal Register (5 U.S.C. 553) in that: (1) The requirements of section 8e of the act make this action mandatory; (2) this action temporarily relaxes the quality requirements on raisins offered for importation and conforms with a simultaneous relaxation of the grade requirements on domestic raisins under this part and Order No. 989, as amended (7 CFR Part 989); (3) compliance with this amendment will not require any special preparation by importers which cannot be completed by the effective date; and (4) this action relaxes restrictions on the importation of raisins.

The raisin import regulation is effective pursuant to the requirements of section 8e (7 U.S.C. 608e–1) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C 601–674). Section 8e requires the Secretary of Agriculture to issue, after reasonable notice, grade requirements on imported raisins which are the same as, or comparable to, those imposed on domestic raisins under a Federal marketing agreement and order program. The marketing agreement and Order No. 989, both as amended (7 CFR Part 989), regulate the handling of raisins produced from grapes grown in California (hereinafter collectively referred to as the "order"). The order also is effective under that act.

Temporary relaxations are being made in the grade requirements for all varietal types of packed raisins under the order. These relaxations are being made as a result of heavy rains and poor drying conditions during the 1982

domestic raisin harvest, which seriously damaged the domestic crop. The relaxations relate to the tolerance for mold, damaged, slightly discolored, discolored raisins, and the total telerances for discolored, damaged, and moldy raisins, and the maturity level for seedless raisins. These relaxations will remain in effect through November 30, 1983. Therefore, similar relaxations must be made in the grade requirements for imported raisins, and remain effective through November 30, 1983.

Based on the foregoing, and all other relevant information, it is hereby found that the amendment of the import grade requirements, hereinafter set forth, will tend to effectuate the declared policy of the act.

List of Subjects in 7 CFR Part 999

Food, Grades and standards, Imports, Raisins.

PART 999—[AMENDED]

Therefore, § 999.300 is amended by revising § 999.300(b)(6) to read as follows:

§ 999.300 Regulation governing the importation of raisins.

* * * * *

(b) * * *

(6) Through November 30, 1983, with respect to all imported raisins defined under the import regulation, the tolerances for moldy and damaged raisins shall be five percent and 10 percent, respectively, and the total tolerance for discolored, damaged, and moldy raisins shall be 15 percent. Also, the tolerance for determining "slight discoloration damage" and "discoloration damage" around the capstem shall be ¼ inch in diameter. In addition, the requirement in U.S. Grade C for seedless raisins that not less than 55 percent of the raisins must be well matured or reasonably well-matured shall not apply to Thompson Seedless and Monukka raisins.

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

Dated: November 10, 1982.

D. S. Kuryloski,

Acting Director, Fruit and Vegetable Division.

[FR Doc. 82-31468 Filed 11-16-82; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 1004

[Milk Order No. 4; Docket No. AO-160-A59]

Milk in the Middle Atlantic Marketing Area; Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action changes a provision of the Middle Atlantic order which limits the amount of milk a handler may move directly from farms to nonpool plants. For the months of September through February, allowable diversions are increased from 30 percent to 40 percent of the volume of the handler's total producer milk. During the same months, the order still provides that a handler, alternatively, may divert no more than 18 days' production of each producer to nonpool plants.

This action is based on industry proposals which were considered at a public hearing held August 24, 1982, in Philadelphia, Pennsylvania. The change is necessary to reflect current marketing conditions and to insure orderly marketing of milk in the Middle Atlantic marketing area.

EFFECTIVE DATE: December 1, 1982.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, (202/447–6273).

SUPPLEMENTARY INFORMATION: 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.

Prior documents in this proceeding:

Notice of Hearing: Issued August 4, 1982; published August 10, 1982 (47 FR 34573).

Suspension Order: Issued September 27, 1982, published September 30, 1982 (47 FR 42962).

Emergency Final Decision: Issued October 13, 1982; published October 18, 1982 (47 FR 46289).

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 of the previously issued amendments thereto; and all of the 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 a proposed tentative marketing agreement and a proposed order regulating the handling of milk in the Middle Atlantic marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective December 1, 1982. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The decision of the Assistant Secretary containing all amendment provisions of this order was issued October 13, 1982 (47 FR 46289). The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective December 1, 1982, 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) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

List of Subjects in 7 CFR Part 1004

Milk marketing orders, Milk, Dairy products.

Order Relative to Handling

It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Middle Atlantic marketing area shall be in conformity to and in compliance with the following terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

PART 1004—MILK IN THE MIDDLE ATLANTIC MARKETING AREA

1. In § 1004.7, paragraph (c) is removed and reserved to read as follows:

§ 1004.7 Pool plant.

* * * * *

(c) [Reserved]

* * * * *

2. In § 1004.12, paragraph (d) is revised to read as follows:

§ 1004.12 Producer.

* * * * *

(d) A dairy farmer with respect to milk which is diverted to a nonpool plant (other than a producer-handler plant) in accordance with the conditions of paragraphs (d)(1) and (d)(2).

(1) During any month of March through August.

(2) Not more than 18 days' production during any month of September through February unless all of the diversions of member and nonmember milk, as the case may be, are pursuant to paragraph (d)(2)(i) or (ii) of this section, respectively, and they fall within the limits prescribed thereunder. If a handler diverting milk pursuant to this paragraph (d)(2) diverts milk of any dairy farmer in excess of the limits prescribed such dairy farmer shall be a producer only with respect to that milk physically received at a pool plant.

(i) All of the diversions of milk of members of a cooperative association to nonpool plants are for the account of such cooperative association and the amount of member milk so diverted does not exceed 40 percent of the volume of milk of all such members of such cooperative association for which the cooperative association is the handler during the month.

(ii) All of the diversions of milk of dairy farmers who are not members of a cooperative association diverting milk for its own account during the month are diversions by a handler in his capacity as the operator of a pool plant from which the quantity of such nonmember milk so diverted does not exceed 40 percent of the total of such nonmember milk for which the pool plant operator is the handler during the month.

* * * * *

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

Effective date: December 1, 1982.

Signed at Washington, D.C., on: November 12, 1982.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 82-31466 Filed 11-16-82; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL RESERVE SYSTEM

12 CFR Part 226

[Reg. Z; Docket No. R-0288]

Truth in Lending; Revised Regulation Z and Official Staff Commentary Update; Technical Amendments

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule and official staff interpretation; technical amendments.

SUMMARY: The Board is making a technical amendment to its final rule on Regulation Z (Truth in Lending) published at 46 FR 20848, April 7, 1981; the staff is making a technical amendment to an update to its official staff commentary to Regulation Z published at 47 FR 41338, September 20, 1982. These actions are necessary to correct a typographical error in the regulation and to remove language that mistakenly appeared in the commentary update.

FOR FURTHER INFORMATION CONTACT: Richard S. Garabedian, Staff Attorney, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, (202) 452–3667.

SUPPLEMENTARY INFORMATION: The final rule in 12 CFR Part 226 (46 FR 20905, April 7, 1981) is amended as follows: Section 226.23(f)(2) is amended by changing the phrase "unearned unpaid finance charge" to "earned unpaid finance charge."

The final official staff interpretation contained in FR Doc. 82–25677 is amended as follows: On page 41349, column 3, the last sentence of Comment 19(a)–2 is amended by removing ["either on a separate document or on the same document (but separate from the required disclosures).]"

Board of Governors of the Federal Reserve System, November 10, 1982.

William W. Wiles,

Secretary of the Board.

[FR Doc. 82-31374 Filed 11-16-82; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 545

[No. 82-730]

Interim Implementation of Powers; Housing Creditors Regarding Alternative Mortgage Transactions

AGENCY: Federal Home Loan Bank Board.

ACTION: Temporary final rule; notice; solicitation of comments.

SUMMARY: The Federal Home Loan Bank Board is implementing certain new powers contained in the Garn-St Germain Depository Institutions Act of 1982. This action will permit federal savings and loan associations and federal mutual savings banks to commence restructuring of their asset portfolios pending the issuance of final regulations fully implementing the provisions of the Act. The Board also is providing the notice required by title VIII of the Act regarding federal preemption of state law governing alternative mortgage transactions in order to give housing creditors the ability to make a greater variety of mortgage loans.

DATE: The interim implementation of powers is effective October 15, 1982; the notice to housing creditors is effective November 4, 1982; comments on the notice must be received by December 3, 1982.

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

FOR FURTHER INFORMATION CONTACT:

- Demand Deposits, Governmental Unit Now Accounts, Robert Ledig, Attorney, Office of General Counsel (202–377–7057)

- Commercial Real Estate Loans, Neil R. Crowley, Attorney, Office of General Counsel (202–377–6417)
- Commercial Loans, Michael D. Schley, Attorney, Office of General Counsel (202–377–6444)
- Consumer Loans, Wendy B. Samuel, Deputy Director, Policy and Projects Division, Office of General Counsel (202–377–6465)
- Alternative Mortgage Instruments, Neil R. Crowley, Attorney, Office of General Counsel (202–377–6417) or Kenneth F. Hall, Attorney, Office of General Counsel (202–377–6466)

Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION:

Interim Implementation of Powers

On October 15, 1982, the President signed into law the Garn-St Germain Depository Institutions Act of 1982 (the "Act") (Pub. L. 97–320; 96 Stat. 1469 (to be codified in scattered sections of 12 U.S.C.)). The Act provides, in part, increased investment authority for federal savings and loan associations and federal mutual savings banks (together "federal associations"). Increased asset and liability flexibility was provided to broaden the range of services that federal associations may provide to their customers and to improve their ability to match asset and liability yields and maturities, thus generating earnings and increasing growth capital. The Board believes that these purposes are best served by immediate implementation of the provisions of the Act. The Board already has implemented the authority for federal associations to invest in the accounts of insured institutions and the authority for members of the Federal Home Loan Bank System to count those investments toward the Board's liquidity requirements. *See* Board Res. No. 82–708; October 27, 1982.

Because adoption of final regulations implementing all of the provisions of the Act will take several months, and because many of the statutory provisions providing new authorities are self-explanatory, the Baord has determined that an interim action implementing, in part, certain of the new powers is appropriate. The Board therefore has determined to authorize federal associations to engage in the activities described below, effective retroactively to October 15, 1982, the date of enactment of the Act, and to codify that authorization and the Notice to Housing Creditors Regarding Alternative Mortage Transactions set forth below as an Appendix to Part 545.

Accordingly, the Board hereby amends Part 545, Subchapter C, Chapter V of title 12, Code of Federal Regulations, as set forth below.

Amend Part 545 by inserting an Appendix at the end thereof as follows:

PART 545—OPERATIONS

Appendix

1. *Demand Deposits*—A federal association may accept non-interest-bearing demand deposits from (a) a commercial, corporate, business, or agricultural entity for the sole purpose of effectuating payments thereto by a nonbusiness customer, or (b) any person or organization having a business, corporate, commercial or agricultural loan relationship with the association. An association may extend secured or unsecured credit in the form of overdraft privileges specifically related to demand deposits, but such overdraft loans must be aggregated with other commercial loans for purposes of the five-percent-of-assets (seven and one-half percent if the association is a federal mutual savings bank) limitation. Overdraft loans made under authority of this interim implementation must be made pursuant to proper underwriting and with due regard for safety and soundness.

2. *Governmental Unit NOW Accounts*—A member institution of the Federal Home Loan Bank System may offer NOW accounts as defined in 12 CFR 526.1(e) (1982) for the deposit of public funds by an officer, employee, or agent of the United States, any state, county, municipality, or political subdivision thereof, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, any territory or possession of the United States, or any political subdivision thereof.

3. *Commercial Real Estate Loans*—A federal association may invest up to 40 percent of its assets in loans secured by commercial real estate pursuant to 12 CFR 545.6–6 (as amended, 47 FR 36612 (1982)). Commercial real estate loans are not required to be secured by first liens, but associations must continue to comply with the 90-percent loan-to-value ratio for commercial real estate loans as determined in accordance with 12 CFR 545.6 (1982).

4. *Commercial Loans*—A federal association may invest up to five percent of its assets (seven and one-half percent if the association is a federal mutual savings bank) in secured or unsecured loans for commercial, corporate, business or agricultural purposes, provided that loans to any one borrower shall not exceed the limits of 12 U.S.C. 84 (as amended by Pub. L. No. 97–320; 96 Stat. 1469). Associations with questions regarding applications of these limits should consult with Michael D. Schley (202–377–6444), Attorney, Office of General Counsel. Commercial loans made under authority of this interim implementation must be made with proper underwriting and with due regard for safety and soundness.

5. *Consumer Loans*—A federal association may invest up to 30 percent of its assets in consumer loans pursuant to 12 CFR 545.7–10 (1982). Investments in consumer loans no longer need to be aggregated with investments made in commercial paper and corporate debt securities.

Federal associations making use of the interim authority to invest in commercial loans and to extend overdraft privileges in connection with demand deposits are required to exercise prudence in engaging in these activities. In adopting this temporary final rule, the Board does not waive any of its authority to supervise commercial lending activities or to take appropriate supervisory action against unsafe or unsound practices. Associations must exercise the applicable standards of care, especially those commonly used by commercial banks regulated by a federal agency, in extending commercial credit.

The Board has determined that the notice and public comment procedures of 5 U.S.C. 553(b) and 12 CFR 508.12 are unnecessary because the temporary final rules merely implement authority conferred directly by the Act, and would be contrary to the public interest because of express Congressional intent that federal associations have increased asset and liability flexibility to meet current economic conditions. For the same reasons, and because the amendments relieve restrictions on federal associations, the Board has determined that the delay of effective date provided by 5 U.S.C. 553(d) and 12 CFR 508.14 is unnecessary.

Notice to Housing Creditors Regarding Alternative Mortgage Transactions

Title VIII of the Act authorizes non-federally-chartered housing creditors to offer alternative mortgage instruments in accordance with regulations issued by federal regulatory agencies in order to grant parity with federally-chartered lenders. Housing creditors must refer to the regulations of: for commercial banks, the Comptroller of the Currency; for credit unions, the National Credit Union Administration; and for all others, the Federal Home Loan Bank Board. The Act requires the Board to publish notice of its regulations that need to be conformed to by housing creditors in

order to take advantage of the preemption of state law. The Board is taking this opportunity to publish the required notice.

Section 803 of the Act defines "alternative mortgage transactions" to mean:

[a] Loan or credit sale secured by an interest in residential real property, a dwelling, all stock allocated to a dwelling unit in a residential cooperative housing corporation, or a residential manufactured home (as that term is defined in section 603(6) of the National Manufactured Home Construction and Safety Standards Act of 1974)—

(A) In which the interest rate finance charge may be adjusted or renegotiated;

(B) Involving a fixed-rate, but which implicitly permits rate adjustments by having the debt mature at the end of an interval shorter than the term of the amortization schedule; or

(C) Involving any similar type of rate, method of determining return, term, repayment, or other variation not common to traditional fixed-rate, fixed-term transactions, including without limitation, transactions that involve the sharing of equity or appreciation described and defined by applicable regulation.

Board regulations governing loans meeting this definition include the following:

1. *Home Loans*—Housing creditors that are not commercial banks, credit unions or federal associations are authorized to make alternative mortgage loans secured by residential real estate comprising a single family dwelling or dwelling units for four or fewer families in the aggregate, subject to the limitations contained in 12 CFR 545.6–2(a)(2), (7) (as amended, 47 FR 36612 (August 23, 1982)). A full description of the types of mortgage transactions authorized and the requirements of the regulations is included in the **Federal Register** publication cited above. Housing creditors should also refer to 12 CFR Part 541 (1982) for definitions of various terms used in the regulations.

2. *Other Residential Real Property Loans*—For all other residential real property loans, housing creditors that are not commercial banks, credit unions or federal associations are authorized to enter into alternative mortgage transactions without restriction on adjustments to rate, payment, balance or term and without required disclosure.

In publishing this notice, the Board has identified regulations authorizing alternative mortgage transactions and the limitations applicable to those transactions. Other regulations designed to ensure safety and soundness in residential real estate lending by federal associations in general have not been identified, and on these matters housing creditors should refer to otherwise applicable state law. The Board, however, solicits the comments of housing creditors regarding any other provisions of Board regulations that would facilitate use of the federal preemption. Because federal associations engage in mortgage lending activities and not credit sales, the Board's regulations use the term "loan" and its derivatives. Housing creditors engaged in credit sales should read the term "loan" as "credit sale" wherever appropriate.

(Pub. L. No. 97–320; 96 Stat. 1469; Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 US.C. 1725, 1726, 1730); Reorg. Plan No. 3 of 1979; 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 82-31414 Filed 11-16-82; 8:45 am]

BILLING CODE 6720-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 241

[Economic Reg. Amdt. No. 47 to Part 241; Reg. ER-1301]

Uniform System of Accounts and Reports for Certificated Air Carriers; Approval by the Office of Management and Budget

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This final rule gives notice that the Office of Management and Budget (OMB) has approved the extension of reporting requirements in Part 241 of the Board's Economic Regulations, "Report of Financial and Operating Statistics for Certificated Air Carriers," including the separate reporting requirement contained in § 241.19–3, "Accessibility and Transmittal of Service Segment Data." This approval was extended through February 29, 1984. OMB approval is required under the Paperwork Reduction Act of 1980.

DATES:

Adopted: November 9, 1982.

Effective: October 28, 1982.

FOR FURTHER INFORMATION CONTACT: Linda K. Koman, Data Requirements Section, Information Management Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673–6042.

Accordingly, the Civil Aeronautics Board amends Part 241 of its Economic Regulations (14 CFR Part 241) by revising the note at the end of the table of contents to Part 241 to read:

Note.—The reporting requirements contained in § 241. 22 have been approved by the Office of Management and Budget under number 3024–0013. The reporting requirement contained in § 241.19–3 has been approved by the Office of Management and Budget under number 3024–0014.

This amendment is issued by the undersigned pursuant to delegation of authority from the Board to the Secretary in 14 CFR 385.24(b).

(Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-31369 Filed 11-16-82; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Office of the Secretary

15 CFR Part 4

Public Information; Minor Revision to Text on Fees; Location of Freedom of Information Act Reference Facilities; and Delegation of Initial Denial Authority

AGENCY: Office of the Secretary, Commerce.

ACTION: Final rule.

SUMMARY: The Department of Commerce makes a minor change to § 4.9 on "Fees"; and revises Appendices B and C of its Freedom of Information Act rules. Appendix B contains the names and addresses of the Department's Freedom of Information public facilities. Appendix C lists the officials authorized to make initial denials for Freedom of Information requests. The revision of Appendices B and C reflect changes, due to reorganization, of officials and changes due to relocation of several Freedom of Information public facilities.

EFFECTIVE DATE: November 17, 1982.

FOR FURTHER INFORMATION CONTACT: Mrs. Geraldine P. LeBoo, U.S. Department of Commerce, Office of Information Management, Washington, D.C. 20230, telephone (202) 377–4217.

SUPPLEMENTARY INFORMATION: In § 4.9(c)(4)(iii) the words "* * * wire or * * * "are being deleted as explanation of one of the modes of contact with

requesters. For contact purposes, the use of the telephone followed by written confirmation (as referenced in this section) accomplishes the same objective at a substantially lower cost.

Appendices B and C are revised to reflect changes, due to reorganization, of officials authorized to make initial denials, and changes due to relocation of several Freedom of Information public facilities. Since these revisions involve internal agency procedures, the Administrative Procedure Act (5 U.S.C. 553) provisions requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable. Also, this regulation is not significant under Executive Order 12291. This revision does not require a change of burden or imposition of a new burden on the public as defined by the Paperwork Reduction Act of 1980, Pub. L. 96–511.

The revisions to the Department of Commerce Freedom of Information Act rules, Appendices B and C, are as follows:

All references to the Maritime Administration are deleted as that agency was transferred to the Department of Transportation. Throughout each appendix the title of the United States Travel Service is changed to the United States Travel and Tourism Administration.

Revisions to Appendix B are: changes in address and/or telephone number of the public reference facilities of the Office of the Secretary, Bureau of Economic Analysis, International Trade Administration, National Telecommunications and Information Administration, National Bureau of Standards, Minority Business Development Agency, and National Oceanic and Atmospheric Administration.

Revisions to Appendix C reflect organizational changes or the selection of different officials with initial denial authority in the following Departmental components: Office of the Secretary, National Telecommunications and Information Administration, National Technical Information Service, International Trade Administration, National Oceanic and Atmospheric Administration, National Bureau of Standards, and the United States Travel and Tourism Administration. A new component, Economic Affairs is included in the revision. A single official, the Administrative Officer, is delegated the authority to make initial denials for all units under Economic Affairs, with the exception of the Bureau of the Census, the Bureau of Economic Analysis, the Bureau of Industrial Economics, and the National Technical Information Service. These components each have an official designated to make initial denials.

List of Subjects in 15 CFR Part 4

Freedom of information.

PART 4—[AMENDED]

For the reasons set out in the Preamble, 15 CFR Part 4 is amended as set forth below.

1. In § 4.9, paragraph (c)(4)(iii) is revised to read as follows:

§ 4.98 Fees.

* * * * *

(c) * * *

(4) * * *

(iii) exceeds $50 and the requester has said nothing about payment; or if the requester in any instance is delinquent in past payments, the requester shall be notified immediately (by telephone if possible) with written confirmation of the estimated total fee and shall be asked to pay such fee before the search may be conducted or continued. The notice may advise the requester that it may confer with specified Department personnel as to possible reformation of the request in order to reduce the fee.

* * * * *

2. Appendix B is revised to read as follows:

Appendix B—Freedom of Information Public Facilities and Addresses for Requests for Records

The following public reference facilities have been established within the Department of Commerce (a) for the public inspection and copying of materials of particular units of the Department under 5 U.S.C. 552(a)(2) or determined to be available for response to requests made under 5 U.S.C. 552 (a)(3); (b) for furnishing information and otherwise assisting the public concerning Departmental operations under the Freedom of Information Act; and (c) as addresses, in some instances, for the receipt and processing of requests for records under 5 U.S.C. 552(a)(3). Units having separate mailing addresses are noted below. Requests should be addressed to the unit which the requester knows or has reason to believe has possession or control or has primary concern with the records sought. Otherwise, requests should be addressed to the Central Reference and Records Inspection Facility.

Department of Commerce Freedom of Information Central Reference and Records Inspection Facility, Room 6628, Department of Commerce Hoover Building, 14th Street between Constitution Avenue and E Street, NW., Washington, D.C. 20230. Phone (202) 377–4217. This facility serves the Office of the Secretary of Commerce and all other units of the Department not identified below as explained at 15 CFR 4.4 (c) and (d).

Bureau of the Census, Freedom of Information Request Control Desk, Room 2428, Federal Building 3, Washington, D.C. 20233. Phone (301) 763–5262.

Bureau of Economic Analysis, Public Reference Facility, Freedom of Information Request Control Desk, Room 4713, Department of Commerce Hoover Building, 14th Street between Constitution Avenue and E Street, NW., Washington, D.C. 20230. Phone (202) 377–3037.

Economic Development Administration, Freedom of Information Records Inspection Facility, Room 7327, Department of Commerce Hoover Building, 14th Street between Constitution Avenue and E Street, NW., Washington, D.C. 20230. Phone (202) 377–2157. Mailing address of Regional EDA Offices:

Philadelphia Regional Office, EDA, U.S. Department of Commerce, Freedom of Information Request Control Desk, Federal Reserve Bank Building, Room 600, 105 North 7th Street, Philadelphia, Pennsylvania 19106.

Atlanta Regional Office, EDA, U.S. Department of Commerce, Freedom of Information Request Control Desk, Suite 700, 1365 Peachtree Street, NE., Atlanta, Georgia 30309.

Denver Regional Office, EDA, U.S. Department of Commerce, Freedom of Information Request Control Desk, Suite 300, 333 West Colfax, Denver, Colorado 80202.

Chicago Regional Office, EDA, U.S. Department of Commerce, Freedom of Information Request Control Desk, 175 West Jackson Boulevard, Suite A–1630, Chicago, Illinois 60604.

Seattle Regional Office, EDA, U.S. Department of Commerce, Freedom of Information Request Control Desk, 1700 Westlake North, Suite 500, Seattle, Washington 98109.

Austin Regional Office, EDA, U.S. Department of Commerce, Freedom of Information Request Control Desk, American Bank Tower, Suite 600, 221 West Sixth Street, Austin, Texas 78701.

International Trade Administration, Freedom of Information Records Inspection Facility, Room 4001B, Department of Commerce Hoover Building, 14th Street between Constitution Avenue and E Street, NW., Washington, D.C. 20230. Phone (202) 377–3031.

Minority Business Development Administration, Freedom of Information Office, Room 5067, Department of Commerce Hoover Building, 14th Street between Constitution Avenue and E Street, NW., Washington, D.C. 20230. Phone (202) 377–5045.

National Bureau of Standards, Freedom of Information Records Inspection Facility, Room E106, Administration Building, Gaithersburg, Maryland. Phone (301) 921–2425. Mailing address: National Bureau of Standards, Freedom of Information Request Control Desk, Room A1105, U.S. Department of Commerce, Washington, D.C. 20234 (Gaithersburg, Maryland).

National Oceanic and Atmospheric Administration, Public Reference Facility, Freedom of Information Office (MB/IMS33), Room 324, Building 5, Washington Science Center, 6010 Executive Boulevard, Rockville, Maryland 20852. Phone (301) 443–8192.

National Technical Information Service, Freedom of Information Records Inspection Facility, 5285 Port Royal Road, Springfield, Virginia 22161. Phone (703) 487–4634.

National Telecommunications and Information Administration, Freedom of Information Request Control Desk, Room 4892, Department of Commerce Hoover Buiding, 14th Street between Constitution Avenue and E Street, NW., Washington, D.C. 20504. Phone (202) 377–1800.

Patent and Trademark Office, Freedom of Information Records Inspection Facility, Room 11c12, Building 3, Crystal Plaza, Arlington, Virginia. Phone (703) 557–3525. Mailing address: Patent and Trademark Office, Freedom of Information Request Control Desk, Box 50, Washington, D.C. 20231.

United States Travel and Tourism Administration, Freedom of Information Request Control Desk, Room 1524, Department of Commerce Hoover Building, 14th Street between Constitution and E Street, NW., Washington, D.C. 20230. Phone (202) 377–3811.

3. Appendix C is revised to read as follows:

Appendix C—Officials Authorized to Make Initial Denials of Requests for Records

The following officials of the Department have been delegated authority to initially deny requests for records of their respective units for which they are responsible. (The listings are subject to change because of organizational changes or new delegations. Accordingly, the Chief, Information Policy and Management Division is specifically authorized to amend or revise this Appendix from time to time in order to reflect such changes.)

Office of the Secretary:
- Office of the Deputy Secretary: Associate Deputy Secretary.
- Office of Business Liaison: Director.
- Office of the Assistant Secretary for Congressional and Intergovernmental Affairs: Deputy Assistant Secretary for Congressional Affairs.
- Office of the Inspector General: Assistant Inspector General for Auditing; Assistant Inspector General for Investigations.
- Office of the General Counsel: Deputy General Counsel; Assistant General Counsel for Administration, Director, Office of Intelligence Liason.
- Office of Public Affairs: Director and Deputy Director; Director, Office of Consumer Affairs.
- Office of the Under Secretary for Economic Affairs: Office of the Chief Economist; Office of Economic Conditions; Office of Economic Policy; Office of the Deputy Assistant Secretary for Automotive Industry Affairs; Office of the Assistant Secretary for Productivity, Technology and Innovation; Administrative Officer.

Office of the Assistant Secretary for Administration:
- Office of the Controller: Controller.
- Office of Budget: Director.
- Office of Financial Assistance: Director.
- Office of Financial Management: Director.
- Office of the Executive Director for Information Resources Management: Executive Director; Office of Information Systems: Director; Office of Information Management: Director; Chief, Information Policy and Management Division.
- Office of the Executive Director for Operations: Executive Director; Office of Property and Building Services: Director; Office of Procurement: Director; Office of Small and Disadvantaged Business Utilization: Director; Office of Information Services: Director; Office of Security: Director; Office of Safety and Health Management: Director.
- Office of the Executive Director for Planning, Personnel and Management: Executive Director; Office of Civil Rights: Director; Office of Organization and Management Systems: Director and Deputy Director; Emergency Planning and Coordination Division: Director; Office of Personnel: Director and Deputy Director; Policy Staff: Policy Officer; Office of Personnel Operations: Director; Office of Program Planning and Evaluation: Director.

Bureau of Census: Associate Director for Administration.

Bureau of Economic Analysis: Deputy Director.

Bureau of Industrial Economics: Administrative Officer.

Economic Development Administration: Chief, Management Analysis and Administrative Services Division.

International Trade Administration:
- International Economic Policy: Director, Office of Policy Coordination; Director, Office of Multilateral Affairs; Director, Office of European Community; Director, Office of Non-European Community Europe; Director, Office of USSR and Eastern Europe; Director, Office of North America; Director, Office of Central America; Director, Office of South America; Director, Office of the PRC and Hong Kong; Director, Office of Japan; Director, Office of the Pacific Basin; Director, Office of Africa; Director, Office of the Near East; Director, Office of South Asia.
- Trade Administration: Deputy to the Deputy Assistant Secretary for Policy (Import Administration); Director, Office of Antiboycott Compliance; Director, Office of Export Enforcement; Director, Office of Industrial Resource Administration; Director, Foreign Trades Zone Staff; Director, Statutory Import Programs Staff; Director, Office of Investigations; Director, Office of Compliance; Director, Office of Policy.
- Trade Development: Director, Office of Policy and Coordination; Director, International Expositions Staff; Director, USCS Liaison Staff; Director, Office of Event Management and Support Services; Director, Office of Consumer Goods, Transportation and Industrial Components Industries; Director, Office of Capital Goods Industries; Director, Office of Service Industries; Director, Office of Major Projects; Director, Office of International Sector Policy; Director, Office of International Finance; Director, Office of Trade Data Analysis; Director, Office of Trade Information Services; Director, Office of Program Evaluation and Support; Director, Office of Trade and Investment Analysis; Director, Office of Textiles and Apparel; Deputy Assistant Secretary for Trade Adjustment Assistance.
- U.S. and Foreign Commercial Service: Director, Office of Personnel Administration; Director, Office of Planning and Management; Director, Office of FCS Operations; Director, Office of USCSA Operations.
- Administration: Director, Office of Management and Systems; Director, Office of Budget; Director, Office of Public Affairs; Director, Office of Administrative Support; Director, Office of Personnel.

Minority Business Development Agency: Chief Counsel and Deputy Chief Counsel.

National Bureau of Standards: Deputy Director of Administration.

National Oceanic and Atmospheric Administration:
- Administrator.
- Deputy Administrator.
- Director, Office of Public Affairs.
- Director, Office of Ocean Minerals and Energy.

Associate Administrator.
Director of the NOAA Corps.
Assistant Administrator for Policy and Planning.
Assistant Administrator for Fisheries.
Assistant Administrator for Coastal Zone Management.
Assistant Administrator for Research and Development; Director, Environmental Research Laboratories; Director, Office of Marine Pollution Assessment; Director, Office of Sea Grant.
Assistant Administrator for Oceanic and Atmospheric Services; Director, Environmental Data and Information Service; Director, National Ocean Survey; Director, National Weather Service; Director, Ocean Technology and Engineering Services.
Assistant Administrator for Management and Budget.
Assistant Administrator for Satellites.
National Technical Information Service:
Director.
Chief, Management Analysis Division.
National Telecommunications and Information Administration:
Chief Counsel
Deputy Assistant Secretary.
Patent and Trademark Office: Solicitor of Patents, or in his absence the Deputy Solicitor.
United States Travel and Tourism Administration:
Director, Office of Management and Administration.
Director, Office of Marketing and Field Operations.

(5 U.S.C. 552, as amended by Pub. L. 93–502 and Pub. L. 94–409, 5 U.S.C. 553; 5 U.S.C. 301; Reorganization Plan No. 5 of 1950)

Dated: November 9, 1982.

Edward F. Michals,

Acting Chief, Information Policy and Management Division.

[FR Doc. 82–31397 Filed 11–16–82; 8:45 am]

BILLING CODE 3510–CW–M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Parts 1508 and 1509

Amendments to Requirements for Size and Non-Full-Size Baby Cribs

Correction

In the issue of Wednesday, November 10, 1982, on page 50850, there appears a correction document for FR Doc. 82–29556 which was originally published on October 27, 1982 (page 47534). The correction stated that the "**DATE**" should have read "August 27, 1983". However, the correct date is "April 27, 1983".

BILLING CODE 1505–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7854]

Income Tax; Taxable Years Beginning After December 31, 1953; Miscellaneous DISC Amendments

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains amendments to the Income Tax Regulations under sections 861 and 991–996 of the Internal Revenue Code of 1954. These amendments revise the regulations to reflect certain changes made to the DISC (Domestic International Sales Corporation) provisions of the Code by the Tax Reform Act of 1976, the Revenue Act of 1978, the Trade Agreements Act of 1979, and the Export Administration Act of 1979. The amendments also make certain technical corrections. The principal amendments pertain to changes made by the Tax Reform Act of 1976 with respect to gain on the disposition of stock in a DISC and the treatment of actual distributions made to shareholders of a DISC to satisfy the gross receipts test.

DATE: In general the regulations are effective for taxable years ending after December 31, 1971.

FOR FURTHER INFORMATION CONTACT: Herman B. Bouma of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: CC:LR:T (LR–245–76), 202–566–3287, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

On January 2, 1981, the **Federal Register** published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under sections 861, 993, 995, and 996 of the Internal Revenue Code of 1954 (46 FR 116). No written comments were received on the proposed amendments and a public hearing was not held. The amendments are adopted in this Treasury decision substantially as proposed. In addition, this Treasury decision revises paragraph (l) of § 1.993–1, revises paragraph (h) and (i) of § 1.993–2, deletes (a)(5) § 1.993–3, and makes conforming amendments.

Explanation of Provisions

Sections 1.993–4, 1.995–3, 1.995–5, and 1.996–1 are amended to reflect the changes made by section 1101(a)(1), (c), and (e) of the Tax Reform Act of 1976 (90 Stat. 1655). Section 1.995–4 is amended to reflect the changes made by section 1101 (d)(1) of the Tax Reform Act of 1976 and section 701(u)(12) of the Revenue Act of 1978 (92 Stat. 2918).

Under the amendments to § 1.995–4, paragraph (a) (which states the purpose of section 995(c) in general terms) is deleted because it is unnecessary; no substantive change is intended by this deletion. Section 1.993–3(e) reflects the change made by section 202(c)(2) of the Trade Agreements Act of 1979 (93 Stat. 202) and section 1.993–3(h) reflects the changes made by section 22(c) of the Export Administration Act of 1979 (93 Stat. 535).

The other amendments made by this Treasury decision consist of technical corrections and conforming amendments. These include the following: (1) Paragraph (l) of § 1.993–1 is revised to eliminate the requirement that a DISC must define its relationship with a related supplier in a written supplier's agreement in order to use the inter-company pricing rules of section 994(a) (1) or (2); (2) paragraphs (h) and (i) of § 1.993–2 are revised to eliminate the limitation on the extent to which Export-Import Bank obligations and financing obligations can qualify as qualified export assets; and (3) paragraph (a)(5) of § 1.993–3 (pertaining to the sale or lease of property to a Western Hemisphere Trade Corporation) is deleted.

Drafting Information

The principal author of these final regulations is Herman B. Bouma of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Regulatory Flexibility Act and Executive Order 12291

These regulations are not subject to the Regulatory Flexibility Act because the notice of proposed rulemaking upon which these final regulations are based was published prior to January 1, 1981. The Commissioner has determined that these final regulations are not major regulations as defined in Executive Order 12291 and therefore a regulatory impact analysis is not required.

List of Subjects in 26 CFR 1.861-1 through 1.997-1

Income taxes, Aliens, Exports, DISC, Foreign investments in U.S., Foreign tax credit, Sources of income, United States investments abroad.

PART 1—[AMENDED]

Adoption of Amendments to the Regulations

The following amendments to 26 CFR Part 1 are hereby adopted:

Paragraph 1. Paragraph (a)(5) of § 1.861–3 is amended by revising subdivisions (i)(*a*), (iii), (v)(*b*) and examples (1), paragraph (a), (2), and (3) (a) and (e) to read as follows:

§ 1.861–3 Dividends.

(a) *General.* * * *

(5) *Certain dividends from a DISC or former DISC*—(i) *General rule.* * * *

(*a*) Is deemed paid by a DISC, for taxable years beginning before January 1, 1976, under section 995(b)(1)(D) as in effect for taxable years beginning before January 1, 1976, and for taxable years beginning after December 31, 1975, under section 995(b)(1) (D), (E), and (F) to the extent provided in subdivision (iii) of this subparagraph or

* * * * *

(iii) *Determination of source of income for deemed distributions, for taxable years beginning before January 1, 1976, under section 995(b)(1)(D) as in effect for taxable years beginning before January 1, 1976, and for taxable years beginning after December 31, 1975, under section 995(b)(1) (D), (E), and (F).*

(*a*) If for its taxable year a DISC does not have any nonqualified export taxable income, then for such year the entire amount treated, for taxable years beginning before January 1, 1976, under section 995(b)(1)(D) as in effect for taxable years beginning before January 1, 1976, and for taxable years beginning after December 31, 1975, under section 995(b)(1) (D), (E), and (F) as a deemed distribution taxable as a dividend will be treated as gross income from sources without the United States.

(*b*) If for its taxable year a DISC has any nonqualified export taxable income, then for such year the portion of the amount treated, for taxable years beginning before January 1, 1976, under section 995(b)(1)(D) as in effect for taxable years beginning before January 1, 1976, and for taxable years beginning after December 31, 1975, under section 995(b)(1) (D), (E), and (F) as a deemed distribution taxable as a dividend that will be treated as income from sources within the United States shall be equal to the amount of such nonqualified export taxable income multiplied by the following fraction. The numerator of the fraction is the sum of the amounts treated, for taxable years beginning before January 1, 1976, under section 995(b)(1)(D) as in effect for taxable years beginning before January 1, 1976, and for taxable years beginning after December 31, 1975, under section 995(b)(1) (D), (E), and (F) as deemed distributions taxable as dividends. The denominator of the fraction is the taxable income of the DISC for the taxable year, reduced by the amounts treated under section 995(b)(1) (A), (B), and (C) as deemed distributions taxable as dividends. However, in no event shall the numerator exceed the denominator. The remainder of such dividend will be treated as gross income from sources without the United States.

* * * * *

(v) *Special rules.* * * *

(*b*) The portion of any deemed distribution taxable as a dividend, for taxable years beginning before January 1, 1976, under section 995(b)(1)(D) as in effect for taxable years beginning before January 1, 1976, and for taxable years beginning after December 31, 1975, under section 995(b)(1)(D), (E), and (F) or amount under § 1.996–3(b)(3) (i) through (iv) that is treated as gross income from sources within the United States during the taxable year shall be considered to reduce the amount of nonqualified export taxable income as of the close of such year.

(vi) *Illustrations.* * * *

Example (1). (a) Y is a corporation which uses the calendar year as its taxable year and which elects to be treated as a DISC beginning with 1972. X is its sole shareholder. In 1973, Y has $18,000 of taxable income from qualified export receipts (none of which are interest and gains described in section 995(b)(1)(A), (B), and (C)) and $1,000 of nonqualified export taxable income. Under these facts, X is deemed to have received a distribution under section 995(b)(1)(D) as in effect for taxable years beginning before January 1, 1976, of $9,500, *i.e.*, $19,000 X ½. X is treated under subdivision (iii)(*b*) of this subparagraph as having $500, *i.e.*, $1,000 X $9,500/$19,000, from sources within the United States and $9,000 from sources without the United States.

* * * * *

Example (2). The facts are the same as in example (1) except that in 1973, in addition to the taxable income described in such example, Y has $450 of taxable income from gross interest from producer's loans described in section 995(b)(1)(A). Under these facts, the deemed distribution of $450 under section 995(b)(1)(A) is treated in full under subdivision (i) of this subparagraph as gross income from sources within the United States. The deemed distribution under section 995(b)(1)(D) as in effect for taxable years beginning before January 1, 1976, of $9,500 will be treated in the same manner as in example (1), *i.e.*, $1,000 X $9,500/($19,450–$450).

Example (3). (a) The facts are the same as in example (1) except that in 1973, in addition to the distribution described in such example, Y makes a deemed distribution taxable as a dividend to $100 under section 995(b)(1)(G) (relating to foreign investment attributable to producer's loans) and actual distributions of all of its previously taxed income and of $2,000 taxable as a dividend which reduces accumulated DISC income (as defined in subdivision (ii)(*b*) of this subparagraph). Under § 1.996–3(b)(3), accumulated DISC income is first reduced by the deemed distribution of $100 and then by the actual distribution taxable as a dividend of $2,000. As indicated in example (1), for 1972 Y did not have any nonqualified export taxable income. Assume that Y had accumulated DISC income of $12,000 at the end of 1973, $500 of which under example (1) is attributable to nonqualified export taxable income.

* * * * *

(e) The sum of the amounts deemed and actually distributed as dividends for 1973 that are treated as gross income from sources within the United States is as follows:

	Total dividend	Amount of dividend from sources within the United States
Deemed distribution under sec. 995(b)(1)(D) as in effect for taxable years beginning before Jan. 1, 1976	$9,500	$500.00
Deemed distribution under sec. 995(b)(1)(G)	100	4.17
Actual distribution that reduces accumulated DISC income	2,000	83.33
Totals	11,600	587.50

Thus, pursuant to subdivision (v)(*b*) of this subparagraph, at the beginning of 1974 Y has $412.50, *i.e.*, $1,000—$587.50, of nonqualified export taxable income.

* * * * *

Par. 2. Paragraph (b)(5) of § 1.991–1 is revised to read as follows:

§ 1.991–1 Taxation of a domestic international sales corporation.

* * * * *

(b) *Determination of taxable income.* * * *

(5) *Transition rule for beginning of first taxable year of certain corporations.* If a corporation organized before January 1, 1972, neither acquires assets (other than cash or other property acquired as consideration for the issuance of stock) nor begins doing business prior to January 1, 1972, the first taxable year of such corporation is deemed to begin at the time such

corporation acquires any asset (other than cash or other property acquired as consideration for the issuance of stock) or begins doing business, whichever is earlier: *Provided*, That such corporation is a DISC for such first taxable year. For purposes of § 1.6012–2(a), such corporation is treated as not coming into existence until the beginning of such first taxable year.

* * * * *

Par. 3. Paragraph (b)(2)(ii) of § 1.992–3 is revised to read as follows:

§ 1.992–3 Deficiency distributions to meet qualification requirements.

* * * * *

(b) *Amount of deficiency distribution.* * * *

(2) *Computation of deficiency distribution to meet 95 percent of gross receipts test.* * * *

(ii) *Example.* The provisions of this subparagraph may be illustrated by the following example:

Example. (*a*) X and Y are calendar year taxpayers. X, a domestic manufacturing company, owns all the stock of Y, which seeks to qualify as a DISC for 1973. During 1973, X manufactures a machine which is eligible to be export property as defined in § 1.993–3. Y is made a commission agent with respect to exporting such machine. Thereafter, during 1973 Y is considered to receive gross receipts of $100,000, as determined under section 993(f), attributable to X's sale of the machine in a manner which causes the gross receipts to be excluded receipts pursuant to section 993 (a)(2) and, therefore, not qualified export receipts. Y's total gross receipts for 1973 and $1 million of which $900,000 (*i.e.*, 90 percent) are qualified export receipts. Therefore, Y does not satisfy the 95 percent of gross receipts test for 1973 because less than 95 percent of its gross receipts are qualified exports receipts. Y has $9,000 of expenses properly apportioned or allocated to its gross income from such sale and $1,000 of other expenses which cannot definitely be allocated to some item or class of gross income, determined in a manner consistent with the rules set forth in § 1.861–8. In order to satisfy the 95 percent of gross receipts test for 1973, if the commission due from X to Y were $15,000, Y must make a deficiency distribution of $6,000 computed as follows:

Y's Commission (gross income) from the transaction	$15,000
Less: Y's expenses apportioned or allocated to its gross income from the transaction	9,000
Required deficiency distribution by reason of $100,000 of gross receipts which are not qualified export receipts	6,000

(*b*) If the commission due from X to Y were $9,400, resulting in a net loss of $600 to Y ($9,400 to $10,000), Y must make a deficiency distribution of $400 computed as follows:

Y's commissions (gross income) from the transaction	$9,400
Less: Y's expenses apportioned or allocated to its gross income from the transaction	9,000
Required deficiency distribution by reason of $100,000 of gross receipts which are not qualified export receipts	400

(*c*) If the commission due from X to Y were $8,500, Y would not be required to make a deficiency distribution since, under this subparagraph, there would be no taxable income attributable to gross receipts from the sale.

* * * * *

Par. 4. Section 1.993–1 is amended by revising paragraphs (b), (h)(7)(iii), (i)(1)(iii), and (l) to read as follows:

§ 1.993–1 Definition of qualified export receipts.

* * * * *

(b) *Sales of export property.* Qualified export receipts of a DISC include gross receipts from the sale of export property by such DISC, or by any principal for whom such DISC acts as a commission agent (whether or not such principal is a related supplier), pursuant to the terms of a contract entered into with a purchaser by such DISC or by such principal at any time or by any other person and assigned to such DISC or such principal at any time prior to the shipment of such property to the purchaser. Any agreement, oral or written, which constitutes a contract at law, satisfies the contractual requirement of this paragraph. Gross receipts from the sale of export property, whenever received, do not constitute qualified export receipts unless the seller (or the corporation acting as commission agent for the seller) is a DISC at the time of the shipment of such property to the purchaser.

For example, if a corporation which sells export property under the installment method is not a DISC for the taxable year in which the property is shipped to the purchaser, gross receipts from such sale do not constitute qualified export receipts for any taxable year of the corporation.

* * * * *

(h) *Engineering and architectural services.* * * *

(7) *Definition of "furnished by such DISC".* * * *

(iii) By another person (whether or not a United States person) pursuant to a contract for the furnishing of such services entered into at any time prior to the furnishing of such services provided that the DISC acts as commission agent with respect to such services.

* * * * *

(i) *Managerial services—(1) In general.* * * *

(iii) By another person (whether or not a United States person) pursuant to a contract for the furnishing of such services entered into at any time prior to the furnishing of such services provided that the DISC acts as commission agent with respect to such services.

* * * * *

(l) *DISC's entitlement to income—(1) Application of section 994.* A corporation which meets the requirements of § 1.992–1(a) to be treated as a DISC for a taxable year is entitled to income, and the intercompany pricing rules of section 994(a)(1) or (2) apply, in the case of any transactions described in § 1.994–1(b) between such DISC and its related supplier (as defined in § 1.994–1(a)(3)). For purposes of this subparagraph, such DISC need not have employees or perform any specific function.

(2) *Other transactions.* In the case of a transaction to which the provisions of subparagraph (1) of this paragraph do not apply but from which a DISC derives gross receipts, the income to which the DISC is entitled as a result of the transaction is determined pursuant to the terms of the contract for such transaction and, if applicable, section 482 and the regulations thereunder.

(3) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). P Corporation forms S Corporation as a wholly-owned subsidiary. S qualifies as a DISC for its taxable year. S has no employees on its payroll. S is granted a franchise with respect to specified exports of P. P will sell such exports to S for resale by S. Such exports are of a type which produce qualified export receipts as defined in paragraph (b) of this section. P's sales force will solicit orders in the name of S using S's order forms. S places orders with P only when S itself has received orders. No inventory is maintained by S. P makes shipments directly to customers of S. Employees of P will act for S and billings and collections will be handled by P in the name of S. Under these facts, the income derived by S for such taxable year from the purchase and resale of the specified export is treated for Federal income tax purposes as the income of S, and the amount of income allocable to S will be determined under section 994 of the Code.

Example (2). P Corporation forms S Corporation as a wholly-owned subsidiary. S qualifies as a DISC for its taxable year. S has no employees on its payroll. S is granted a sales franchise with respect to specified exports of P and will receive commissions with respect to such exports. Such exports are of a type which will produce gross receipts for S which are qualified export receipts as defined in paragraph (b) of this section. P's sales force will solicit orders in the name of P. Billings and collections are handled directly by P. Under these facts, the commissions paid to S for such taxable year with respect to the specified exports shall be

treated for Federal income tax purposes as the income of S, and the amount of income allocable to S is determined under section 994 of the Code.

Par. 5. Section 1.993–2 is amended by revising paragraphs (h) and (i) to read as follows:

§ 1.993–2 Definition of qualified export assets.

* * * * *

(h) *Export-Import Bank obligations.* For purposes of this section, the term "Export-Import Bank obligations" means obligations issued, guaranteed, insured, or reinsured (in whole or in part) by the Export-Import Bank of the United States or by the Foreign Credit Insurance Association, but only if such obligations are acquired by the DISC—

(1) From the Export-Import Bank of the United States,

(2) From the Foreign Credit Insurance Association, or

(3) From the person selling or purchasing the goods or services by reason of which such obligations arose, or from any corporation which is a member of the same controlled group (as defined in § 1.993–1(k)) as such person.

For purposes of this paragraph, obligations issued by a person described in subparagraphs (1), (2), and (3) of this paragraph are treated as acquired from such person by the DISC if acquired from any person not more than 90 days after the date of original issue (as defined in § 1.1232–3(b)(3)). Examples of specific types of Export-Import Bank obligations include debentures issued by such bank and certificates of loan participation.

(i) *Financing obligations.* For purposes of this section, financing obligations are obligations (held by a DISC) of a domestic corporation organized solely for the purpose of financing sales of export property pursuant to an agreement with the Export-Import Bank of the United States under which such corporation makes export loans guaranteed by such Bank.

* * * * *

Par. 6. Section 1.993–3 is amended by revising paragraphs (a), (e)(4)(i), (f)(2)(iv), (h)(1), (h)(2)(iv), the introductory portion of (h)(3)(i), and (h)(3)(ii) to read as follows:

§ 1.993–3 Definition of export property.

(a) *General rule.* Under section 993(c), except as otherwise provided with respect to excluded property in paragraph (f) of this section and with respect to certain short supply property in paragraph (i) of this section, export property is property in the hands of any person (whether or not a DISC)—

(1) Manufactured, produced, grown, or extracted in the United States by any person or persons other than a DISC (see paragraph (c) of this section),

(2) Held primarily for sale or lease in the ordinary course of a trade or business to any person for direct use, consumption, or disposition outside the United States (see paragraph (d) of this section),

(3) Not more than 50 percent of the fair market value of which is attributable to articles imported into the United States (see paragraph (e) of this section), and

(4) Which is not sold or leased by a DISC, or with a DISC as commission agent, to another DISC which is a member of the same controlled group (as defined in § 1.993–1(k)) as the DISC.

(b) *Services.* * * *

* * * * *

(e) *Foreign content of property.* * * *

(4) *Computation of foreign content*—(i) *Valuation.* For purposes of applying the 50 percent test described in paragraph (1) of this paragraph, it is necessary to determine the fair market value of all articles which constitute foreign content of the property being tested to determine if it is export property. The fair market value of such imported articles is determined as of the time such articles are imported into the United States. With respect to articles imported into the United States before July 1, 1980, the fair market value of such articles is their appraised value as determined under section 402 or 402a of the Tariff Act of 1930 (19 U.S.C. 1401a or 1402) in connection with their importation. With respect to articles imported into the United States on or after July 1, 1980, the fair market value of such articles is their appraised value as determined under section 402 of the Tariff Act of 1930 (19 U.S.C. 1401a) in connection with their importation. The appraised value of such articles is the full dutiable value of such articles, determined, however, without regard to any special provision in the United States tariff laws which would result in a lower dutiable value. Thus, an article which is imported into the United States is treated as entirely imported even if all or a portion of such article was originally manufactured, produced, grown, or extracted in the United States.

* * * * *

(f) *Excluded property.* * * *

(2) *Property leased to member of controlled group.* * * *

(iv) *Certain copyrights.* With repect to a copyright which is not excluded by subparagraph (3) of this paragraph from being export property, the ultimate use of such property is the sale or exhibition of such property to the general public. Thus, if A, a DISC for the taxable year, leases recording tapes to B, a foreign corporation which is a member of the same controlled group as A, and if B makes records from the recording tape and sells the records to C, another foreign corporation, which is not a member of the same controlled group, for sale by C to the general public, the recording tape is not disqualified under this subparagraph from being export property, notwithstanding the leasing of the recording tape by A to a member of the same controlled group, since the ultimate use of the tape is the sale of the records (*i.e.*, property produced from the recording tape).

* * * * *

(h) *Export controlled products*—(1) *In general.* An export controlled product is not export property. A product or commodity may be an export controlled product at one time but not an export controlled product at another time. For purposes of this paragraph, a product or commodity is an "export controlled product" at a particular time if at that time the export of such product or commodity is prohibited or curtailed under section 4(b) of the Export Administration Act of 1969 or section 7(a) of the Export Administration Act of 1979, to effectuate the policy relating to the protection of the domestic economy set forth in such Acts (paragraph (2)(A) of section 3 of the Export Administration Act of 1969 and paragraph (2)(C) of section 3 of the Export Administration Act of 1979). Such policy is to use export controls to the extent necessary "to protect the domestic economy from the excessive drain of scarce materials and to reduce the serious inflationary impact of foreign demand."

(2) *Products considered export controlled products.* * * *

(iv) *Expiration of Export Administration Act.* An initial control date and a final control date cannot occur after the expiration date of the Export Administration Act under the authority of which the short supply export controls were issued.

(3) *Effective dates*—(i) *Products controlled on March 19, 1975.* Except as provided in paragraph (g)(6) of this section, if a product or commodity was subject to short supply export controls on March 19, 1975, this paragraph applies—

* * * * *

(ii) *Products first controlled after March 19, 1975.* If a product or commodity becomes subject to short supply export controls after March 19, 1975, this paragraph applies to sales.

exchanges, other dispositions, or leases of such product or commodity made on or after the initial control date of such product or commodity, and to owning such product or commodity on or after such date.

* * * * *

Par. 7. Section 1.993–4 is amended by revising paragraphs (a)(2)(vi), (a)(5), and paragraph (b)(3)(i) to read as follows:

§ 1.993–4 Definition of producer's loans.

(a) *General rule.* * * *

(2) *Application of this section.* * * *

(vi) Events subsequent to time loan is made. The determination as to whether a loan qualifies as a producer's loan is made on the basis of the relevant facts taken into account for purposes of determining whether the loan was a producer's loan when made. Thus, for example, if the accumulated DISC income of the lender is later reduced below the unpaid balance of all producer's loans previously made by the DISC, such subsequent decrease in the amount of accumulated DISC income will not result in later disqualification of such loan (or part thereof) as a producer's loan. Similarly, if a loan (or part of a loan) does not qualify as a producer's loan because of an insufficient amount of accumulated DISC income at the time the loan is made, a subsequent increase in the amount of accumulated DISC income will not result in later qualification of such loan (or part thereof) as a producer's loan. As a further example, for purposes of applying the borrower's export related assets limitation described in paragraph (b) of this section, a loan which qualifies as a producer's loan when made will not later be disqualified if property, the gross receipts from the sale or lease of which were includible in the numerator of the fraction described in paragraph (b)(3)(i) of this section at the time of sale or lease by the borrower, is later characterized as excluded property (as defined in § 1.993–3(f)).

* * * * *

(5) *Borrower's trade or business.* A loan is a producer's loan only if the loan is made to a person engaged in the United States in the manufacture, production, growth, or extraction (within the meaning of § 1.993–3(c)) of export property determined without regard to § 1.993–3(f)(1) (iii) and (iv). The borrower may also be engaged in other trades or businesses and the loan need not be traceable to specific investments in export property.

(b) *Borrower's export related assets limitation.* * * *

(3) *Fraction referred to in subparagraph (1) of this paragraph*—(i) *Numerator of fraction.* The numerator of the fraction set forth in this subparagraph is the sum of the borrower's gross receipts for each of its 3 taxable years immediately preceding the taxable year in which the loan is made (but not including any taxable year beginning before January 1, 1972) from the sale or lease of export property (determined without regard to § 1.993–3(f)(1) (iii) and (iv)) which is manufactured, produced, grown, or extracted (within the meaning of § 1.993—3(c)) by the borrower whether or not sold or leased directly or through a related domestic person (notwithstanding § 1.993–3(a)(4) and (f)(2)). For purposes of the preceding sentence, with respect to a sale or lease to a related DISC in which the transfer price is determined under section 994(a)(1) or (2), the rules under § 1.994–1(c)(5) (relating to incomplete transactions) shall be applied, and with respect to all other sales and leases the rules under § 1.994–1(c)(5) other than subdivision (i)(*d*) thereof shall be applied.

* * * * *

Par. 8. Paragraph (a)(2) of § 1.994–1 is retitled and revised to read as follows:

§ 1.994–1 Inter-company pricing rules for DISC's.

(a) *In general.* * * *

(2) *Performance of substantial economic functions.* The application of section 994(a)(1) or (2) does not depend on the extent to which the DISC performs substantial economic functions (except with respect to export promotion expenses). See paragraph (l) of § 1.993–1.

* * * * *

§ 1.995–3 [Amended]

Par. 9. Paragraph (e) of § 1.995–3 is amended by striking out "995(b)(1)(E)" and inserting in lieu thereof "995(b)(1)(G)".

Par. 10. Section 1.995–4 is amended by revising paragraphs (a), (b), (c), (d), (e)(1), and (e)(3)(iii) to read as follows:

§ 1.995–4 Gain on disposition of stock in a DISC.

(a) *Disposition in which gain is recognized*—(1) *In general.* If a shareholder disposes, or is treated as disposing, of stock in a DISC, or former DISC, then any gain recognized on such disposition shall be included in the shareholder's gross income as a dividend, notwithstanding any other provision of the Code, to the extent of the accumulated DISC income amount (described in paragraph (d) of this section). To the extent the recognized gain exceeds the accumulated DISC income amount, it is taxable as gain from the sale or exchange of the stock.

(2) *Nonapplication of subparagraph (1).* The provisions of subparagraph (1) of this paragraph do not apply (i) to the extent gain is not recognized (such as, for example, in the case of a gift or an exchange of stock to which section 354 applies) and (ii) to the amount of any recognized gain which is taxable as a dividend (such as, for example, under section 301 or 356(a)(2)) or as gain from the sale or exchange of property which is not a capital asset. The amount taxable as a dividend under section 301 or 356(a)(2) is subject to the rules provided in § 1.995–1(c) for the treatment of actual distributions by a DISC.

(b) *Disposition in which separate corporate existence of DISC is terminated*—(1) *General.* If stock in a corporation that is a DISC, or former DISC, is disposed of in a transaction in which its separate corporate existence as a DISC, or former DISC, is terminated, then, notwithstanding any other provision of the Code, an amount of realized gain shall be recognized and included in the transferor's gross income as a dividend. The realized gain shall be recognized to the extent that such gain—

(i) Would not have been recognized but for the provisions of this paragraph, and

(ii) Does not exceed the accumulated DISC income amount (described in paragraph (d) of this section).

(2) *Cessation of separate corporate existence as a DISC, or former DISC.* For purposes of subparagraph (1) of this paragraph, separate corporate existence as a DISC, or former DISC, will be treated as having ceased if, as a result of the transaction, there is no separate entity which is a DISC and to which is carried over the accumulated DISC income and other tax attributes of the DISC, or former DISC, the stock of which is disposed of. Thus, for example, if stock in a DISC, or former DISC, is exchanged in a transaction described in section 381(a) (relating to carryovers in certain corporate acquisitions), the gain realized on the transfer of such stock will not be recognized under subparagraph (1) of this paragraph if the assets of such DISC, or former DISC, are acquired by a corporation which immediately after the acquisition qualifies as a DISC. For a further example, if a DISC, or former DISC, is liquidated in a transaction to which section 332 (relating to complete liquidations of subsidiaries) applies, the transaction will be subject to subparagraph (1) of this paragraph if the basis to the transferee corporation of the

assets acquired on the liquidation is determined under section 334(b)(2) (as in effect prior to amendment by the Tax Equity and Fiscal Responsibility Act of 1982) or if immediately after such liquidation the transferee of such assets does not qualify as a DISC. However, separate corporate existence as a DISC, or former DISC, will not be treated as having ceased in the case of a mere change in place of organization, however effected. See § 1.996–7 for rules for the carryover of the divisions of a DISC's earnings and profits to one or more DISC's.

(c) *Disposition to which section 311, 336, or 337 applies*—(1) *In general.* If, after December 31, 1976, a shareholder distributes, sells, or exchanges stock in a DISC, or former DISC, in a transaction to which section 311, 336, or 337 applies, then an amount equal to the excess of the fair market value of such stock over its adjusted basis in the hands of the shareholder shall, notwithstanding any other provision of the Code, be included in gross income of the shareholder as a dividend to the extent of the accumulated DISC income amount (described in paragraph (d) of this section).

(2) *Nonapplication of subparagraph (1).* Subparagraph (1) shall not apply if the person receiving the stock in the disposition has a holding period for the stock which includes the period for which the stock was held by the shareholder disposing of such stock.

(d) *Accumulated DISC income amount*—(1) *General.* For purposes of this section, the accumulated DISC income amount is the accumulated DISC income of the DISC or former DISC which is attributable to the stock disposed of and which was accumulated in taxable years of such DISC or former DISC during the period or periods such stock was held by the shareholder who disposed of such stock.

(2) *Period during which a shareholder has held stock.* For purposes of this section, the period during which a shareholder has held stock includes the period he is considered to have held it by reason of the application of section 1223 and, if his basis is determined in whole or in part under the provisions of section 1014(d) (relating to special rule for DISC stock acquired from decedent), the holding period of the decedent. Such holding period is to exclude the day of acquisition but include the day of disposition. Thus, for example, if A purchases stock in a DISC on December 31, 1972, and makes a gift of such stock to B on June 30, 1973, then on December 31, 1974, B will be treated as having held the stock for 2 full years. If the basis of the stock in C's hands is determined under section 1014(d) upon a transfer from B's estate on December 31, 1976, by reason of B's death on June 30, 1974, then on December 31, 1976, C will be treated as having held the stock for 4 full years.

(e) *Accumulated DISC income allocable to shareholder under section 995(c)(2)*—(1) *In general.* Under this paragraph, rules are prescribed for purposes of paragraph (d) of this section as to the manner of determining, with respect to the stock of a DISC, or former DISC, disposed of, the amount of accumulated DISC income which is attributable to such stock and which was accumulated in taxable years of the corporation during the period or periods the stock disposed of was held or treated under paragraph (d)(2) of this section as held by the transferor. Subparagraphs (2), (3), and (4) of this paragraph set forth a method of computation which may be employed to determine such amount. Any other method may be employed so long as the result obtained would be the same as the result obtained under such method.

* * * * *

(3) *Step 2.* * * *

(iii) If for any taxable year of a DISC, or former DISC, the share disposed of was not held (or treated under paragraph (d)(2) of this section as held) by the disposing shareholder for the entire year, then the amount of increase (or decrease) in accumulated DISC income attributable to such share for such year is the amount determined as if he held the share until the end of such year multiplied by a fraction the numerator of which is the number of days in the taxable year on which the shareholder held (or under paragraph (d)(2) of this section is treated as having held) such share and the denominator of which is the total number of days in the taxable year.

* * * * *

§ 1.995–5 [Amended]

Par. 11. Section 1.995–5 is amended by striking out "995(b)(1)(E)" everywhere it appears in paragraphs (a)(1), (a)(7), and (d)(1)(i) of that section and inserting in lieu thereof "995(b)(1)(G)".

Par. 12. Section 1.996–1 is amended by revising paragraph (b) and adding a new example to paragraph (e) to read as follows:

§ 1.996–1 Rules for actual distributions and certain deemed distributions.

* * * * *

(b) *Rules for qualifying distributions and deemed distributions under section 995(b)(1)(G)*—(1) *In general.* Except as provided in subparagraph (2), any actual distribution to meet qualification requirements made pursuant to § 1.992–3 and any deemed distribution pursuant to § 1.995–2(a)(5) (relating to foreign investment attributable to producer's loans) which is made out of earnings and profits shall be treated as made—

(i) First, out of "accumulated DISC income" (as defined in § 1.996–3(b)) to the extent thereof.

(ii) Second, out of "other earnings and profits" (as defined in § 1.996–3(d)) to the extent thereof, and

(iii) Third, out of "previously taxed income" (as defined in § 1.996–3(c)) to the extent thereof.

(2) *Special rule.* For taxable years beginning after December 31, 1975, paragraph (b)(1) of this section shall apply to one-half of the amount of an actual distribution made pursuant to § 1.992–3 to satisfy the condition of § 1.992–1(b) (the gross receipts test) and paragraph (a) of this section shall apply to the remaining one-half of such amount.

* * * * *

(e) Examples. * * *

Example (3). Y Corporation, which uses the calendar year as its taxable year, elects to be treated as a DISC beginning with 1972. As of the end of 1975, Y had failed to meet the gross receipts test for that year. In 1975 Y had $100 of taxable income, $80 of which was attributable to qualified export receipts and $20 of which was attributable to receipts that did not qualify as qualified export receipts. As of the beginning of 1976, Y had $300 of accumulated earnings and profits, which consisted of $70 of accumulated DISC income, $40 of previously taxed income, and $190 of other earnings and profits. In 1976 Y makes a cash distribution of $20 pursuant to § 1.992–3 in order to satisfy the gross receipts test for 1975. For 1976 Y has no earnings and profits and no deemed distributions. The entire $20 distribution is a dividend under section 316. Under § 1.996–1(b)(2), half of the $20 cash distribution is treated pursuant to § 1.996–1(b)(1) and half is treated pursuant to § 1.996–(a). Thus, $10 is treated as distributed out of accumulated DISC income and is includible in gross income. The other $10 is treated as made out of previously taxed income and is thus excluded from gross income. As of the beginning of 1977, Y has $280 of accumulated earnings and profits, which consists of $60 of accumulated DISC income, $30 of previously taxed income, and $190 of other earnings and profits.

§ 1.996–3 [Amended]

Par. 13. Section 1.996–3 is amended by striking out "§ 1.996–1(b)(1)" in paragraphs (b)(3)(ii) and (f) Example 5 (5) and inserting in lieu thereof "§ 1.996–1(b)(1)(i)".

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.

Approved: October 22, 1982.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 82-31499 Filed 11-16-82; 8:45 am]

BILLING CODE 4830-01-M

VETERANS ADMINISTRATION

DEPARTMENT OF DEFENSE

38 CFR Part 21

Veterans Education; Implementing Legislation Relating to the Post-Vietnam Era Veterans Educational Assistance Program

AGENCIES: Veterans Administration and Defense Department.

ACTION: Final regulations.

SUMMARY: These regulations, issued jointly by the Veterans Administration and Department of Defense, are designed to implement those provisions of the Department of Defense Authorization Act, 1981 and the Veterans' Rehabilitation and Education Amendments of 1980 which affect the Post-Vietnam Era Veterans' Educational Assistance Program. They provide for several significant changes in that program. Some of the changes are liberalizing. Some are more restrictive. Others are minor or technical. These regulations implement the applicable provisions of these laws.

EFFECTIVE DATES: The effective date for the amendment to § 21.5100(b) is October 15, 1982. The effective date for the amendment to § 21.5054 is January 1, 1982. In accordance with Pub. L. 96-342 and Pub. L. 96-466 the amendment to § 21.5040(a) dealing with the 24-month service requirement is effective September 8, 1980; the amendment to the portion of § 21.5136 dealing with the second rate increase is effective January 1, 1981; and all other amendments are effective October 1, 1980.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer (225) Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420 (202-389-2092).

SUPPLEMENTARY INFORMATION: On pages 12640 through 12646 of the **Federal Register** of March 24, 1982, there was published a notice of intent to amend Part 21 to implement those provisions of the Department of Defense Authorization Act, 1981 and the Veterans' Rehabilitation and Education Amendments of 1980 which affect the Post-Vietnam Era Veterans' Educational Assistance Program (VEAP).

On pages 29269 and 29270 of the **Federal Register** of July 6, 1982 there was published notice of intent to amend Part 21 to implement President Reagan's extension of VEAP.

Interested people were given 30 days in which to submit comments, suggestions, or objections regarding each proposal. The Veterans Administration and Department of Defense received no comments.

As a result of internal analysis the agencies are making minor changes to those regulations dealing with the Educational Assistance Pilot Program. The agencies are making final without change the remainder of the regulations proposed on March 24, 1982.

The agencies have determined that these proposed regulations contain no major rules as that term is defined by Executive Order 12291, Federal Regulation. The annual effect on the economy will be less than $100 million. They will not result in any major increases in costs or prices for anyone. They will have no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Administrator of Veterans' Affairs and the Secretary of Defense hereby certify that the regulations will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b), these regulations therefore are exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reasons for these certifications are as follows:

The majority of these regulations will regulate only individual Veterans Administration benefit recipients. They will have no significant impact on small entities (i.e. small businesses, small private and nonprofit organizations, and small governmental jurisdictions.)

Furthermore, the agencies believe that these regulations are written in accordance with the law. They do not impose any requirements in addition to those in the law.

The statutory elimination of the Predischarge Education Program will not have an impact upon small entities, because there are no Predischarge Education Programs currently approved for Veterans Administration training.

The Catalog of Federal Domestic Assistance number is 64.120.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs—education, Loan programs—education, Reporting requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: September 16, 1982.

Approved: October 15, 1982.

By direction of the Administrator:

Everett Alvarez, Jr.,

Deputy Administrator.

R. Dean Tice,

Deputy Assistant, Secretary of Defense.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

The Veterans Administration is amending Subpart G of Part 21, Code of Federal Regulations to read as follows:

1. In § 21.5021, paragraphs (e)(3) and (4), (l), (m), (n), and (o) are added to read as follows:

§ 21.5021 Definitions.

For the purpose of Subpart G and payment of chapter 32 benefits the following definitions apply:

* * * * *

(e) "Participant"—means a person who is participating in the educational benefits program established under chapter 32. This includes:

* * * * *

(3) A person who has enrolled in and is having monthly contributions to the "fund" made for him or her by the Secretary of Defense. (Sec. 903, Pub. L. 96-342, 94 Stat. 1115)

(4) A person who has made a lump-sum contribution to the fund in lieu of or in addition to monthly contributions deducted from his or her military pay. (38 U.S.C. 1622; Pub. L. 96-466, 94 Stat. 2171)

* * * * *

(l) "Spouse"—means a person of the opposite sex who is the wife or husband of the participant, and whose marriage to the participant meets the requirements of § 3.1(j) of this chapter. (Sec. 903, Pub. L. 96-342, 94 Stat. 1115)

(m) "Surviving spouse"—means a person of the opposite sex who is a widow or widower of the participant, and whose marriage to the participant meets the requirements of § 3.1(j) or § 3.52 of this chapter. (38 U.S.C. 1624; Pub. L. 96-466, 94 Stat. 2171)

(n) "Child" (1) for the purposes of § 21.5067(a) this term means a natural child, step-child or adopted child of the

participant regardless of age or marital status.

(2) For all other purposes this term means a person whose relationship to the participant meets the requirements of § 3.57 or § 3.58 of this chapter. (38 U.S.C. 1624; Pub. L. 96–466, 94 Stat. 2171)

(o) "Parent"—means a person whose relationship to the participant meets the requirements of § 3.59 of this chapter. (38 U.S.C. 1624; Pub. L. 96–466, 94 Stat. 2171)

2. Section 21.5022 is revised as follows:

§ 21.5022 Eligibility under more than one program.

An individual eligible to receive educational assistance under 38 U.S.C. chapter 32, and provisions of this Subpart G is not eligible to receive educational assistance allowance under 38 U.S.C. chapter 34. If otherwise eligible, an individual may receive vocational rehabilitation training under 38 U.S.C. chapter 31 and/or educational assistance under chapter 35, but not concurrently with benefits under chapter 32. No one may receive a combination of educational assistance benefits under 38 U.S.C. chapters 32 and 35 for more than 48 months (or part-time equivalent). No one may receive assistance under chapter 31 in combination with assistance under chapter 32 in excess of 48 months (or the part-time equivalent) unless the Veterans Administration determines that additional months of benefits under chapter 31 are necessary to accomplish the purposes of a rehabilitation program. (38 U.S.C. 1631, 1795; Pub. L. 96–466, 94 Stat. 2171)

3. In § 21.5023, paragraph (a) is revised as follows:

§ 21.5023 Nonduplication; Federal programs.

An individual may not receive educational assistance allowance under 38 U.S.C. chapter 32, if the individual is:

(a) On active duty and is pursuing a course of education which is being paid for, in whole or in part, by the Armed Forces (or by the Department of Health and Human Services in the case of the Public Health Service), or (38 U.S.C. 1641, 1781; Pub. L. 96–466, 94 Stat. 2171)

* * * * *

4. In § 21.5040, paragraphs (a) and (b) are revised as follows:

§ 21.5040 Basic eligibility.

(a) *Individuals not on active duty.* Whether an individual not on active duty has basic eligibility under 38 U.S.C. chapter 32 for educational assistance depends upon when he or she entered the military service, the length of that service, and the character of that service. Some eligibility requirements apply to all individuals. Other eligibility requirements depend upon when the individual entered active duty.

(1) The individual—

(i) Must have entered the military service after December 31, 1976;

(ii) Must not have and must not have had basic eligibility under 38 U.S.C. chapter 34;

(iii) Must have received an unconditional discharge or release under conditions other than dishonorable from any period of service upon which eligibility is based;

(iv) Must either have—

(A) Served on active duty for at least 181 continuous days, or

(B) Been discharged or released from active duty for a service-connected disability.

(2) If the individual initially enlists after September 7, 1980, serves for at least 181 continuous days, but is not discharged or released from active duty for a service-connected disability, he or she must also meet one of the following requirements:

(i) The individual must have served 24 or more months of the initial enlistment; or

(ii) The individual must have been discharged under 10 U.S.C. 1173 (hardship discharge); or

(iii) The Veterans Administration must find that the individual is suffering from a disability which—

(A) Resulted from an injury or disease incurred in or aggravated during the period of the individual's period of enlistment, and

(B) Is not the result of the individual's intentional misconduct, and

(C) Was not incurred during a period of unauthorized absence.

(3) The Veterans Administration will consider that the veteran has an unconditional discharge or release if—

(i) The individual was eligible for complete separation from active duty on the date a discharge or release was issued to him or her, or

(ii) The provisions of § 3.13(c) of this chapter are met.

(4) The provisions of § 3.12 of this chapter as to character of discharge and § 3.13 of this chapter as to conditional discharges are applicable. (38 U.S.C. 1602, 10 U.S.C. 977; Pub. L. 96–342, 94 Stat. 1119, Pub. L. 96–466, 94 Stat. 2171)

(b) *Individuals on active duty.* To establish basic eligibility under 38 U.S.C. chapter 32 for educational assistance an individual on active duty—

(1) Must have entered into military service after December 31, 1976. (38 U.S.C. 1602; Pub. L. 96–466, 94 Stat. 2171)

(2) Must have served on active duty for a period of 181 or more continuous days after December 31, 1976, and

(3) If not enrolled in a course, courses or a program of education leading to a secondary school diploma or equivalency certificate, must have completed the lesser of the following two periods of active duty: (38 U.S.C. 1631(b); Pub. L. 96–466, 94 Stat. 2171)

(i) The individual's first obligated period of active duty which began after December 31, 1976, or

(ii) The individual's period of active duty which began after December 31, 1976, and which is 6 years in length,

(4) If enrolled in a course, courses or a program of education leading to a secondary school diploma or equivalency certificate, the individual—

(i) Must be an enlisted member of the Armed Forces,

(ii) Must be a participant,

(iii) Must be training during the last 6 months of his or her first period of active duty, or any time thereafter, and

(5) If he or she originally enlisted after September 7, 1980, must have completed at least 24 months of his or her original enlistment. (38 U.S.C. 1631(b), 10 U.S.C. 977; Pub. L. 96–342, 994 Stat. 1119, Pub. L. 96–466, 94 Stat. 2171)

5. In § 21.5052, paragraph (a) (3) and (4) and paragraph (b) are revised and paragraphs (a)(5) and (f) are added so that the added and revised material reads as follows:

§ 21.5052 Contribution requirements.

(a) *Minimum period of participation.* Each individual who agrees to participate must do so for a minimum period of 12 consecutive months, unless the participant—

* * * * *

(3) Is discharged or released from active duty;

(4) Otherwise ceases to be legally eligible to participate; or

(5) Elects to make a lump-sum contribution which, when taken together with his or her other contributions, equals the equivalent of at least 12 months' participation. (38 U.S.C. 1621, 1622; Pub. L. 96–466, 94 Stat. 2171)

(b) *Amount of monthly contribution.* The individual shall specify the amount of his or her contribution to the fund.

(1) The contribution shall be at least $25 per month but not more than $100 per month.

(2) The contribution shall be evenly divided by five. See § 21.5292 for contributions made furing the 1-year pilot program. (38 U.S.C. 1622; Pub. L. 96–466, 94 Stat. 2171)

* * * * *

(f) *Lump-sum contribution.* After September 30, 1980 an individual may make a lump-sum contribution or contributions in place of or in addition to monthly contributions.

(1) A lump-sum contribution—

(i) Must be evenly divisible by five,

(ii) Must, when taken together with any monthly contributions the participant may have made or may agree to make, equal or exceed 12 months' participation, and

(iii) Must not exceed $2,700 when taken together with any monthly contributions the participant may have made or may agree to make.

(2) The Veterans Administration will consider the lump-sum contributions to have been made by monthly deductions from the participant's military pay at the rate of $75 per month unless the participant specifies a different rate which must be—

(i) No lower than $25 per month;

(ii) No higher than $75 per month; and

(iii) Evenly divisible by five.

(3) If otherwise eligible to make contributions, a participant—

(i) May make a lump-sum contribution to cover a retroactive period, including one which begins after December 31, 1976 and before October 1, 1980;

(ii) May make a lump-sum contribution which has the effect of increasing the amount of a monthly contribution the participant made previously, but the payment cannot have the effect of increasing the monthly contribution to an amount greater than $100;

(iii) May make a lump-sum payment to cover a period for which he or she previously obtained a refund;

(iv) May not make a lump-sum payment to cover a period during which the participant was not on active duty or will not be on active duty.

(4) A participant may make as many lump-sum contributions as he or she desires, but he or she may not make more than one lump-sum contribution per month. (38 U.S.C. 1622(d); Pub. L. 96–466, 94 Stat. 2171)

6. Section 21.5054 is revised as follows:

§ 21.5054 Dates of participation.

An individual may participate after December 31, 1976. An individual was not eligible for benefits before July 1, 1977 unless discharged after January 1, 1977 for a service-connected condition. The first date on which an individual on active duty enrolled in a course, courses or a program of education leading to a secondary school diploma or an equivalency certificate may receive benefits is subject to the eligibility requirements of § 21.5040(b) (4) and (5). (38 U.S.C. 1631(a), (b); Pub. L. 96–466, 94 Stat. 2171)

7. In § 21.5058, paragraph (c) is revised as follows:

§ 21.5058 Resumption of participation.

* * * * *

(c) If a person does reenroll he or she may "repurchase" entitlement by tendering previously refunded contributions which he or she received upon disenrollment, subject to the conditions of § 21.5052(f). (38 U.S.C. 1621, 1622; Pub. L. 96–466, 94 Stat. 2171)

8. Section 21.5067 is revised as follows:

§ 21.5067 Death of participant.

(a) *Disposition of unused contributions.* If an individual dies, the Veterans Administration shall pay the amount of his or her unused contributions to the fund to the living person or persons in the order listed in this paragraph.

(1) The beneficiary or beneficiaries designated by the individual under the individual's Servicemen's Group Life Insurance policy;

(2) The surviving spouse of the individual;

(3) The surviving child or children of the individual, in equal shares;

(4) The surviving parent or parents of the individual in equal shares. (38 U.S.C. 1624; Pub. L. 96–466, 94 Stat. 2171)

(b) *Payments to the individual's estate.* If none of the persons listed in paragraph (a) of this section is living, the Veterans Administration shall pay the amount of the individual's unused contributions to the fund to the individual's estate. (38 U.S.C. 1624; Pub. L. 96–466, 94 Stat. 2171)

(c) *Payments of accrued benefits.* Educational assistance remaining due and unpaid at the date of the veteran's death is payable under the provisions of § 3.1000 of this chapter. For this purpose accrued benefits include the portion of the benefit represented by the individual's contribution as well as the portion included by the Veterans Administration and the Department of Defense. (38 U.S.C. 3021)

9. Section 21.5071 is revised as follows:

§ 21.5071 Months of entitlement allowed.

(a) *Entitlement based on monthly contributions.* The Veterans Administration will credit an individual with 1 month of entitlement for each month he or she contributes to the fund up to a maximum of 36 months or its equivalent in part-time training. (38 U.S.C. 1631)

(b) *Entitlement based on lump-sum contributions.* If an individual elects to make a lump-sum contribution, the Veterans Administration will credit an individual with 1 month of entitlement for—

(1) Every $75 included in the lump sum, or

(2) Every amount included in the lump sum which—

(i) Is at least $25 but no more than $75,

(ii) Is evenly divisible by five, and

(iii) Is specifically designated by the individual at the time he or she makes the contribution. (38 U.S.C. 1622(d); Pub. L. 96–466, 94 Stat. 2171)

(c) *Entitlement based on both monthly and lump-sum contributions.* (1) If the individual makes both monthly and lump-sum contributions, the Veterans Administration will—

(i) Compute the entitlement due to each type of contribution separately under paragraphs (a) and (b) of this section, and

(ii) Will combine the results of the computations to determine the individual's total entitlement.

(2) In no event will an individual's entitlement exceed 36 months or its equivalent in part-time training. (38 U.S.C. 1622(d), 1631; Pub. L. 96–466, 94 Stat. 2171)

10. In § 21.5072, paragraphs (a) and (b) are revised as follows;

§ 21.5072 Entitlement charge.

The Veterans Administration shall determine the entitlement charge for each payment in the same manner for all individuals regardless of whether they are on active duty.

(a) *Residence training.* (1) A charge against the period of entitlement for a program other than one leading to a secondary school diploma or an equivalency certificate where the monthly rate is based on the individual's tuition and fees or one consisting exclusively of flight training will be made as follows:

(i) The Veterans Administration will charge an individual (other than one to whom § 21.5139(b) applies) who is a full-time student 1 month's entitlement for each monthly benefit paid to him or her. (38 U.S.C. 1631; Pub. L. 96–466, 94 Stat. 2171)

(ii) The Veterans Administration will charge an individual who is other than a full-time student 1 month's entitlement for each sum of money paid equivalent to what the individual would have been paid had he or she been a full-time student for 1 month.

(iii) The Veterans Administration will make a charge against the entitlement of an individual whose educational assistance allowance is reduced under § 21.5139(b) because he or she is

incarcerated. Each time the individual receives a sum of money equal to what his or her monthly rate would have been under § 21.5138(c), had the individual not been incarcerated, he or she will be charged 1 month's entitlement, if he or she is a full-time student. (38 U.S.C. 1631; Pub. L. 96–466, 94 Stat. 2171)

(2) When the computation results in a period of time other than a full month, the entitlement charge will be prorated. (38 U.S.C. 1631)

(b) *Secondary school program.* (1) The Veterans Administration will make no charge against the entitlement of an individual—

(i) Who is pursuing a course, courses or a program of education leading to a secondary school diploma or an equivalency certificate, and

(ii) Whose educational assistance allowance is the monthly rate of the tuition and fees being charged to him or her for the course.

(2) The Veterans Administration will make a charge (in the same manner as for any other residence training) against the entitlement of an individual who—

(i) Is pursuing a course, courses or a program of education leading to a secondary school diploma or an equivalency certificate, and

(ii) Elects to receive educational assistance allowance calculated according to § 21.5136. (38 U.S.C. 1641, 1691; Pub. L. 96–466, 94 Stat. 2171)

* * * * *

11. In § 21.5100, paragraphs (b) and (c) are revised and paragraph (d) is added so that the revised and added material reads as follows:

§ 21.5100 Counseling.

* * * * *

(b) *Required counseling.* Counseling never is required for individuals participating in the educational benefits program established under chapter 32. (38 U.S.C. 1641)

(c) *Availability of counseling.* Counseling assistance is available for—

(1) Identifying and removing reasons for academic difficulties which may result in interruption or discontinuance of training, or

(2) In considering changes in career plans, and making sound decisions about the changes. (38 U.S.C. 1641, 1663; Pub. L. 96–466, 94 Stat. 2171)

(d) *Requested counseling.* The Veterans Administration shall provide counseling as needed for the purposes identified in paragraphs (a) and (c) of this section upon request of the individual. The Veterans Administration shall take appropriate steps (including individual notification where feasible) to acquaint all participants with the availability and advantages of counseling services. (38 U.S.C. 1641, 1663; Pub. L. 96–466, 94 Stat. 2171)

§ 21.5101 [Removed]

12. Section 21.5101 is removed.

13. Section 21.5103 is revised and the cross reference immediately following this section is removed.

§ 21.5103 Travel expenses.

The Veterans Administration shall not pay for any costs of travel to and from the place of counseling for any individual who requests counseling under chapter 32. (38 U.S.C. 111)

14. In § 21.5132, the introductory portion of paragraph (b) preceding subparagraph (1) is revised as follows:

§ 21.5132 Criteria used in determining benefit payments.

* * * * *

(b) *Contributions.* The amount of benefit payment to an individual also depends on—

(38 U.S.C. 1631; Pub. L. 96–466, 94 Stat. 2171)

* * * * *

15. In § 21.5134, the introductory portion preceding paragraph (a) and paragraph (a) are revised as follows:

§ 21.5134 Restrictions on paying benefits to servicepersons.

The Veterans Administration may not pay benefits to a serviceperson (other than one enrolled in a course, courses or a program of education leading to a secondary school diploma or an equivalency certificate) unless he or she—

(a) Has completed 3 months of contributions to the fund or has made a lump-sum payment which is the equivalent of at least 3 months of contributions to the fund; and

(38 U.S.C. 1621, 1631; Pub. L. 96–466, 94 Stat. 2171)

* * * * *

§ 21.5135 [Amended]

16. Section 21.5135 is amended by removing the citation "38 U.S.C. 1780(d)(5) (B) and (C) and (6)" and inserting the citation "38 U.S.C. 1780(d)(4) (B) and (C) and (5)" in paragraph (a)(3).

17. Section 21.5136 is revised as follows:

§ 21.5136 Benefit payments—secondary school program.

(a) *Restrictions on payments.* (1) The Veterans Administration may authorize benefits to qualified enlisted servicepersons for a course, courses or program of education leading to a secondary school diploma or an equivalency certificate without charge to entitlement. Payments may be made only if—

(i) The individual has contributed to the fund for at least 1 month, and

(ii) The training is received while the individual is serving—

(A) The last 6 months of his or her first enlistment after December 31, 1976; or

(B) At any time after completing his or her first enlistment.

(2) An individual who is not on active duty must have been an enlisted serviceperson while he or she was on active duty in order to receive benefits while enrolled in a course, courses or program of education leading to a secondary school diploma or an equivalency certificate. (38 U.S.C. 1631(b); Pub. L. 96–466, 94 Stat. 2171)

(b) *Monthly rate.* An individual pursuing a course, courses or a program of education leading to a secondary school diploma or an equivalency certificate will receive one of two monthly rates.

(1) Unless the individual notifies the Veterans Administration to the contrary, the monthly rate of his or her educational assistance allowance will be based upon his or her tuition and fees. The Veterans Administration will make no charge against the entitlement of the individual who is receiving benefits at this monthly rate. The monthly rate will be the rate of tuition and fees being charged to the individual for the course, not to exceed—

(i) $327 effective October 1, 1980 and $342 effective January 1, 1981 for full-time training.

(ii) $245 effective October 1, 1980 and $257 effective January 1, 1981 for three-quarter-time training.

(iii) $164 effective October 1, 1980 and $171 effective January 1, 1981 for half-time training.

(iv) $82 effective October 1, 1980 and $86 effective January 1, 1981 for quarter-time training.

(2) The individual may elect to receive educational assistance allowance at the monthly rate provided in § 21.5138. The Veterans Administration will make an appropriate charge against the individual's entitlement if such an election is made. (38 U.S.C. 1641, 1691; Pub. L. 96–466, 94 Stat. 2171)

(c) *Method of payment.* (1) If the individual's educational assistance allowance is based upon the rate as determined in paragraph (b)(1) of this section, payment shall be made in a lump sum for the term, quarter or semester at the beginning of the month in which training begins.

(2) If the individual elects to have his or her educational assistance allowance

computed as provided in § 21.5138, payment will be made in the same manner as for any other residence training. (38 U.S.C. 1641; Pub. L. 96–466, 94 Stat. 2171)

18. In § 21.5138, the introductory portion preceding paragraph (a) and the introductory portions of paragraphs (a) and (b) preceding subparagraph (1) are revised as follows:

§ 21.5138 Computation of benefit payments and monthly rates.

The Veterans Administration will compute all monthly rates and benefit payments as stated in this section except for those individuals to whom § 21.5136(b)(1) or § 21.5139 applies. (38 U.S.C. 1631; Pub. L. 96–466, 94 Stat. 2171)

(a) *Computation of entitlement factor.* In computing monthly rates and benefit payments the Veterans Administration will compute an entitlement factor in all cases except for individuals in a secondary school program whose benefits are computed as provided in § 21.5136(b)(1). (38 U.S.C. 1631; Pub. L. 96–466, 94 Stat. 2171)

* * * * *

(b) *Computation of benefit payment.* The Veterans Administration will compute benefit payments as follows for all training except for those individuals to whom § 21.5136(b)(1) or § 21.5139 applies. (38 U.S.C. 1631; Pub. L. 96–466, 94 Stat. 2171)

* * * * *

19. Section 21.5139 is added as follows:

§ 21.5139 Computation of benefit payments for incarcerated individuals.

(a) *Benefit payments prohibited for some incarcerated individuals.* The Veterans Administration will not pay educational assistance allowance to an individual who is incarcerated in a Federal, State or local prison or jail for any course—

(1) For which there are no tuition and fees; or

(2) Where the individual's tuition and fees are being paid under—

(i) A Federal program (other than one administered by the Veterans Administration),

(ii) A State program, or

(iii) A local program. (38 U.S.C. 1641, 1780(a))

(b) *Benefit payments reduced for some incarcerated individuals.* If an individual is incarcerated in a Federal, State or local prison or jail and a portion of his or her tuition and fees are being paid under a Federal program (other than one administered by the Veterans Administration), a State program or a local program, the Veterans Administration will compute the individual's monthly rate as follows:

(1) The Veterans Administration will compute the individual's monthly rate according to § 21.5136 or § 21.5138, as appropriate.

(2) The Veterans Administration will compute the monthly rate of the tuition and fees.

(3) If the monthly rate of the tuition and fees does not exceed the individual's monthly rate, the Veterans Administration will—

(i) Subtract the monthly rate of the tuition and fees being paid under the Federal, State or local program from the amount computed under § 21.5136 or § 21.5138, and

(ii) Round the resulting figure to the nearest amount evenly divisible by three. This is the monthly rate of educational assistance allowance payable to the individual.

(4) If the monthly rate of the tuition and fees exceeds the individual's monthly rate according to § 21.5136 or § 21.5138, as appropriate, the monthly benefit payable to the individual will be the lesser of the following:

(i) The monthly rate according to § 21.5136 or § 21.5138, as appropriate, or

(ii) A monthly rate determined by subtracting the monthly rate of that portion of the tuition and fees being paid for by the Federal, State or local government from the monthly rate of the total tuition and fees for the course. (38 U.S.C. 1641, 1780(a))

(c) *Benefit payments to other incarcerated individuals.* The monthly rate of educational assistance allowance payable to an incarcerated individual to whom paragraph (a) or (b) of this section does not apply is the rate stated in § 21.5136 or § 21.5138, as appropriate. (38 U.S.C. 1641, 1780(a))

§ 21.5233 [Removed]

20. Section 21.5233 is removed.

21. A new center title and §§ 21.5290, 21.5292 and 21.5294 are added as follows:

Educational Assistance Pilot Program

Sec.
21.5290 Educational Assistance Pilot Program.
21.5292 Reduced monthly contribution for certain individuals.
21.5294 Transfer of entitlement.

Educational Assistance Pilot Program

§ 21.5290 Educational Assistance Pilot Program.

(a) *Purpose.* The Educational Assistance Pilot Program is designed to encourage enlistments and reenlistments in the Army, Navy, Air Force and Marine Corps. (Sec. 903, Pub. L. 96–342; 94 Stat. 1115)

(b) *Outline of program.* This program allows some individuals—

(1) To participate while making contributions at a rate less than that prescribed in § 21.5052(b), and/or

(2) To transfer entitlement allowed in § 21.5071 to a spouse or child. (Sec. 903, Pub. L. 96.342, 94 Stat. 1115)

§ 21.5292 Reduced monthly contribution for certain individuals.

(a) *Qualifying for reduced monthly contributions.* Some individuals can become participants while making no contributions. To qualify for this portion of the pilot program the individual must—

(1) Enlist or reenlist in the Army, Navy, Air Force or Marine Corps after November 30, 1980 and before October 1, 1981;

(2) Elect or have elected to participate in the Post-Vietnam Era Educational Assistance Program; and

(3) Be chosen for the pilot program by the Secretary of Defense or his or her designee. (Sec. 903 Pub. L. 96–342, 94 Stat. 1115)

(b) *Monthly contributions made by the Secretary of Defense.* (1) The Secretary of Defense may pay $75 per month as the monthly contribution otherwise required under § 21.5052(b) for an individual described in paragraph (a) of this section.

(2) The individual will not be required to make a contribution for any month to the extent that the contribution otherwise required by § 21.5052(b) for that month is paid by the Secretary of Defense.

(3) The amount paid by the Secretary of Defense shall be deposited in the fund. (Sec. 903, Pub. L. 96–342; 94 Stat. 1115)

(c) *Restrictions on monthly contributions.* The Secretary of Defense may not make a payment under the pilot program on behalf of any person for any month—

(1) Before the month in which the person enlisted or reenlisted in the Army, Navy, Air Force or Marine Corps, or

(2) Before December 1980. (Sec. 903, Pub. L. 96–342, 94 Stat. 1115)

(d) *Refunds.* If an individual participating in the pilot program disenrolls, any monthly contributions made by the Secretary of Defense will be returned to the Secretary of Defense rather than refunded to the individual. (Sec. 903, Pub. L. 96–342; 94 Stat. 1115)

(e) *Application of sections to this portion of the pilot program.* (1) The following sections apply to this portion

of the pilot program with amendments as noted:

(i) In § 21.5021(e) a participant includes someone whose contributions are being made by the Secretatry of Defense.

(ii) In § 21.5052(b) the Secretary of Defense may make contributions to the fund and may designate the amount of the contribution.

(iii) In § 21.5052(d) the Secretary of Defense may increase or decrease the amount of the contribution.

(iv) In §§ 21.5064 and 21.5065 monthly contributions made by the Secretary of Defense will be returned to him or her instead of being refunded to the veteran.

(v) In § 21.5071 the Veterans Administration will also credit the individual with 1 month of entitlement for each month the Secretary of Defense contributes to the fund on his or her behalf.

(vi) In § 21.5138 the references to the individual's contributions include those contributions made on the individual's behalf by the Secretary of Defense.

(2) Except as amended in paragraph (e)(1) of this section, §§ 21.5001 through 21.5270 and § 21.5500 apply without change to this portion of the pilot program. (Sec. 903, Pub. L. 96–342; 94 Stat. 1115)

§ 21.5294 Transfer of entitlement.

(a) *Qualifying for a transfer of entitlement.* Some participants may transfer their entitlement to their spouse or child. To qualify for this portion of the pilot program the individual must—

(1) After June 30, 1981 and before October 1, 1981 reenlist in the Army;

(2) Be a participant;

(3) Possess a critical military specialty as determined by the Secretary of Defense; and

(4) Be chosen for his portion of the pilot program by the Secretary of Defense or his or her designee. (Sec. 903, Pub. L. 96–342; 94 Stat. 1115)

(b) *Persons who may receive transferred entitlement.* An individual meeting the requirements of paragraph (a) of this section may transfer entitlement earned under § 21.5071 for the purpose of allowing another person to receive educational assistance allowance. Entitlement may be transferred only—

(1) To a spouse or child of the participant,

(2) To one person at a time,

(3) If the participant is not receiving educational assistance allowance, and

(4) When the participant states in writing to the Veterans Administration that the entitlement should be transferred. (Sec. 903(c), Pub. L. 96–342, 94 Stat. 1115)

(c) *Educational assistance allowance.* (1) The individual must specify in writing to the Veterans Administration the period of time he or she wishes the spouse or child to receive educational assistance allowance on the basis of the transfer of entitlement. The Veterans Administration will not pay educational assistance allowance to a spouse or child for training completed either before or after the period specified by the participant.

(2) The commencing date of an award of educational assistance allowance to a spouse or child will be the earlier of the following dates:

(i) The date of the spouse's or child's entrance or reentrance under § 21.4131;

(ii) The first day of the period authorized by the participant for the transfer of entitlement.

(3) The ending date of an award of educational assistance allowance to a spouse or child will be the earliest of the following dates:

(i) The ending date of the spouse's or child's course or period of enrollment as certified by the school;

(ii) The ending date of the participant's eligibility as determined under § 21.5041;

(iii) The ending date specified in § 21.4135;

(iv) The date of the death of the participant on whom the spouse's or child's entitlement is based;

(v) The last day of the period authorized by the participant for the transfer of entitlement. (Sec. 903, Pub. L. 96–342, 94 Stat. 1115)

(d) *Application of sections to this portion of the pilot program.* (1) Sections 21.5030 (a) and (b) and 21.5040 through 21.5067 apply to the individual who is participating in this portion of the pilot program, but they do not apply to the individual's spouse or child, per se.

(2) The following sections apply to this portion of the pilot program with amendments as noted:

(i) In § 21.5022 the entitlement used by the spouse or child counts toward the 48-month limitation on receiving benefits under more than one program which is imposed on the individual.

(ii) In § 21.5072 the charge against the individual's entitlement will be made on the basis of payments made to the individual's spouse or child.

(iii) In § 21.5100 the individual's spouse or child may request counseling.

(iv) In §§ 21.5132 through 21.5139 references to payment to the individual apply equally to payments to the spouse or child.

(3) Except as amended in paragraph (d)(2) of this section the following sections apply without change to this portion of the pilot program:

(i) Sections 21.5001 through 21.5023,

(ii) Section 21.5030(c),

(iii) Sections 21.5070 through 21.5130,

(iv) The introductory portion of § 21.5131,

(v) Sections 21.5132 through 21.5270, and

(vi) Section 21.5500.

(4) Section 21.5131 (a) and (b) do not apply to this portion of the pilot program. (Sec. 903, Pub. L. 96–342; 94 Stat. 1115)

[FR Doc. 82–31447 Filed 11–16–82; 8:45 am]
BILLING CODE 8320–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AD, FRL–2244–6]

State Implementation Plans Comprehensive Document Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Availability of State Implementation Plan Documents; rule related notice.

SUMMARY: In compliance with Section 110(h) of the Clean Air Act, this action announces the availability of the comprehensive documents setting forth all requirements of each State's applicable implementation plan. Anyone requiring more detailed information on any of the regulations contained therein should direct them to the appropriate Environmental Protection Agency (EPA) Regional Office. The address and area of responsibility for each Regional Office are presented elsewhere in this notice.

EFFECTIVE DATE: November 17, 1982.

ADDRESSES: The comprehensive State Implementation Plan (SIP) documents are available for public inspection at the following locations:

EPA Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460

Control Programs Operations Branch (MD–15), Office of Air Quality Planning and Standards, Environmental Protection Agency, Research Triangle Park, N.C. 27711, (Telephone: 919/541–5665, FTS 629–5665)

Office of the Federal Register, Room 8401, 1100 L Street NW., Washington, D.C. 20460.

Furthermore, the comprehensive SIP documents will be available to the public during normal business hours at

the EPA Regional Offices, but for only those States or territories for which that office has jurisdiction. The address and area of responsibility for each Regional Office are as follows:

Region I (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont), Air Programs Branch, John F. Kennedy Federal Building, Room 2303, Boston, Masschusetts 02203.

Region II (New Jersey, New York, Puerto Rico, Virgin Islands), Air Programs Branch, Federal Office Building, 26 Federal Plaza, New York, New York 10278.

Region III (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia), Air Programs Branch, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106.

Region IV (Alabama, Florida, Georgia, Mississippi, Kentucky, North Carolina, South Carolina, and Tennessee), Air Programs Branch, 345 Courtland, N.E., Atlanta, Georgia 30365.

Region V (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin), Air Programs Branch, 230 South Dearborn, Chicago, Illinois 60604.

Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, Texas), Air Programs Branch, First International Building, 1201 Elm Street, Dallas, Texas 75270.

Region VII (Iowa, Kansas, Missouri, Nebraska), Air Programs Branch, 324 E. 11th Street, Kansas City, Missouri 64106.

Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming), Air Programs Branch, 1860 Lincoln Street, Denver, Colorado 80295.

Region IX (Arizona, California, Hawaii, Nevada, Guam, American Samoa, Northern Mariana Islands), Air Programs Branch, 215 Fremont Street, San Francisco, California 94105.

Region X (Washington, Oregon, Idaho, Alaska), Air Programs Branch, 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Willis Beal, Control Programs Operations Branch, Office of Air Quality Planning and Standards, MD–15, Environmental Protection Agency, Research Triangle Park, North Carolina 27711, phone 919/541–5665, FTS 629–5665.

SUPPLEMENTARY INFORMATION: Section 110 of the Clean Air Act requires each State to adopt and submit to the Administrator a plan which provides for the implementation, maintenance, and enforcement of the national ambient air quality standards (NAAQS) promulgated under Section 109 for any air pollutant. These plans are called State Implementation Plans (SIP's). SIP's are dynamic in nature and are continuously being revised due to modifications and additions to State and local air pollution control programs. Changes to EPA regulations, revisions of the NAAQS , and amendments to the Clean Air Act also necessitate revisions to the SIP's.

Section 110 requires the States to submit all SIP's and SIP revisions to EPA for review. Approved SIP's become Federally enforceable regulations. Brief descriptions of all approved SIP's and SIP revisions are codified in 40 CFR Part 52. The text of the approved plans is incorporated by reference. The texts are made available to the public at EPA Headquarters in Washington, D.C., the appropriate EPA Regional Office, and the appropriate State air pollution agency.

If a State fails to submit an approvable SIP or SIP revision, Section 110(c) requires EPA to promulgate a plan. The full text of a Federally promulgated plan is codified in 40 CFR Part 52.

Section 110(h) requires the Administrator to assemble and publish a comprehensive document setting forth the requirements of each State's implementation plan. EPA is today announcing the availability of documents containing the SIP provisions approved or promulgated between July 1, 1979, and July 31, 1981, for 55 States and territories.

Documents containing the full text of all approved and promulgated SIP provisions are available for inspection and copying at EPA Headquarters, EPA's Office of Air Quality Planning and Standards, and the appropriate EPA Regional Office at the addresses given above. Documents containing only the regulatory portions of each plan may be ordered for a nominal fee from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161. All requests should use the following EPA document numbers:

State	EPA Document No.
Alabama	EPA–450/2–81–020.
Alaska	EPA–450/2–81–021.
Arizona	EPA–450/2–81–022.
Arkansas	EPA–450/2–81–023.
California[1]	EPA–450/2–81–024.
Colorado	EPA–450/2–81–025.
Connecticut	EPA–450/2–81–026.
Delaware	EPA–450/2–81–027.
District of Columbia	EPA–450/2–81–028.
Florida	EPA–450/2–81–029.
Georgia	EPA–450/2–81–030.
Hawaii	EPA–450/2–81–031.
Idaho	EPA–450/2–81–032.
Illinois	EPA–450/2–81–033.
Indiana	EPA–450/2–81–034.
Iowa	EPA–450/2–81–035.
Kansas	EPA–450/2–81–036.
Kentucky	EPA–450/2–81–037.
Louisiana	EPA–450/2–81–038.
Maine	EPA–450/2–81–039.
Maryland	EPA–450/2–81–040.
Massachusetts	EPA–450/2–81–041.
Michigan	EPA–450/2–81–042.
Minnesota	EPA–450/2–81–043.
Mississippi	EPA–450/2–81–044.
Missouri	EPA–450/2–81–045.
Montana	EPA–450/2–81–046.
Nebraska	EPA–450/2–81–047.
Nevada	EPA–450/2–81–048.
New Hampshire	EPA–450/2–81–049.
New Jersey	EPA–450/2–81–050.
New Mexico	EPA–450/2–81–051.
New York	EPA–450/2–81–052.
North Carolina	EPA–450/2–81–053.
North Dakota	EPA–450/2–81–054.
Ohio	EPA–450/2–81–055.
Oklahoma	EPA–450/2–81–056.
Oregon	EPA–450/2–81–057.
Pennsylvania	EPA–450/2–81–058.
Rhode Island	EPA–450/2–81–059.
South Carolina	EPA–450/2–81–060.
South Dakota	EPA–450/2–81–061.
Tennessee	EPA–450/2–81–062.
Texas	EPA–450/2–81–063.
Utah	EPA–450/2–81–064.
Vermont	EPA–450/2–81–065.
Virginia	EPA–450/2–81–066.
Washington	EPA–450/2–81–067.
West Virginia	EPA–450/2–81–068.
Wisconsin	EPA–450/2–81–069.
Wyoming	EPA–450/2–81–070.
American Samoa	EPA–450/2–81–071.
Guam	EPA–450/2–81–072.
Puerto Rico	EPA–450/2–81–073.
U.S. Virgin Islands	EPA–450/2–81–074.

[1] In addition to these Statewide regulations, there are separate volumes for counties and/or air pollution control districts in California.

California air pollution Control District	Document No.
Amador County	EPA–450/2–81–024–01.
Bay Area	EPA–450/2–81–024–02.
Butte County	EPA–450/2–81–024–03.
Calaveras County	EPA–450/2–81–024–04.
Colusa County	EPA–450/2–81–024–05.
Del Norte County	EPA–450/2–81–024–06.
El Dorado County	EPA–450/2–81–024–07.
Fresno County	EPA–450/2–81–024–08.
Glenn County	EPA–450/2–81–024–09.
Great Basin Unified	EPA–450/2–81–024–10.
Humboldt County	EPA–450/2–81–024–11.
Imperial County	EPA–450/2–81–024–12.
Kern County	EPA–450/2–81–024–13.
Kings County	EPA–450/2–81–024–14.
Lake County	EPA–450/2–81–024–15.
Lassen County	EPA–450/2–81–024–16.
Madera County	EPA–450/2–81–024–17.
Mariposa County	EPA–450/2–81–024–18.
Mendocino County	EPA–450/2–81–024–19.
Merced County	EPA–450/2–81–024–20.
Modoc County	EPA–450/2–81–024–21.
Monterey Bay Unified	EPA–450/2–81–024–22.

California air pollution Control District	Document No.
Nevada County	EPA-450/2-81-024-23.
Northern Sonoma County	EPA-450/2-81-024-24.
Placer County	EPA-450/2-81-024-25.
Plumas County	EPA-450/2-81-024-26.
Sacramento County	EPA-450/2-81-024-27.
San Diego County	EPA-450/2-81-024-28.
San Joaquin County	EPA-450/2-81-024-29.
San Luis Obispo County	EPA-450/2-81-024-30.
Santa Barbara County	EPA-450/2-81-024-31.
Shasta County	EPA-450/2-81-024-32.
Sierra County	EPA-450/2-81-024-33.
Siskiyou County	EPA-450/2-81-024-34.
South Coast	EPA-450/2-81-024-35.
Southeast Desert	EPA-450/2-81-024-36.
Stanislaus County	EPA-450/2-81-024-37.
Sutter County	EPA-450/2-81-024-38.
Tehama County	EPA-450/2-81-024-39.
Trinity County	EPA-450/2-81-024-40.
Tulare County	EPA-450/2-81-024-41.
Tuolumne County	EPA-450/2-81-024-42.
Ventura County	EPA-450/2-81-024-43.
Yolo-Solana County	EPA-450/2-81-024-44.
Yuba County	EPA-450/2-81-024-45.

Dated: November 1, 1982.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 82-31495 Filed 11-16-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6455]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

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

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

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

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that as of that date flood insurance is no longer available in the community. However, those communities which, prior to the suspension date, adopt and submit documentation of legally enforceable flood plain management measures required by the program, will continue their eligibility for the sale of insurance. Where adequate documentation is received by FEMA, a notice withdrawing the suspension will be published in the **Federal Register.**

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

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

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

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

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

PART 64—[AMENDED]

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

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area indentified	Date certain Federal assistance no longer available in special flood hazard area
California: Orange	Fountain Valley, city of	060218C	Jan. 28, 1972, emergency; Nov. 17, 1982, regular; Nov. 17, 1982, suspended.	Mar. 29, 1974, May 28, 1976, October 1. 1976.	Nov. 17, 1982
Colorado: Prowers	Lamar, city of	080146B	Apr. 8, 1975, emergency; Nov. 17, 1982, regular; Nov. 17, 1982, suspended.	Mar. 22, 1974, Aug. 13, 1976	Do.
Connecticut: Fairfield	Darien, town of	090005D	Jan. 19, 1973, emergency; Jan. 2, 1982, regular; Nov. 17, 1982, suspended.	July 26, 1974, May 17, 1977	Do.
Iowa:					
Black Hawk	Unincorporated areas	190535B	Oct. 20, 1975, emergency; Nov. 17, 1982, regular; Nov. 17, 1982, suspended.	Oct. 25, 1977	Do.
Linn	Palo, city of	190442A	June 25, 1976, emergency; Nov. 17, 1982, regular; Nov. 17, 1982, suspended	Sept. 19, 1975	Do.
Illinois:					
Boone	Unincorporated areas	170807B	May 1, 1974, emergency; Nov. 17, 1982, regular; Nov. 17, 1982, suspended.	Apr. 29, 1977	Do.
Will	Lockport, city of	170703B	Apr. 22, 1975, emergency; Nov. 17, 1982, regular; Nov. 17, 1982, suspended.	Mar. 8, 1974, June 11, 1976	Do.
Do.	Plainfield, village of	170771C	May 21, 1975, emergency; Nov. 17, 1982, regular; Nov. 17, 1982, suspended.	Nov. 29, 1974, Jan. 9, 1976, Jan. 1, 1982.	Do.
Stephenson	Winslow, village of	170644B	June 30, 1975, emergency; Nov. 17, 1982, regular; Nov. 17, 1982, suspended.	Mar. 15, 1974, July 2, 1976	Do.
Maryland: Cecil	Charlestown, town of	240021B	Feb. 20, 1975, emergency; Nov. 17, 1982, regular; Nov. 17, 1982, suspended.	Sept. 20, 1974, Dec. 19, 1975	Do.
Michigan: Wayne	Lincoln Park, city of	260234B	May 16, 1974, emergency; Nov. 17, 1982, regular; Nov. 17, 1982, suspended.	May 3, 1974, June 27, 1975	Do.
Missouri: Lincoln	Winfield, city of	290213B	Apr. 18, 1974, emergency; Nov. 17, 1982, regular; Nov. 17, 1982, suspended.	Dec. 28, 1973, May 7, 1976	Do.
New Jersey:					
Gloucester	Deptford, township of	340199B	June 16, 1975, emergency; Nov. 17, 1982, regular; Nov. 17, 1982, suspended.	Aug. 9, 1974, July 23, 1976	Do.
Hudson	Hoboken, city of	340222B	Apr. 22, 1975, emergency; Nov. 17, 1982, regular; Nov. 17, 1982, suspended.	June 28, 1974, Apr. 30, 1976	Do.
Sussex	Stanhope, borough of	340456B	June 16, 1975, emergency; Nov. 17, 1982, regular; Nov. 17, 1982, suspended.	May 17, 1974, June 18, 1976	Do.
Gloucester	Washington, township of	340213B	Feb. 1, 1974, emergency; Nov. 17, 1982, regular; Nov. 17, 1982, suspended.	May 31, 1974, June 11, 1976	Do.
New York:					
Nassau	Great Neck, village of	361519B	Dec. 18, 1974, emergency; Nov. 17, 1982, regular; Nov. 17, 1982, suspended.	July 26, 1974, May 28, 1976	Do.
Montgomery	Palatine Bridge, village of	360454B	Dec. 24, 1975, emergency; Nov. 17, 1982, regular; Nov. 17, 1982, suspended.	Feb. 15, 1974, June 18 1976	Do.
Nassau	Russell Gardens, village of	361583A	Apr. 22, 1976, emergency; Nov. 17, 1982, regular; Nov. 17, 1982, suspended.	Nov. 17, 1982	Do.
Ohio: Shelby	Sidney, city of	390507B	Dec. 3, 1974, emergency; Nov. 17, 1982, regular; Nov. 17, 1982, suspended.	May 24, 1974, July 23, 1976	Do.
Pennsylvania:					
York	Lewisberry, borough of	420929B	Jan. 27, 1976, emergency; Nov. 17, 1982, regular; Nov. 17, 1982, suspended.	Aug. 2, 1974, Mar. 5, 1976	Do.
Snyder	Union, township of	422040A	Feb. 10, 1976, emergency; Nov. 17, 1982, regular; Nov. 17, 1982, suspended.	July 18, 1975	Do.
Do.	Selinsgrove, borough of	425387B	July 30, 1971, emergency; May 4, 1973, regular; Nov. 17, 1982, suspended.	May 4, 1973, Oct. 31, 1975	Do.
Adams	York Springs, borough of	421239B	May 30, 1974, emergency; June 1, 1979, regular; Nov. 17, 1982, suspended.	Nov. 15, 1975, June 1, 1979	Do.
Texas: Tarrant, Dallas	Grapevine, city of	480598B	June 28, 1974, emergency; Nov. 17, 1982, regular; Nov. 17, 1982, suspended.	June 28, 1974, June 18, 1976	Do.
Virginia: Accomack	Saxis, town of	510003A	Mar. 11, 1976, emergency; Nov. 17, 1982, regular; Nov. 17, 1982, suspended.	Feb. 7, 1975	Do.
West Virginia: Brooke	Wellsburg, city of	540015B	Dec. 18, 1974, emergency; Nov. 17, 1982, regular; Nov. 17, 1982, suspended.	May 17, 1974, Apr. 25, 1975	Do.

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

Issued: November 9, 1982.

Dave McLoughlin,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 82-31274 Filed 11-16-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for Cobb County, Ga., Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, correction.

SUMMARY: The Federal Emergency Management Agency published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Cobb County, Ga. It has been determined by the Associate Director, State and Local Programs and Support after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Cobb County, Ga., that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related

financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: November 17, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620.

The map amendments listed below are in accordance with S 70.7(b):

Map Number H and I 130052, Panel 0100 A published in October 6, 1980 in 45 FR 66062 indicates that a property located in Land Lot 279, First District, Second Section, Cobb County, Ga., as recorded in Deed Book 1095, Page 589 in the Cobb County Records is located within the Special Flood Hazard Area. This information supersedes the information previously published on October 6, 1980 in 45 FR 66062 as being located in Deed Book 1059.

Map Number H and I 130052, Panel 0100 A is hereby corrected to reflect that the above-mentioned property is not within the Special Flood Hazard Area identified on January 3, 1979. The property is located in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance—floodplains.

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

Issued: October 25, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-31402 Filed 11-16-82; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for Village of Libertyville, Ill., Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map amendment.

SUMMARY: The Federal Emergency Management Agency published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Libertyville, Ill. It has been determined by the Associate Director, State and Local Programs and Support after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Libertyville, Ill., that certain property is not within the Special Flood Hazard Area.

This map amendment, by estabishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: November 17, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. John T. Anderson, Regional Director, Federal Emergency Management Agency, 300 South Wacker Drive, 24th Floor, Chicago, Ill. 60606, (312) 353–1500.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP), P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620.

The map amendments listed below are in accordance with 70.7(b): Map Number 170377, Panel 0005B published on October 6, 1980, in 45 FR 66074 indicates that Lots 120 through 165 in Red Top Farm of Libertyville, Unit 3, according to the plat thereof, recorded August 29, 1978, as Document 1942331, in Book 67 of Plats, page 18, in the Office of the Recorder of Deeds of Lake County, Ill., is located within the Special Flood Hazard Area.

Map Number 170377, Panel 0005B is hereby corrected to reflect that the above-mentioned property is not located within the Special Flood Hazard Area identified on January 16, 1980. The property is located in Zones B and C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance—floodplains.

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

Issued: October 25, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-31403 Filed 11-16-82; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-6379]

Letter of Map Amendment for the City of South Lake, Tex., Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of South Lake, Tex. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of South Lake, Tex., that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: November 17, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20742, (202) 287–0203.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with S. 70.7(b):

Map No. H & I 480612 Panel 0010B, published on August 9, 1982, in 47 FR 34396, indicates that Lot 12, Block 1, Twin Creeks Addition, South Lake, Tex., as recorded in Volume 388–150, Page 74, in the Office of the Clerk, Tarrant County, Tex., is located within the Special Flood Hazard Area.

Map No. H & I 480612 Panel 0010B is hereby corrected to reflect that the existing structure located on the above-mentioned property is not within the Special Flood Hazard Area identified on July 5, 1982. This structure is in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance—floodplains.

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

Issued: October 25, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-31406 Filed 11-16-82; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for the City of Virginia Beach, Va., Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency published a list of communities for which maps were published identifying Special Flood Hazard Areas. This list included the City of Virginia Beach. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Virginia Beach, that certain structures are not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject structures are not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for those structures as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: November 17, 1982.

FOR FURTHER INFORMATION CONTACT: Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620 toll free.

The Map amendments listed below are in accordance with S70.7(b):

Map No. 515531B, Panel No. H&I 22, published on October 23, 1979, in 44 FR 61013, indicates that the existing structures located on Lot No. 12, Block H, Section 8, Arrowhead, also known as 301 Caddoan Turn, City of Virginia Beach, Va., as recorded in Plat Book 60, Page 49, in the Office of the Clerk of the Circuit Court of the City of Virginia Beach, Va., are located within the Special Flood Hazard Area.

Map No. 515531B, Panel No. H&I 22, is hereby corrected to reflect that the above-mentioned structures are not within the Special Flood Hazard Area identified on October 8, 1976. The structures are in Zone B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance—floodplains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR

17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support)

Issued: October 22, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-31404 Filed 11-16-82; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for Unincorporated Areas of Trempealeau County, Wis., Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map amendment.

SUMMARY: The Federal Emergency Management Agency published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Trempealeau County, Wisconsin. It has been determined by the Associate Director, State and Local Programs and Support after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Trempealeau County, Wis., that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquistion purposes.

EFFECTIVE DATE: November 17, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. John T. Anderson, Regional Director, Federal Emergency Management Agency, 300 South Wacker Drive, 24th Floor, Chicago, Illinois 60606, (312) 353–1500.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agree to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP), P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620.

The map amendments listed below are in accordance with S. 70.7(b): Map Number 555585A, Panel H&I 37 published on October 6, 1980, in 45 FR 66090 indicates that Part of the SW quarter of the SW quarter of Section 3, Township 19 North, Range 8 West, Trempealeau County, Wisc., consisting of 1.0 acre, and described as follows: Commencing at the 2-inch pipe monumenting the South Quarter corner of said Section 3, Township 19 North, Range 8 West; thence South 69° 22′ West 1,100.00 feet; thence North 46° 38′ West 509.5 feet to a point of intersection of the existing property line fence on the South line of said Section 3, Township 19 North, Range 8 West and the Westerly right-of-way line of U.S. Highway 53; thence South 88° 35′ West along 460.10 feet along said South line to the point of beginning of this description: thence continuing South 88° 35′ West along said South line 199.25 feet; thence North 20° 22′ West 202.00 feet to the point of beginning is located within the Special Flood Hazard Area. The above described parcel is unrecorded as such being a portion of Part of the SW quarter of Section 3, Township 19 North, Range 8 West, recorded as document No. 178196, Volume 134 of Deeds, Pages 229 and 230, in the office of the Register of Deeds for Trempealeau County.

Map Number 555585A, Panel H&I is hereby corrected to reflect that the above-mentioned property is not located within the Special Flood Hazard Area identified on March 26, 1976. The property is located in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routing legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance—floodplains.

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

Issued: October 15, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-31398 Filed 11-16-82; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

[Docket No. 20990; RM-1617; RM-2152; RM-2223; FCC 82-467]

Radio Frequency Devices; Amendment of the Commission's Rules To Provide for Remote Control and Security Devices

AGENCY: Federal Communications Commission.

ACTION: Final rule (Memorandum Opinion and Order).

SUMMARY: This Order reconsiders and amends the recently adopted rules in Part 15 for non-licensed, short-range radio control transmitters. These transmitters are used in a variety of applications such as wireless security alarm and medical alert systems, garage door opener systems, etc. This amendment further cautions manufacturers to consider the susceptibility of their equipment to interfering signals and avoid frequencies used by close proximity, high power government and non-government stations such as amateur radio stations, etc. In addition, this amendment relaxes the provision for periodically operating radio control transmitters in wireless security systems for automatic self-testing purposes. This action is taken in response to three petitions for reconsideration of this docket's Report and Order.

DATES: This Order becomes effective December 9, 1982.

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

FOR FURTHER INFORMATION CONTACT: Sydney P. Bradfield, Federal Communications Commission, Office of Science and Technology, Washington, D.C. 20554, phone 202–653–8247.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 15

Communications equipment, Computer technology, Labeling, Radio, Reporting requirements, Security measures.

In the matter of amendment of Part 15 of FCC Rules to provide for remote control and security devices.

Adopted: October 28, 1982.

Released: November 2, 1982.

1. On October 22, 1981, the Commission adopted a *Report and Order* (hereafter *Report*) in the above captioned proceeding. This *Report* amended the Commission's Rules to allow greater flexibility in the operation of non-licensed low power transmitters for radio control and wireless security alarm purposes. The Federal Register published this *Report* on November 10, 1981 at 46 FR 55520.

2. The American Radio Relay League (ARRL), A.R.F. Products, Inc. (ARF), and Pittway Corporation (Pittway) filed timely petitions for reconsideration.[1] ARRL also petitioned for a stay of the rules. Oppositions were submitted by Central Station Electrical Protection Association (CSEPA), Mura Corporation (Mura), and ARF. Replies to the oppositions were received from ARRL.

Background

3. In addition to remote operation of garage doors, short range radio control equipment is useful and cost-effective for other applications. As a prime example, wireless security alarm systems, utilizing radio control to remotely operate an alarm, are now a viable alternative to and can be less costly than their traditional wired counterparts. Since advancing electronic technology has reduced the size and cost and increased the capability of RF transmitters and receivers, the attractiveness of radio control has grown in security and other applications. Furthermore, wiring is sometimes impractical in control applications and otherwise may increase costs as evidenced by the more expensive installation of wired security systems.

4. Because of the low power needed (short range) and marketing directed toward the general public, manufacturers have generally pursued authorization for operation of radio control devices under the exemption from licensing pursuant to Part 15. However, in the frequency range usually desired for this equipment,[2] Part 15 Rules restricted the usefulness of transmitters in various radio control applications. Specifically, for transmitters operating above 70 MHz, § 15.120 set out an emission limitation and a duty cycle restriction which calls for a one second limitation on the transmission duration with a mandatory silent period of 30 seconds between transmissions. This duty cycle restriction on transmission was designed to reduce interference potential and at the same time prohibit the use of these devices for voice transmission. Although radio control operation satisfied the intent of § 15.120, the duty cycle restriction reduced reliability and versatility in many radio control applications. Specific regulations for radio control devices without a mandatory duty cycle existed only for garage door controls.[3] Garage door control devices could operate at approximately twice the level allowed under § 15.120 on frequencies above 70 MHz with the exception of certain aeronautical frequencies.

5. In 1976, several parties in the wireless security alarm field petitioned for revision of Part 15 to allow more flexibility and reliability for radio control operation in alarm systems.[4] Basically, they requested relaxation of the duty cycles restriction and operation at the relatively higher level of emission afforded to garage door radio controls.

6. In response to these petitions, the Commission adopted a Notice of Proposed Rule Making proposing to delete the duty cycle restriction and the current rules for garage door opener devices and to consolidate the rules in Part 15 for low power transmitters used in radio control applications.[5] It was proposed to limit operation to specific bands as opposed to allowing operation on any frequency above 70 MHz because of the expected new uses and proliferation of radio control devices. In addition, the proposal prohibited continuous tramsmission.

7. Many objections were filed to the Commission's proposal. The major objections were concerned with the relatively low permitted levels of radiation, restriction on bandwidth and available frequencies, and the lack of a provision for periodic transmission. Since this proceeding proposed to authorize use of government frequencies, further coordination with government users of the frequency spectrum became necessary to resolve these objections.

8. The Office of Telecommunications Policy (OTP), now the National Telecommunications and Information Administration (NTIA), submitted a report which essentially stated that certain government frequencies could be used for control and security devices under the standards for garage door openers then in effect.[6] The report stipulated that periodic transmissions at regular predetermined intervals should be subject to lower levels of radiated emission set out in § 15.120. NTIA officially informed the Commission in May of 1981 that it still supported the recommendations in the 1977 report.

9. In response to the growing demand for low-cost wireless security alarm systems, and in view of the comments by NTIA and others in the record, and the relatively few complaints of interference from certificated garage door opener systems, the final rules adopted by the Commission's *Report* (paragraph 1 above) relaxed the proposal. This *Report* basically expanded the scope of the garage door opener rules to cover security alarm and other radio control devices. The Commission permitted these devices to operate generally above 70 MHz (except in certain sensitive frequency bands) at levels previously reserved only for garage door control transmitters. As proposed, additional limitations were put on bandwidth and emissions of a spurious or harmonic nature and a new band 40.66 to 40.7 MHz was provided.

10. A provision (§ 15.122) similar to § 15.120 was retained in Part 15 for general purpose transmitters that operate at periodic pre-determined intervals such as transmitters employed in energy management systems. Because of their higher interference potential and NTIA's comments, the semi-continuous, duty-cycled emissions from these transmitters were restricted to reduced emission levels. The Commission made an exception to this reduction in emission in the case of periodic supervisory transmissions in a wireless security system if those transmissions

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[1] *Petition for Reconsideration and Stay of Effective Date* submitted by ARRL on December 2, 1981 (46 FR 61722; December 18, 1981). *Petition for Reconsideration* submitted by Pittway on December 9, 1981 (46 FR 62693; December 28, 1981). *Petition for Clarification and Reconsideration of Final Order* submitted by ARF on December 10, 1981 (46 FR 62693; December 28, 1981).

[2] The frequency range from 225 to 400 MHz allocated to the federal government has been the most heavily used for non-licensed low power radio control equipment because of good signalling characteristics, small physical size and low cost of electronic components, and the relatively quiet nature of this portion of the spectrum in metropolitan areas.

[3] Rules for garage door openers were adopted in the Second Report and Order of FCC Docket No. 15657 (36 FR 6504, April 6, 1971), subsequently revised in a Memorandum Opinion and Order (36 FR 12905, July 9, 1971).

[4] RM-1617 filed by Property Protection Service of America, RM-2152 filed by the Security Equipment Industry Association (SEIA); RM-2223 filed by Stanley Works.

[5] Notice of Proposed Rule Making in Docket 20990 adopted November 10, 1976 (41 FR 52705; 61 FCC 2d 10, Page 1174).

[6] U.S. Department of Commerce/Office of Telecommunications, OT Technical Memorandum 77-244, "Analysis of Remote Control and Security Devices in the 225-400 MHz Band", November 1977.

were limited to a periodic rate of one transmission every eight hours.

ARRL Petition for Reconsideration

11. ARRL petitioned to exclude three VHF/UHF bands (144–148, 220–225, and 420–450 MHz), allocated to the Amateur Radio Service, from use by radio control and security alarm devices. ARRL requests that these bands be listed in the excluded bands in paragraph (a) of § 15.205. Pursuant to this regulation, emissions from a control or security alarm transmitter or receiver shall not fall within certain sensitive frequency bands such as those utilized by the aeronautical services. An emission level below 15 uV/m at 3 meters is considered to comply with this requirement for frequencies below 1000 MHz.

12. ARRL is greatly concerned about susceptibility of security alarm systems to amateur radio signals. ARRL states that amateur stations operate at high power levels and are usually located in residential areas in close proximity to homes where burglar alarm and other security systems may be installed. ARRL contends that the potential for an amateur station to jam a security system or trigger a false alarm is very high if control devices are allowed to operate in the amateur radio bands. Because of the close proximity of operation, ARRL is additionally concerned about the potential of radio control and security devices to cause interference to licensed amateur stations. Because of these concerns, ARRL requests a stay of the rules for these devices while the Commission considers the merits of its petition for reconsideration. ARRL also requests that the Commission reopen this proceeding with the issuance of a further notice of proposed rulemaking.

Oppositions to ARRL Petition

13. CSEPA, Mura, and ARF oppose ARRL's petition for reconsideration and stay. They state that manufacturers of security alarm equipment are aware that operation under Part 15 is on a sufferance basis and will design their equipment accordingly. They contend further that it is in the manufacturers interest to guard against susceptibility and interference because a security system, which produces false alarms or can not operate in the presence of interfering signals or which causes interference itself, reduces the marketability of the product. Accordingly, they argue that manufacturers should have the responsibility of choosing an operating frequency and designing the device to minimize susceptibility and interference. In this respect, they assert that signal coding of security alarm transmissions has proven to be an extremely valuable design asset in reducing susceptibility.

14. Furthermore, they contend that placement of amateur radio frequencies in the excluded bands of § 15.120(a), as requested by ARRL, is overly restrictive. Moreover, they maintain that imposing the emission limit in § 15.205(a) of 15 uV/m at 3 meters in the amateur bands goes far beyond ARRL's basic objective to protect amateur stations from interference and prohibit operation on amateur frequencies. Mura points out that past provisions in Part 15, particularly § 15.120, have allowed emissions in the amateur bands at levels much higher than the limit now sought by ARRL (15 uV/m at 3m).

15. Mura adds that it has already designed security equipment to operate under the new rules. According to Mura, this equipment does not operate on the amateur frequencies, but low level radiation, that is below the spurious and harmonic emission limit in § 15.205(b), is present in the amateur bands. Mura notes that emissions could not be reduced below the low limit in § 15.205(a) without delaying availability of the device to the public. Further, Mura states that manufacturers would have to expend considerable costs in maintaining 15 uV/m at 3 meters in the amateur bands.

16. The parties opposing ARRL state that there have been no cases of interference and no action should be taken by the Commission until there is a demonstrated need arising through experience. Mura asserts that, if it was found necessary through data and experience to further restrict emission levels in the amateur bands, the spurious and harmonic emission limit of 20 dB below the maximum fundamental level would be adequate and would not seriously affect equipment design.

17. In response to the stay request by ARRL, the opposing parties maintain that a stay of the rules is not in the public interest because the public should not be delayed access to a low cost means of protecting life and property made possible by wireless alarm systems. Since no documented cases of interference were shown, they state that no significant injury exists to ARRL's interests. Finally, according to those opposing, ARRL did not consider the harm to the public through loss of property and lives without affordable alarm systems and should have analyzed the effects of a stay on manufacturers and consumers.

ARRL Response to Oppositions

18. In replying to these oppositions, ARRL concedes that amateur frequencies are not currently being used by radio control and security alarm devices. However, the major consideration, according to ARRL, is that the amateur bands should not be made available by the rules for this equipment. ARRL believes that future interference problems should be anticipated and avoided by not permitting use of the amateur bands. ARRL states that this interference possibility should not be handled after it occurs because the amateur and consumer would not be able to resolve the problem after the fact.

19. ARRL maintains that, since there is no reason why amateur frequencies should be utilized and with the potential for unique interference problems, the public interest lies in prohibiting wireless security alarm systems to use amateur frequencies. ARRL states that the primary concern of the FCC should be the needs of consumers for alarm systems which are not subject to false alarms and also not capable of causing interference. In view of these reasons and recognizing the public's need for low cost security systems, ARRL reduced the extent of its request for stay to a partial stay that would only prohibit the manufacture and sale of radio control and security alarm devices designed to operate on the amateur frequencies of interest.

Commission Discussion Regarding ARRL Petition

20. In response to ARRL, the Commission has never specifically excluded the amateur radio bands from use by low power communication devices operating in accordance with Part 15 regulations. General purpose semi-continuous transmitters subject to § 15.120, which have been used in various applications such as control and security, and garage door opener transmitters have been allowed to operate generally above 70 MHz with the exception of certain sensitive frequency bands.

21. Although the amateur bands above 70 MHz were not expressly prohibited from use, manufacturers have not designed their equipment to operate on the amateur frequencies or other frequencies which are not "quiet" in metropolitan and residential areas. Due to the relatively high signal levels of amateur radio transmissions and the fact that most amateur operation occurs in cities, manufacturers have steered away from frequencies allocated to the Amateur Radio Service. As evidenced by the relatively few complaints of interference from certificated low power transmitters to amateur operation, this policy has worked well and

manufacturers have used good judgment in selecting frequencies for their equipment where potential for interference is low.

22. In view of the above and the comments by NTIA and others, the Commissions utilized the same approach in the newly adopted rules for control and security alarm devices by allowing operation generally above 70 MHz. As was done with garage door openers, the Commission placed a very tight restriction on emissions from both the receiver and transmitter in certain government bands used for critical communications and aeronautical radio purposes. This, of course, effectively negates any operations by a control or security alarm device in those sensitive frequency bands.

23. In view of the foregoing, we do not beleive that ARRL's proposal to exclude the three VHF/UHF amateur bands is the best approach to take. Since § 15.205 (a) is intended to protect public safety, aeronautical communications and other critical operations, restriction on emissions in these bands is extremely tight. The Commission agrees with the view expressed in the oppositions that the limit of 15 uV/m at 3 meters in the excluded bands is beyond what is necessary to protect radio amateurs and may unnecessarily increase equipment cost.

24. ARRL has a legitimate concern that an amateur station may cause a wireless security system to operate improperly or false alarm. However, this concern about susceptibility cannot be resolved by simply prohibiting the use of amateur radio frequencies. The device's operating frequency is only one consideration involved in minimizing susceptibility. Operating on a frequency outside the amateur band does not, in and of itself, guarantee the immunity or non-susceptibility of a security alarm receiver to amateur radio signals. Susceptibility is also dependent on other considerations such as receiver selectivity, signal coding, etc.

25. In the *Report* in this docket, the Commission expressed its concern about the susceptibility to interference of radio devices used for security or medical purposes.[7] The adopted rules included § 15.204 to caution manufacturers to consider susceptibility when designing their products and avoid operation on frequencies used by high power government and non-government stations. Soon after the *Report* was adopted, Congress adopted a public law [8] which amended Section 302 of the Communications Act to give the Commission authority to establish minimum performance standards for home electronic equipment and systems to reduce their susceptibility to interference from radio frequency energy. In the Conference Report [9] which accompanied the legislation, Congress indicated that this provision is intended to include home burglar alarm and security systems and medical alert devices. The Conference Report also makes it clear that the Commission has a number of alternatives in exercising this authority and that industry adopted voluntary standards are preferable.

26. We would like to reemphasize our concern about susceptibility. At this time we will continue to follow the course set out in the *Report* to encourage manufacturers to take whatever measures are necessary on an individual and voluntary basis. We believe that sufficient incentive exists to do so because the marketability of a security or medical emergency device would seemingly depend on its reliability. Nevertheless, we strongly encourage manufacturers to carefully study this matter through their respective trade associations or standards bodies to which they belong and adopt voluntary susceptibility standards if found to be appropriate. The Commission is hopeful that manufacturers will act in good faith in this area and that reports of security or medical alert equipment malfunction due to radio interference will be few in number. In this regard, we plan to closely monitor the susceptibility performance of wireless security and other radio control systems.

27. In the past, manufacturers have shown a willingness to design equipment with susceptibility in mind. As discussed previously, manufacturers have a good record in choosing frequencies for operation away from frequencies where high power operation occurs around residential areas. Because of the many options that have been available for an operating frequency, there was no pressing need for manufacturers to use frequencies allocated to high power services. The new rules continue to provide many options for a clear operating frequency. In addition, manufacturers of security systems have also utilized signal coding to further reduce susceptibility.

28. However, because of the unique susceptibility and interference problems which may arise between security alarm systems and amateur operation, the Commission is expanding § 15.204 to caution manufacturers further about amateur radio and other licensed high power operations so that manufacturers can other licensed high power operations so that manufacturers can take appropriate steps in designing for minimum susceptibility and interference. In addition to the Amateur Radio Service, there are other licensed services such as broadcasting which because of high power, close proximity, or high susceptibility to interference should also be considered in the design of radio control and security devices. Accordingly, the new paragraph (c) of § 15.204 will not be limited to a warning about amateur radio operation but will encourage manufacturers to be aware of all licensed services which should be considered in the design of their equipment.

29. In view of the above and judging from past experience with this equipment, it was not expected that any control or security alarm device would be designed to operate under the newly adopted rules in the amateur bands. Accordingly, a need was not evident to stay the rules during the pendency of reconsideration in this proceeding. In fact, the Commission has not received any applications for certification of control or security alarm equipment that would operate under the new rules in the amateur bands of concern.

30. ARRL also alleges that the Commission did not follow the Administrative Procedure Act (APA) (5 USC 553) in this proceeding and requests that the Commission issue a second notice of proposed rulemaking. ARRL states that the final rules adopted depart significantly from those proposed in 1976 without an opportunity for further public comment to bring the record up to date. According to ARRL, if recent comments had been solicited, the Commission would have discovered the loading and increased activity in the VHF/UHF amateur radio bands which increases the interference problems of operating security alarm devices on the same frequencies.

31. All the requirements of the APA were followed during this proceeding. In the NPRM, we specified the areas where changes were contemplated in the rules. In its comments to the proposal, ARRL brought to the Commission's attention its concern about possible co-channel interference between amateur radio stations and security devices. The Commission considered ARRL's comments, which have not changed in substance, when it adopted rules by Report and Order in this docket. It also took into account the very low incidence of interference under Part 15

[7] See paragraphs 29 and 37 of the *Report*.

[8] Public Law No. 97-259 effective September 13, 1982.

[9] Communications Amendments Act of 1982, *Conference Report*, dated August 19, 1982.

requirements then in effect for this kind of equipment. The technology used by the devices in question and other technical factors relevant to the use of the spectrum by security devices did not appreciably change during the course of this proceeding. Due to the many technical objections to the proposal which had to be resolved and the further coordination necessary with NTIA [10], additional time was needed to complete this proceeding. After resolving the technical issues and receiving concurrence from NTIA and IRAC, we adopted final rules which combined elements of the proposal with then existing Part 15 requirements.

ARF and Pittway Petitions for Reconsideration

32. In general, ARF and Pittway, which are manufacturers of security systems, support the Commission's *Report* but state that the wireless security industry needs a provision for polling [11] or testing at a greater rate than provided by the Commission in the adopted rules. ARF also requests that the Commission clarify whether polling transmissions by a transmitter in a wireless security system can be governed by § 15.122 (semi-continuous transmitters) in addition to the provision for polling in § 15.201(a)(3) of the rules for control and security alarm devices.

33. ARF and Pittway allege that the limitation on the polling rate of 1 transmission every 8 hours in § 15.201(a)(3) is unnecessarily restrictive, arbitrary, and contrary to the public interest. They contend that reliability of security systems would be degraded with such a polling rate. According to ARF and Pittway, checking for a fault condition three times a day is not sufficient to insure effective supervision of security system performance. For example, Pittway cites, as a possible occurrence, that a security system may have been unable to function all night without the homeowner's knowledge. This undetected system failure for a period up to 8 hours, according to Pittway and ARF, can have very serious consequences jeopardizing life and property.

34. ARF recommends that the Commission allow a maximum periodic rate of one transmission per minute for polling. Further, ARF's proposal would limit total time of transmission to 5 seconds accumulated over an 8 hour period. Effectively, this would limit time of transmission for polling to approximatety 10 milliseconds at a periodic rate of one transmission per minute.

35. Since § 15.122 applies to periodic transmissions for any application, ARF requests clarification as to whether security alarm equipment can simultaneously operate under § 15.122 and under the provisions for control and security alarm devices in § 15.201 et seq. Although § 15.122 allows a very high periodic rate of transmission which would accommodate ARF's requested rate, ARF asserts that polling at lower emission levels in accordance with § 15.122 is not effective.

36. ARF suggests that the polling rate provided by the Commission only allows one sensor transmitter in a wireless security system to transmit in an 8 hour period. Since these systems are usually composed of many transmitters (from 10 to 30), ARF states that days may go by before notification of a problem with a certain transmitter. In respect to this point, Pittway requests the Commission to clarify if the polling provision in § 15.201(a)(3) applies to each device or to an entire system. [12]

37. In its petition, Pittway stated that it prefers supervisory signals several times per hour but is aware of the Commission's concern about interference potential. Accordingly, Pittway petitioned for a polling rate of one transmission not exceeding 5 seconds every hour. Pittway maintained that continuous supervision is desirable for wired systems but is not practical or necessary for wireless systems. Additionally, Pittway believed that its proposed rate of supervision would provide an acceptable level of reliability and result in only a negligible increase in interference potential. In commenting on Pittway's petition, ARF supports the request for more frequent supervision signals but objects to a limitation of one signal per hour. ARF alleges that supervision once per hour may leave the premises unprotected for a full hour in the event of a malfunction or deliberate disabling.

38. Pittway later resolved the conflict on polling rate between its petition and that of ARF. Pittway has indicated in the record that it now totally supports the polling rate proposed by ARF of up to one transmission per minute, for a total transmission time of less than 5 seconds duration in any 8 hour period.

39. ARF maintains that its recommended rate for polling would not cause harmful interference. With its filings, ARF submitted measurements on security alarm transmitters showing that the field strength decreases with the square of the distance—much faster than the normal inverse distance field strength relationship. ARF contends that government users of the spectrum would not be subject to interference as a result or more frequent operation at the higher levels in § 15.205(b) alleging that at this emission level the signal is virtually unmeasurable at 500 to 600 ft. from the transmitter. According to ARF, since government operation seldom occurs within this distance of a home, interference potential is very small. It is also pointed out that the very brief interval of transmission further minimizes the threat of interference.

40. ARF also contends that wireless alarm systems polled at a rate of one transmission per 8 hours cannot be competitive with continously supervised wired systems. ARF states that wireless security systems need to be reliable in order to be marketable and polling at the rate adopted would not achieve acceptable reliability. Further, it is stated that many companies which provide security equipment agree that a polling rate of one transmission every 8 hours would preclude wireless security systems from achieving any substantial share of the market for security systems. [13]

Commission Discussion Concerning Polling

41. The Commission is aware of the importance of the self-check or polling feature in wireless security systems to maintain adequate reliability. However, unlike supervision in wired systems, continuous supervision in wireless systems is paid with a price of increased interference potential and RF noise level. NTIA recommended that the Commission compensate for this increased interference potential by subjecting such emissions of a periodic semi-continuous nature to lower emission limits. This policy was implemented in the adopted rules by promulgating § 15.122 that is basically

[10] Since control and security alarm equipment under Part 15 may operate in the government bands, concurrence is necessary from NTIA and the Interdepartment Radio Advisory Committee (IRAC), which is composed of representatives from various government users of the frequency spectrum such as the Federal Aviation Administration (FAA), Department of Defense (DOD), etc.

[11] Polling as used herein refers to periodic transmissions by radio control transmitters employed in a wireless security system to check periodically whether a fault condition exists in a transmitter or its RF transmission path in order to maintain the integrity of the security system.

[12] *Petition for Declaratory Ruling of Pittway Corporation* filed March 1, 1982.

[13] ARF attached a letter to its petition from Wallace Trauscht, Vice President, Operations of Certified Security Systems, Inc. to the Commission giving his opinion that wireless systems would not be feasible in a significant share of the market without more frequent supervision.

equivalent to the current § 15.120. Section 15.122 provides for semi-continuously periodic emissions at approximately one half the emission level allowed under § 15.205(b) for radio control and security alarm devices.

42. Notwithstanding § 15.122, the Commission in the *Report* made an exception for polling in wireless security systems and allowed security alarm transmitters to emit periodic transmissions for polling or supervision purposes at the levels provided by § 15.205(b). However, in sharing NTIA's concern about the interference potential of periodic transmissions, the Commission adopted the minimum rate found acceptable for polling in the comments. A rate of one transmission not exceeding 5 seconds every 8 hours was adopted as recommended by Security Equipment Industry Association (SEIA). In respect to Pittway's request for clarification, the Commission's intent in the adopted provision for polling, and Part 15 rules in general, apply to each device. Accordingly, the allowable rate of polling that the Commission provided is on a per transmitter basis and this will be clarified in the rules.

43. A rate of polling of one transmission per 8 hours, according to SEIA in its comments to the proposal, was determined to be satisfactory at a meeting sponsored by it and composed of security alarm manufacturers. ARF responds in its petition by stating that it is not a member of SEIA and was not aware of the meeting or proposal. Pittway asserts that the SEIA proposal was made as a compromise to have some standard in the rules but is so conservative that it defeats the purpose of supervision.

44. Due to the lack of reliability studies or analyses on wireless security systems with various polling rates, it is a highly subjective matter at this point in deciding on a proper rate of polling. Pittway and ARF did not provide the Commission with any reliability analyses or studies to support their arguments. There was even a difference in the petitioners' original requests for a higher polling rate. Also, in the letter from a security system user appended to ARF's petition, a higher rate of polling was requested but no specific rate was recommended.[14] Although Underwriter's Laboratory (UL) has written standards for security alarm equipment, a UL standard on polling in wireless alarm systems does not exist. The Commission has been notified that UL is in the process of developing performance standards for wireless alarm systems, but time will be needed to formulate and approve such standards.

45. The Commission does not necessarily dispute the contention that checking three times a day for a fault condition or problem with a transmitter in security systems may be inadequate. However, the Commission is not willing to allow one transmission every minute for each transmitter in a security system at the emission levels provided for control and security transmitters for the following reasons. Notwithstanding the many other factors involved in interference potential (transmission duration, response time of the susceptible receiver, rate of emission decay, etc.), transmitters operated more often are more likely to cause interference. Security systems are composed of many (10 to 30) transmitters further contributing to interference concerns. Increased interference potential is not easily tolerated because the devices in question have general use of the frequency spectrum above 70 MHz. Finally, in view of the above (paragraph 44), the Commission has not been adequately convinced that the requested rate of polling is actually needed for a reliable security system.

46. As a reasonable compromise, the Commission considers a polling rate of one transmission of one second duration per hour to be suitable for supervising an alarm system and is hereby amending the rules accordingly. In the Commission's view, such a rate would only minutely increase interference potential as compared to the five second transmission every eight hours previously allowed and be adequate in accomplishing the objectives of polling. The transmission duration of one second should be sufficient to contain the necessary coded information for polling purposes. As was the Commission's intent in the *Report*, security systems utilizing higher polling rates may accomplish polling at reduced emission levels pursuant to § 15.122 to compensate for the higher interference potential.

47. It must be noted that a security system is designed to operate whenever there is an emergency and that the polling feature is only important for warning the user if a breakdown occurs in the system. The Commission believes that the probability that a burglary or other emergency occuring simultaneously after a malfunction in the security system and within the hour maximum time of notification is extremely small especially when considering the increasing reliability of electronic components. In the event of intentional (by a burglar for example) or accidental tampering of a transmitter, the rules do not prevent transmissions triggered by utilizing a tamper-proof case or other means of detecting tampering. Moreover, the rules provide for automatic activation of a transmitter at any time, as for example, with detection of a low battery condition or other anomaly existing in the transmitter. If a manufacturer insists on using a greater rate for polling (i.e. at the rate requested by ARF and Pittway), he must maintain a lower emission level in accordance with § 15.122 which provides for high, semicontinuous periodic rates of transmission. This is clarified in the rules as requested by ARF.

Miscellaneous Issues

48. The Commission takes this opportunity to correct several errors and resolve certain conflicts in the rules and measurement procedure for radio control and security alarm devices. When the new rules were adopted, the Commission specified an emission limit in the excluded bands in § 15.205(a) of 15 uV/m at 3 meters below 1000 MHz. However, pursuant to § 15.142 (Range of Measurements) referenced by § 15.215 in these rules, emission measurements must usually be taken beyond 1000 MHz—the extent to which depends upon the fundamental operation frequency. Hence, it is necessary to specify a limit above 1000 MHz. A limit approximately 40 dB below (by a factor of 100 in voltage) the maximum fundamental level above 1000 MHz would be technically achievable and measurable with currently available technology and would also serve to protect government communications without unnecessarily increasing equipment cost. Accordingly, the Commission is hereby amending § 15.205(a) to restrict emissions to 125 uV/m at 3 meters or equivalent power density in the excluded bands above 1000 MHz.

49. Correspondingly, the measurement procedure is also corrected by denoting that radiated emission be scanned in accordance with § 15.142. Also, Figure 1 in the measurement procedure will be modified to indicate an ellipse as the recommended contour for an open field site. This configuration has been shown to be more practical. The Commission has recently adopted an Order [15] which

[14] See footnote 13, supra.

[15] Docket No. 21371: In the Matter of amendment of Part 2 to require a description of measurement facilities used in the equipment authorization program and make other changes. *Order Terminating Proceeding adopted August 3, 1982 and released August 6, 1982 (FCC 82-359).*

sets out a new FCC Bulletin OST 55 to give guidance to industry in establishing open field test sites. We will refer to this bulletin in the measurement procedure. In addition, we will expand paragraph 4.2.2 of the measurement procedure to give further guidance to industry in respect to instrumentation bandwidth and in measuring broadband emissions with signal energy outside the specified bandwith. Appendix B sets out the changes to be made to the measurement procedure for control and security alarm devices appended to the *Report*. This procedure is to be published as FCC Measurement Procedure MP–1 (1981) and will be available through the FCC duplicating contractor.

50. Since emission limits are specified in average values and some control transmitters are operated in a pulsed mode, many manufacturers have inquired about the time interval over which the signal is averaged to determine field strength. For low power transmitters which operate in a pulsed mode under Part 15, we have required that measured field strength be determined from the average absolute voltage during a 0.1 second interval when field strength is at its maximum value.[16] This is basically equivalent to selecting a detector integrating-time-constant of 0.1 second in accordance with the American National Standard specifications (C63.2–1980) for electromagnetic noise and field strength instrumentation, 10 kHz to 1 GHz. A note will be added below the table of field strength limits in §§ 15.122 and 15.205 to specify the averaging interval of 0.1 second.

51. Many questions have arisen concerning the provision for continuous operation of transmitters in the alarm condition pursuant to § 15.201(b). This provision appears to need further clarification. The Commission's intent was to allow a transmitter used in security applications to operate continuously during an emergency in order to improve the reliability of receiving emergency transmissions. The interference potential resulting from this operation is considered negligible because emergencies such as fire, burglary, safety, etc. are expected to be rare occurrances and because continuous emissions during these emergencies will probably be periodic in order to conserve battery power. Manufacturers are cautioned to use the minimum transmission necessary to insure reception of the alarm signal during an emergency. Section 15.201(b) will be clarified as set out in Appendix B.

52. After an administrative revision to Part 15 in 1975,[17] the limits for garage door opener devices in § 15.184 were inadvertently transposed for the two bands 70 to 130 MHz and 130 to 174 MHz in the revised printing of Part 15. This error was unknowingly carried over into the recently amended rules for radio control and security alarm devices. The limits for these two bands are hereby transposed to read correctly as shown in Appendix A. In addition to the above, we are making a few minor administrative changes to the rules as set out in Appendix A.

53. In view of the previous discussions, the Commission does not agree with the procedural arguments of ARRL and believes that the issuance of a stay and further notice of proposed rulemaking is unnecessary and contrary to the public interest. Accordingly, ARRL's request for a stay and a new rulemaking is hereby denied.

54. Pursuant to the authority contained in Sections 4(i), 302 and 303(r) of the Communications Act of 1934, as amended, it is ordered that, effective December 9, 1982, Part 15 is amended as set out in Appendix A, attached. It is further ordered that the measurement procedure MP–1 is revised as shown in Appendix B and that this proceeding is terminated.

55. For further information about this MO&O, contact Mr. Sydney P. Bradfield, Office of Science and Technology, Federal Communications Commission, Washington, D.C. 20554, telephone (202) 653–8247.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

PART 15—[AMENDED]

1. Section 15.122 is amended by adding a note below the table in paragraph (a) to read as follows:

§ 15.122 Periodic operation in the bands 40.66–40.70 MHz and above 70 MHz.

* * * * *

(a) * * *

Note.—For pulsed operation, measured field strength shall be determined from the averaged absolute voltage during a 0.1 second interval when field strength is at its maximum value.

* * * * *

2. Section 15.184 is amended by revising the table of paragraph (c) to read as follows:

§ 15.184 Interim requirements for operation above 70 MHz.

* * * * *

(c) * * *

Frequency (MHz)	Field strength at 30 meters (uV/m)
70 to 130	125.
130 to 174	125 to 375.[1]
174 to 260	375.
260 to 470	375 to 1,250.[1]
Above 470	1,250.

[1] Linear interpolation.

* * * * *

3. Section 15.201 is revised to read as follows:

§ 15.201 Scope.

A device that uses radio frequency energy for control or security alarm applications excluding radio control of toys may be operated without an individual license under these provisions. Examples of such devices include, but are not limited to, radio control of a fire, burglar, security, or the other emergency alarm; control of a door opener, control of a remote switch, etc. Radio controlled toys and games are not allowed to operate under these provisions.

(a) Devices operating under these provisions may not be used for continuous transmission. The following transmissions are not permitted:

(1) Voice communications.

(2) Data communications regardless of modulation. This prohibition is not intended to prohibit digital coding of transmissions for radio control or security alarm purposes.

(3) Periodic transmissions at regular predetermined intervals except in accordance with paragraph (b) of this Section.

(b) Polling or supervision transmissions to determine security system integrity are allowed at the maximum emission limit in § 15.205(b) if the periodic rate of transmission does not exceed one transmission of not more than one second duration per hour for each transmitter. The transmitter may also be polled at the rate specified in § 15.122, provided it complies with the reduced field strength levels and other specifications in § 15.122 when operating at the higher polling rate. This provision only applies to transmitters used in security or safety applications.

[16] See the Note in § 15.309 of Part 15 Subpart F—Field Disturbance Sensors.

[17] In the Matter of: Revision of Part 15 to conform it to Subpart J of Part 2 and to reorganize the rules therein. Order adopted November 12, 1974 and released March 7, 1975 (FCC 74–1221).

(c) A transmitter operated manually must employ a switch that will automatically deactivate the transmitter when released.

(d) A transmitter activated automatically must cease transmission within 5 seconds after activation.

(e) Notwithstanding paragraphs (c) and (d) of this section, a transmitter employed for radio control purposes during emergencies involving fire, security, and safety of life may, when activated to signal an alarm, operate during the pendency of the alarm condition.

4. Section 15.204 is amended by addding a new paragraph (c) as follows:

§ 15.204 Receiver susceptibility to interference.

* * * * *

(c) Manufacturers are also cautioned to consider close proximity and/or high power operation of non-government licensed services such as Amateur Radio, Broadcast, etc. in designing their equipment for minimum susceptibility and to avoid operation on frequencies used by high power stations. Consult the table of frequency allocations in § 2.106 of this Chapter for information on licensed use of the spectrum—particularly note that high power amateur radio operation occurs in residential areas in the bands 144–148, 220–225, and 420–450 MHz.

5. Section 15.205 is amended by revising the note in paragraph (a) and the text and table of paragraph (b) and adding a note below the table in paragraph (b) to read as follows:

§ 15.205 Technical standards.

(a) * * *

Note.—A radiation level below 15 uV/m at 3 meters will be considered to meet this requirement for emissions on frequencies below 1000 MHz. Above 1000 MHz, an emission level below 125 uV/m at 3 meters or equivalent power density level will comply with this requirement.

(b) The transmitter is limited to the frequencies specified below. Subject to the limitation in paragraph (a) of this section, emission of RF energy on the fundamental frequency and spurious and harmonic emissions from the transmitter shall not exceed the levels in the following table.

Fundamental frequency (MHz)	Field strength of fundamental (uV/m at 3m)	Field strength harmonics and spurious (uV/m at 3m)
40.66 to 40.70.	2,250	225.
70 to 130	1,250	125.
130 to 174	1,250 to 3,750 [1]	125 to 375.[1]
174 to 260	3,750	375.
260 to 470	3,750 to 12,500 [1]	375 to 1,250.[1]
470 and above.	12,500	1,250.

[1] Linear interpolations.

Note.—For pulsed operation, measured field strength shall be determined from the averaged absolute voltage during a 0.1 second interval when field strength is at its maximum value.

* * * * *

§ 15.207 [Amended]

6. Paragraph (a) of § 15.207 is amended by removing the words "Section 15.203" and replacing them with the words "Sections 15.201 et seq.".

§ 15.215 [Amended]

7. Section 15.215 is amended by removing the words "Section 15.203" and replacing them with the words "Sections 15.201 et seq."

Note.—This Appendix will not appear in the CFR.

Appendix B

The measurement procedure MP–1 (1981) is modified as follows:

1. In Paragraph 4.1, remove the present text in the Note in its entirety and substitute the following text:

Note.—FCC Bulletin OST 55 *Characteristics of Open Field Test Sites* provides further guidance on open field test sites and site calibration measurements.

2. Paragraph 4.2.2 is expanded as follows:

4.2.2 *Detector Function Selection and Bandwidth*

For radio-noise meters or spectrum analyzers which include weighting circuits, the detector shall function in an average reading mode. The 6dB bandwidth of the measuring instrument shall not be less than 100 kHz for field strength measurements over the frequency range of 30 to 1000 MHz. Above 1000 MHz, the measurement bandwidth shall be 1 MHz or greater. Post detector video filters may be used in the case of peak reading spectrum analyzers if correlation can be shown to an average reading radio-noise meter. Alternatively, field strength meters and spectrum analyzers without weighting circuits may be employed, provided measurements are made on the peak basis and recorded as observed. For pulsed, broadband emissions the measured data shall be corrected for pulse desensitization factor (see spectrum analyzer application notes on the subject—i.e., Hewlett Packard AN 150–2). With this correction applied to peak indications, if the duty cycle is known or can be measured, average values of emanations can be calculated.

Notes

1. The above specified bandwidths have tolerances as prescribed in ANSI standard C63.2–1980.

2. If bandwidths greater than those expressed in 4.2.2 are used, higher readings may result for EUT's with broadband emanations.

3. Data taken with measuring instrumentation employing logarithmic amplifiers when using the average function will represent the average of the logarithm of the voltage level. If the emanation observed is pulsed, broadband observed values will be materially lower than the true average of voltage. Instrument overload is likely to occur with linear IF systems if the emissions pulse duty cycle is less than that for which the measuring instrumentation is rated.

3. Paragraph 4.3 is corrected to show that radiated measurements shall be taken in accordance with § 15.142. As corrected, paragraph 4.3 reads as follows:

4.3 Frequency Range To Be Scanned

For radiated measurements, the frequency range specified in § 15.142 of Part 15 Subpart D shall be searched * * *

4. The last sentence in paragraph 4.5 is corrected by adding the phrase "in its normal operating mode" as follows:

4.5 Radiated Test Procedures

* * * shall be recorded. The transmitter shall operate continuously in its normal operating mode for the purpose of those measurements.

5. Figure 1 is modified to show an ellipse for the test site with a minor diameter of 3 D and a major diameter of 2 D where D is the measurement distance (3 meters). The major diameter is along the axis containing the antenna and EUT.

[FR Doc. 82–31371 Filed 11–16–82; 8:45 am]

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Proposed Rules

Federal Register
Vol. 47, No. 222
Wednesday, November 17, 1982

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 29

Tobacco Publications; Establishment of Fees and Charges

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Agricultural Marketing Service (AMS) proposes to amend the interim final rule published on June 16, 1982, at 47 FR 25933–25934, which established the collection of fees for the distribution upon request of copies of tobacco publications to the general public. This proposal would require all media, whether trade publication or general news media, to pay for mailed publications thereby eliminating the exemption for news media presently contained in the interim final rule. The Department also proposes to add the publications "Annual Report of Tobacco Statistics" and "Tobacco Stocks" to the list of available tobacco publications and to amend the interim final rule to provide for only one annual application period instead of two. Based upon written comments received from trade associations and trade publications covering a wide variety of agricultural commodities, the Department acknowledges that many publications in direct competition with each other for subscribers cannot be easily categorized as news media or trade publications. Therefore it is proposed that the interim final rule be amended to eliminate the exemption for the news media.

DATE: Comments due on or before December 17, 1982.

ADDRESS: Send comments to J. T. Bunn, Deputy Director, Tobacco Division, Agricultural Marketing Service, Room 502, Annex Building, United States Department of Agriculture, Washington, D.C. 20250. Comments will be available for public inspection at this location during the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Larry L. Crabtree, Assistant Chief, Marketing Programs Branch, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–3489.

SUPPLEMENTARY INFORMATION: Notice was given (47 FR 25933, June 16, 1982) that the Department was implementing, effective July 1, 1982, as an interim final rule regulations providing for the collection of fees for the printing and mailing of tobacco publications distributed by the Department under the Tobacco Inspection Act of 1935 (7 U.S.C. 511–511(q)) and the Food and Agriculture Act of 1981 (7 U.S.C. 2242a). Such fees and charges were set at a level which would cover as nearly as practicable the costs of printing, postage, and handling of tobacco publications requested by the general public except growers, news media, and certain government agencies who cooperated in the collection of data. The Department proposes to amend the interim final rule published on June 16, 1982, at FR 25933–25934 to require that all news media, whether trade publications or general news media, pay for tobacco publications delivered by mail. The Department also proposes to include the statistical publications "Annual Report of Tobacco Statistics" and "Tobacco Stocks" in the list of publications covered by user fees and reduce the application periods from two to one. The Tobacco Inspection Act authorizes the Secretary to collect and distribute tobacco market data "without cost to growers." Since passage of the Act in 1935, the Department has distributed tobacco publications through the mail, without cost to anyone requesting them. The Agriculture and Food Act of 1981, establishes authority for the Department to promulgate regulations to establish and collect fees and charges to cover the Department's cost for the printing, handling, and mailing of tobacco publications reporting economic research and statistical data.

The Department's decision to collect fees for tobacco publications is consistent with both the Department's goal of reducing its cost of distributing publications and the Congressional policies which placed the tobacco inspection program under user fees. In furtherance of this policy, the Department has requested Congress to amend the Tobacco Inspection Act to give the Secretary authority to also collect fees from growers for publications distributed through the mail. The legislation is now before Congress. A limited distribution list will be established with other bureaus within USDA for copies of publications under the principle of data exchange to complement the various responsibilities of those organizations.

In the interim final rule, the Department provided that no fee would be charged for the distribution of tobacco publications to wire services, newspapers, news magazines, and broadcast news outlets. The interim final rule did provide for fees for the large number of trade journals and trade association publications aimed at organizational memberships for the reason that the Department had determined that it would not be appropriate to provide publications free of charge to these numerous organizations which service limited audiences. However, based upon written comments received from trade associations and trade publications covering a wide variety of agricultural commodities, the Department acknowledges that many publications in direct competition with each other for subscribers cannot be easily categorized as news media or trade publications. Therefore, it is proposed that the interim final rule be amended to eliminate the exemption for the news media. The Department will, however, continue to provide current information by wire service and automatic telephone answering devices.

The Annual Report on Tobacco Statistics and the Quarterly Tobacco Stocks publications were not included in the interim final rule because their status as to user fees had not been determined at that time. The Department has now made a determination that a fee should also be charged for these publications and, therefore, proposes to amend the interim final rule to include them.

The interim final rule divided the publication periods. Based on comments received from applicants and experience gained from processing the intial applications, it has been determined that a single application period and

price list would be more efficient, less costly, and reduce confusion. Fees for the two additional publications will vary according to the number of pages, frequency of issues, number of subscribers, cost of equipment, personnel, and other factors affecting printing and distribution. With the expected fluctuating costs of printing, handling, and postage, it has been determined that it would be inappropriate for the fees to be specified in the regulations where any changes would require time consuming and expensive rulemaking procedures. Therefore, the fees will be computed and announced annually by the Director of the Tobacco Division. Any modification in the fees will simply reflect changing costs incurred by USDA for the duplication, handling, and distribution of the two additional publications. Based on estimates of current costs and activity level, fees during the initial subscription period for surface mail, for the United States, Canada, and Mexico are as follows:

(1) Annual Report of Tobacco Statistics—first copy $2.00, with additional copies $1.00 each.

(2) Tobacco Stocks Report, published quarterly—annual rate $4.00 with additional copies $0.50 (50¢) each.

The following is a list of tobacco publications which are now available through the Department:

(1) Flue-cured type 11—$8.00—consisting of weekly and season issues.

(2) Flue-cured type 12—$8.00—consisting of weekly and season issues.

(3) Flue-cured types 11 and 12—$14.00—combined mailing of these types.

(4) Flue-cured type 13—$8.00—consisting of weekly and season issues.

(5) Flue-cured type 14—$6.00—consisting of weekly and season issues.

(6) Flue-cured type 11–14—$25.00—consisting of weekly and season issues for each type.

(7) Annual Flue-cured Market Review—first copy $2.00, with additional copies $1.00 each.

(8) Virginia fire-cured type 21—$6.00—consisting of weekly and season issues.

(9) Virginia sun-cured type 37—$4.00—consisting of weekly and season issues.

(10) Virginia fire and sun-cured types 21 and 37—$8.00—combined mailing of these types.

(11) Kentucky-Tennessee fire-cured—types 22 and 23—$6.00—consisting of weekly and season issues.

(12) One-Sucker—type 35—$4.00—consisting of weekly and season issues.

(13) Green River—type 36—$4.00—consisting of weekly and season issues.

(14) Kentucky-Tennessee fire-cured, One-sucker and Green River dark air-cured types 22, 23, 35, and 36—$10.00—combined mailing of these types.

(15) Annual Fire and Dark air-cured Market Review—first copy $2.00, with additional copies $1.00 each.

(16) Burley type 31—$10.00—consisting of weekly and season issues.

As with the present publications, it is proposed that an additional fee of $2.00 be charged for requests for surface mailing of the two additional publications outside of the United States, Canada, or Mexico. Charges for air mail service outside of the United States, Canada, and Mexico will vary depending on the type of service requested.

Weekly issues containing market information will continue to be available to growers, without charge, in auction warehouses during the marketing season.

It is also proposed that requests concerning the two additional publications for file copies, large volumes of issues, or requests which require special handling, be assessed fees sufficient to cover the actual cost of the requested service. Subscription fees would be prorated for requests arriving after the end of the application period, but may be subject to an additional fee to cover the Department's handling costs.

The authority for these regulations is contained in the Tobacco Inspection Act (49 Stat. 7 U.S.C. 511–511(q)) and the Agriculture and Food Act of 1981 (Pub. L. 97–98).

This proposed rule has been review under U.S.D.A. procedures established to implement Executive Order 12291 and the Secretary's Memorandum 1512–1 and has been determined to be a "non-major" rule because it does not meet any of the criteria established for major rules under the executive order. Additionally, in conformance with the provisions of the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601) full consideration has been given to the potential economic impact upon small businesses. All tobacco warehousemen and producers and some tobacco buyers fall within the confines of "small business" as defined in the Regulatory Flexibility Act. A substantial number of buyers on auction markets who use the publications do not meet the definition of small businesses either because of their individual size or because of their dominant position in one or more marketing areas. The Department has informally advised all segments of the tobacco industry of the anticipated implementation of charges for publications and that these publications and information would remain available. It has been determined that the economic impact upon all entities, small and large, will not be adverse and will in no way affect normal competition in the market place.

List of Subjects in 7 CFR Part 29

Tobacco publications, Subscription fees, Tobacco.

PART 29—[AMENDED]

Accordingly, the Department proposes to revise § 29.131 of Part 29, Subpart B, Title 7, Code of Federal Regulations, to read as follows:

§ 29.131 Tobacco publications.

The regulations in this section are issued to implement a subscription fee system for publications issued by the Tobacco Division, Agricultural Marketing Service. All other means of dissemination of market data currently in use, such as commercial and public wire service, telephone answering devices, radio and television will continue without charge to the recipient. Publications under the Act and this section shall be distributed in whatever manner and form and for whatever purpose the Director may choose, and will be available for distribution as follows:

(a) Publications consisting of timely information on the market supply and demand, location, disposition, quality, condition, and market prices for tobacco shall be available on an annual subscription throught the mail upon written application and payment of a fee, except that no fee will be charged to other government agencies who cooperate in the collection of market data for the respective publication and growers. There shall be an annual application period during the months of February, March, and April.

(b) Subscription fees for publications shall be calculated by the Director annually to recover costs of printing (including machinery, paper, ink, and miscellaneous supplies) postage, and handling (including the accounting system, fee collection, and personnel with necessary supervision), and released prior to the application period. In order to keep subscription fees to a minimum level, the Director may choose to combine the data of two or more types of tobacco into a single publication.

(c) Requests involving research of records, file copies, large volumes of issues, or requests which require additional handling, shall be assessed fees sufficient to cover the actual cost of the requested service to the Department.

(d) Subscription fees will be prorated for requests arriving after the end of the application period, but may be subject to an additional handling charge to cover additional costs incurred by the Department.

(e) Information concerning tobacco publications and subscription fees may be obtained from the Director, Tobacco Division, Agricultural Marketing Service, Room 502, Annex Building, United States Department of Agriculture, Washington, D.C. 20250.

Dated: November 9, 1982.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 82-31340 Filed 11-16-82; 8:45 am]

BILLING CODE 3410-02-M

7 CFR PART 51

United States Standards for Grades of Cantaloups

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of withdrawal of proposed rule.

SUMMARY: The Agricultural Marketing Service (AMS) is withdrawing a proposal to revise the voluntary United States Standards for Grades of cantaloups. This proposal is being withdrawn because of negative comments received.

DATE: This withdrawal is effective November 17, 1982.

FOR FURTHER INFORMATION CONTACT: Francis J. O'Sullivan, Fresh Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 475-3125.

SUPPLEMENTARY INFORMATION: The current standards became effective April 1961 and were last amended June 1968. In March 1980 the Texas Citrus and Vegetable Growers and Shippers Association formally requested a revision of the standards which would redefine the defect classification "Decay."

The present definition reads: "*Decay* means breakdown, disintegration or fermentation of the flesh or rind of the cantaloup caused by bacteria or fungi." The proposed definition read: "*Soft rot* means any rot that is soft, mushy or is in a leaking condition; *Dry rot* means any rot that is dry and the tissue is hard or firm." The proposal would have permitted decays classified as "Dry rot" to be covered under a less restrictive grade tolerance.

On March 25, 1982, AMS published (47 FR 12805-12806) a proposal to revise the definition "Decay," as noted above, with a period for comment ending August 31, 1982. Thirteen written comments were received. The majority did not support the proposal. An industry organization, whose members produce and ship approximately seventy-five percent of domestic cantaloup production, and a major retail chain strongly opposed the proposed change. In their opinion, the change would constitute a relaxing of the standards requirements and would tend to encourage the marketing of a lower quality product.

In consideration of the foregoing, the proposal published in the **Federal Register** (FR 12805-12806) on March 25, 1982, is hereby withdrawn.

List of Subjects in 7 CFR Part 51

Fresh fruits, vegetables, and other products (Inspection, certification and standards).

(Agricultural Marketing Act of 1946, Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended (7 U.S.C. 1624))

Done at Washington, D.C. on November 9, 1982.

Eddie F. Kimbrell,

Deputy Administrator, Commodity Services.

[FR Doc. 82-31342 Filed 11-16-82; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. 82-349]

Citrus Canker—Mexico

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule and notice of public hearing.

SUMMARY: An interim rule published as a companion document in the final rule section of this issue of the **Federal Register** on an emergency basis establishes "Subpart—Citrus Canker—Mexico." The interim rule is based on the recent finding of citrus canker disease in the State of Colima and in the municipio of Coahuayana in the State of Michoacan in Mexico (these areas are referred to below as infected areas).

The interim rule provides that any fruit or peel of Mexican lime (*Citrus aurantifolia*) from any area in Mexico, and any other fruit or peel of citrus or citrus relatives (fruit or peel of any genera, species, or varieties of the subfamilies *Aurantioideae, Rutoideae,* and *Toddalioideae* of the botanical family *Rutaceae*) from infected areas in Mexico offered for importation into the United States will be refused importation into the United States unless imported by the U.S. Department of Agriculture for experimental or scientific purposes in accordance with certain conditions. This document proposes to designate these articles as prohibited articles and thereby prohibit them from being imported into the United States unless imported by the U.S. Department of Agriculture for experimental or scientific purposes in accordance with certain conditions.

The interim rule also provides that fruit or peel of ethrog (*Citrus medica*), grapefruit (*Citrus paradisi*), lemon (*Citrus limon*), orange (*Citrus sinensis*), Persian lime (*Citrus latifolia*), and tangerine (*Citrus reticulata*) from uninfected areas in Mexico are allowed to be imported into the United States only in accordance with certain restrictions. This document also proposes to establish as a final rule the provisions of the interim rule concerning restricted articles.

The interim rule is authorized on an emergency basis until a final rule can be established after a public hearing. This document also gives notice of a public hearing concerning the proposal to establish a final rule. This action is necessary an an emergency measure to prevent the introduction of citrus canker disease into the United States.

DATES: Written comments concerning the proposal to establish a final rule must be received on or before January 17, 1983. A public hearing concerning the proposal to establish such final rule will be held on December 7, 1982.

ADDRESSES: Written comments concerning the proposal to establish a final rule 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. A public hearing concerning the proposal to establish such final rule will be held at the Conquistador Room, La Quinta Airport East, 333 N.E. Loop 410, San Antonio, Texas.

FOR FURTHER INFORMATION CONTACT: Contact either: Frank Cooper, Staff

Officer, Regulatory Services Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 637 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8248; or Stephen Poe, Plant Pathologist, Emergency Programs, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 609 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–6365.

SUPPLEMENTARY INFORMATION: This proposal is based on the recent finding of citrus canker disease in the State of Colima and in the municipio of Coahuayana in the State of Michoacan in Mexico (these areas are referred to below as infected areas).

This document proposes to designate any fruit or peel of Mexican lime (*Citrus aurantifolia*) from any area in Mexico, and any other fruit or peel of citrus or citrus relatives (fruit or peel of any genera, species, or varieties of the subfamilies *Aurantioideae, Rutoideae,* and *Toddalioideae* of the botanical family *Rutaceae*) from infected areas in Mexico as prohibited articles, and thereby prohibit them from being imported into the United States except by the U.S. Department of Agriculture for experimental or scientific purposes under conditions explained in the companion document. This document also proposes to designate fruit or peel of ethrog (*Citrus medica*), grapefruit (*Citrus paradisi*), lemon (*Citrus limon*), orange (*Citrus sinensis*), Persian lime (*Citrus latifolia*), and tangerine (*Citrus reticulata*) from uninfected areas in Mexico as restricted articles and allow them to be imported in the United States only in accordance with restrictions as set forth in the companion document.

For a discussion of the basis and purpose of the proposal, including the public hearing procedures, see the companion document establishing the interim rule, captioned "Citrus Canker—Mexico," in the final rule section of this issue of the **Federal Register.** It is proposed to establish provisions similar to those provisions of the interim rule as a final rule.

List of Subjects in 7 CFR Part 319

Agricultural commodities, Imports, Plant diseases, Plants (agriculture), Transportation, Citrus canker, Fruit.

(Secs. 5, 7, 9, 37 Stat. 316–318, as amended, secs. 105, 106, 71 Stat. 32, 33 (7 U.S.C. 159, 160, 162, 150dd, 150ee); 7 CFR 2.17, 2.51, 371.2(c))

Done at Washington, D.C. this 15th day of November 1982.

Harvey L. Ford,

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

[FR Doc. 82–31657 Filed 11–16–82; 8:45 am]

BILLING CODE 3410–34–M

Agricultural Marketing Service

7 CFR Part 1139

Milk in the Lake Mead Marketing Area; Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This notice invites written comments on a proposal to continue through March 1983 a suspension of certain provisions of the Lake Mead Federal milk order. The proposed suspension would remove the limit on the amount of milk not needed for fluid (bottling) use that may be moved directly from farms to nonpool manufacturing plants and still be priced under the order. The continuation of the earlier suspension for April through November 1982 was requested by a cooperative association to assure the efficient disposition of milk not needed for fluid use and still maintain producer status under the order for its dairy farmer members regularly associated with the market.

EFFECTIVE DATE: Comments are due not later than November 24, 1982.

ADDRESS: Comments (two copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–7183.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified as a "non-major" action.

It has been determined that the need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register.** However, this would not permit the completion of the required suspension procedures in time to include December 1982 in the requested suspension period if this is found necessary. The initial request for the action was received on November 1, 1982.

It has also been determined that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), the suspension of the following provisions of the order regulating the handling of milk in the Lake Mead marketing area is being considered for the months of December 1982 through March 1983:

1. In § 1139.13(d)(2), the sentence "The total quantity of milk so diverted may not exceed 30 percent in the months of March through July and 20 percent in other months of the producer milk which the association causes to be delivered to pool plants during the month."

2. In § 1139.13(d)(3), the sentence "The total quantity of milk so diverted may not exceed 30 percent in the months of March through July and 20 percent in other months of the milk received at such pool plant from producers and for which the operator of such plant is the handler during the month."

All persons who want to comment on the proposed suspension, should send two copies of their views to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 7 days from the date of publication of this notice in the **Federal Register.** The period for filing comments is limited because a longer period would not provide the time needed to complete the required procedures and include December 1982 in the suspension period.

The comments that are sent will be made available for public inspection in the Hearing Clerk's office during normal business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed action would continue through March 1983 a similar suspension that has been in effect since April 1982 (47 FR 17036, 47 FR 38496). The proposed suspension would remove the limit on the amount of producer milk that a cooperative association or other handler may divert from pool plants to nonpool plants. The order now provides that a

cooperative association may divert up to 30 percent of its total member milk received at all pool plants or diverted there from during the months of March through July and 20 percent during all other months. Similarly, the operator of a pool plant may divert up to 30 percent of its receipts of producer milk (for which the operator of such plant is the handler during the month) during the months of March through July and 20 percent during all other months.

A cooperative association that supplies a substantial part of the market's fluid milk needs and handles most of the market's reserve supplies requested continuance of the suspension. The basis of the cooperative's request is a continuing imbalance between the market's fluid milk requirements and the milk supplies available from producers. The same marketing condition that prompted the previous suspension requests is expected to prevail for the immediate future. The cooperative indicates that milk production continues to be heavy without a corresponding increase in sales to fluid milk outlets. Consequently, the cooperative expects its reserve milk supplies during the next few months may exceed the quantity of producer milk that may be diverted to nonpool manufacturing plants under the order's present diversion limitations. Unless the suspension is continued, the cooperative asserts that some of the milk of its member producers who have regularly supplied the fluid market would have to be moved, uneconomically, first to pool plants and then to nonpool manufacturing plants, in order to continue producer status for such milk.

The cooperative association requested continuation of the current suspension until a more permanent regulatory solution to the supply-demand imbalance in the market could be formulated based on the record of a public hearing. The cooperative association has indicated that it is considering appropriate proposed amendments to the order that would accommodate present marketing conditions.

Although the cooperative requested an indefinite suspension period, this notice of proposed suspension includes only the months of December 1982 through March 1983. This will give the cooperative sufficient time to petition the Department of a public hearing to consider proposed amendments to the order.

List of Subjects in 7 CFR Part 1139

Milk marketing orders, Milk, Dairy products.

Signed at Washington, D.C., on November 12, 1982.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 82-31467 Filed 11-16-82; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 216

[DoD Directive 1322.12]

Identification of Institutions of Higher Learning That Bar Recruiting Personnel From Their Premises

AGENCY: Office of the Secretary, DoD.

ACTION: Amendment of proposed rule.

SUMMARY: This is an amendment to a proposed rule implementing the provisions of section 606 of the DoD Authorization Act for 1973. This law provides that no funds appropriated for Department of Defense may be used at any institution of higher learning that bars recruiting personnel from their premises. The amendment clarifies the application of the rule when a school has a placement policy that is applied to bar military recruiters because of policies or practices of the Department of Defense. It also extends the comment period on the proposed rule to December 29, 1982.

DATE: Written comments must be received by December 29, 1982.

ADDRESS: Office of the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) (Military Personnel & Force Management) (Accession Policy), the Pentagon, Room 2B269, Washington, D.C. 20301.

FOR FURTHER INFORMATION CONTACT: Mr. Ronal G. Liveris, 202-697-9269.

SUPPLEMENTARY INFORMATION: In FR Doc. 82-26699 appearing in the Federal Register on September 29, 1982 (47 FR 42757), the Office of the Secretary of Defense (OSD) published a proposed rule concerning DoD policies and procedures with respect to institutions of higher learning that bar recruiting personnel from their premises. Upon further review of the proposed rule, it was determined that the proposed rule should describe more clearly DoD policy when an institution has a placement policy that is applied to bar military recruiting personnel because of the policies and practices of the Department of Defense or any DoD Component. Although this is a minor clarification which does not require publication of an amendment to the proposed rule, the Department of Defense has determined that the amendment should be published, along with an extension of the comment period to December 29, 1982, in order to give the public an opportunity to comment on the whole rule after publication of this amendment.

PART 216—[AMENDED]

Accordingly, § 216.3(b) of the proposed amendment to Chapter I, 32 CFR Part 216, is revised to read as follows:

§ 216.3 Policy.

* * * * *

(b) A determination that military recruiting personnel are barred by policy from the premises of an institution will be made when military personnel cannot obtain permission to recruit on the premises of the institution. This includes circumstances in which a policy of the institution is applied to bar military recruiting personnel because of the policies or practices of the Department of Defense or any DoD Component. A determination that military recruiting personnel are barred by policy will not be made when the institution:

(1) Excludes all employers from recruiting on the premises of the institution;

(2) Permits employers to recruit on the premises of the institution only in response to an expression of student interest, and the institution:

(i) Provides the Military Services with the same opportunities to inform the students of military recruiting activities as are available to other employers; and

(ii) Certifies that an insufficient number of students have expressed an interest to warrant accommodating military recruiters, applying the same criteria that are applicable to other employers;

(3) Has been unable to schedule military recruiting visits in the past academic year, but agrees to schedule military visits on the premises of the institution in the coming academic year; or

(4) Otherwise establishes reasonable restrictions on the time and place of recruiting activities that are generally applicable to all employers.

* * * * *

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

November 12, 1982.

[FR Doc. 82-31465 Filed 11-16-82; 8:45 am]

BILLING CODE 3810-01-M

Department of the Army

32 CFR Part 505

[Army Reg. 340-21]

Personal Privacy and Rights of Individuals Regarding Personal Records

AGENCY: Department of the Army, DOD.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Army proposes to delete the exemption rule for system of records A0917.10aDAAG, Child Protection Case Management Files, which has been reidentified as A0917.10DASG and retitled: "Family Advocacy Case Management Files" and to insert an exemption rule for the new system.

DATE: Comments must be received on or before December 17, 1982.

ADDRESS: Comments may be submitted to Headquarters, Department of the Army, The Adjutant General's Office (DAAG–AMR–S), Alexandria, VA 22331.

FOR FURTHER INFORMATION CONTACT: Mrs. Dorothy Karkanen, telephone: 703/325–6163.

SUPPLEMENTARY INFORMATION: Report of an altered system for the Family Advocacy Case Management Files was furnished on October 12, 1982 pursuant to 5 U.S.C. 552a(o). The proposed revised system notice appears in this edition of the **Federal Register.**

The Secretary of the Army has approved exemption of all portions of this system which falls within 5 U.S.C. 552a(k)(2) and (5) from the following provisions of Title 5 U.S.C., section 552a: (d).

List of Subjects in 32 CFR Part 505

Privacy.

Accordingly, § 505.9 of 32 CFR will be revised by removing the current exemption rule for system of records A0917.10aDAAG and inserting a new rule to read as follows:

§ 505.9 Exemption rules for Army systems of records.

* * * * *

(b) * * *

* * * * *

Exempted Record Systems

(Specific Exemptions)

Id—A0917.10DASG.

SYSNAME—Family Advocacy Case Management Files.

EXEMPTION—All portions of this system which fall within 5 U.S.C. 552a (k)(2) and (5) are exempted from the following provisions of Title 5 U.S.C., section 552a: (d).

AUTHORITY—5 U.S.C., 552a(k)(2) and (5).

REASONS—Exemptions are needed in order to encourage persons having knowledge of abusive or neglectful acts toward children to report such information and to protect such sources from embarrassment or recriminations as well as to protect their right to privacy. It is essential that the identities of all individuals who furnish information under an express promise of confidentiality be protected. In the case of spouse abuse, it is important to protect the privacy of spouses seeking treatment. Additionally, granting individuals access to information relating to criminal and civil law enforcement could interfere with on-going investigations and the orderly administration of justice in that it could result in the concealment, alteration, destruction, or fabrication of information, could hamper the identification of offenders or alleged offenders, and the disposition of charges, and could jeopardize the safety and well-being of parents, children, and abused spouses.

* * * * *

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 82-31422 Filed 11-16-82; 8:45 am]

BILLING CODE 3710-08-M

POSTAL SERVICE

39 CFR Part 10

International Express Mail Service to Israel

AGENCY: Postal Service.

ACTION: Proposed international express mail service to Israel.

SUMMARY: Pursuant to an agreement with the postal administration of Israel, the Postal Service proposes to begin International Express Mail Service with Israel at rates indicated in the schedules below. The proposed service is scheduled to begin on January 24, 1983.

DATE: Comments must be received on or before December 17, 1982.

ADDRESS: Written comments should be directed to the General Manager, Rate Development Division, Rates and Classification Department, U.S. Postal Service, Washington, D.C. 20260. Copies of all written comments will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in Room 8620, 475 L'Enfant Plaza West, SW., Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT: J. Duane Redic, (202) 245–4414.

SUPPLEMENTARY INFORMATION: The International Mail Manual is incorporated by reference in the **Federal Register,** 39 CFR 10.1. Additions to the manual needed to introduce the new service are reproduced below. Accordingly, although 39 U.S.C. 407 does not require advance notice and the opportunity for submission of comments on international service, and the provisions of the Administrative Procedure Act regarding proposed rulemaking (5 U.S.C. 533) do not apply (39 U.S.C. 410(a)), the Postal Service invites interested persons to submit written data, views or arguments concerning the proposed International Express Mail Service to Israel at the rates indicated in the schedules below.

List of Subjects in 39 CFR Part 10

Postal Service, Foreign Relations.

Table 7–1. International Express Mail Service—Summary Conditions Service Offerings

In paragraph 1, Custom Designed Service, add "Israel"' after "Hong Kong."

Table 7–2. International Express Mail Service Standards (From International Exchange Office)

In Table 7–2, add after the line for Hong Kong a new line which reads "Israel" in the "Country of Destination" column, and "Third Day" in the "On Demand" column.

Individual Country Listing

Add after the entry entitled "Parcel Post Israel" the following new entry:

International Express Mail

Conditions for Mailing

Definitions of Express Mail Service

See Table 7–1 and 494 for detailed characteristics.

Services Available

Custom Designed

On Demand

Acceptable Items and Customs Declaration

Contents restricted to the following:

Items Containing:	Customs Declaration Required:
1. Non-dutiable business documents, Business letters, non-negotiable instruments, computer printouts, cancelled checks.	1. None. Endorse items clearly next to address label "BUSINESS PAPERS".
2. Microfilm, microfiche or samples or merchandise without commercial value.	2. Form 2976, identify contents briefly, but completely.
3. Merchandise, advertising materials or any dutiable articles.	3. Form 2966–A, identify completely and state whether import license (if required) is attached.

Postage Rates

Weight not over (pound)	Rate
Custom Designed Service[1, 2]	
1	$28.00
2	31.70
3	35.40
4	39.10
5	42.80
6	46.50
7	50.20
8	53.90
9	57.60
10	61.30
11	65.00
12	68.70
13	72.40
14	76.10
15	79.80
16	83.50
17	87.20
18	90.90
19	94.60
20	98.30
21	102.00
22	105.70
23	109.40
24	113.10
25	116.80
26	120.50
27	124.20
28	127.90
29	131.60
30	135.30
31	139.00
32	142.70
33	146.40
On Demand Service[2]	
1	20.00
2	23.70
3	27.40
4	31.10
5	34.80
6	38.50
7	42.20
8	45.90
9	49.60
10	53.30
11	57.00
12	60.70
13	64.40
14	68.10
15	71.80
16	75.50
17	79.20
18	82.90
19	86.60
20	90.30
21	94.00
22	97.70
23	101.40
24	105.10
25	108.80
26	112.50
27	116.20
28	119.90
29	123.60
30	127.30
31	131.00
32	134.70
33	138.40

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Pffice.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

Areas Served

Jerusalem
Tel Aviv—Yofo
Haifa

Weight Limit

33 Lbs. (15 Kg.)

Size Limit

Minimum: 3½"x5½".
Maximum: Greatest length 36 inches.
Greatest length and girth combined: 78 inches.

Service Standard From International Exchange Office

See Table 7–2.

An appropriate amendment to 39 CFR 10.3 to reflect these changes will be published when the final rule is adopted.

(39 U.S.C. 401, 404, 407)

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 82–31451 Filed 11–16–82; 8:45 am]

BILLING CODE 7710–12–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 50

[Docket No. OAQPS 79–7; AD–FRL–2244–5]

Proposed Revisions to the National Ambient Air Quality Standards for Carbon Monoxide

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability of support document.

SUMMARY: On August 18, 1980, EPA proposed revisions to the existing primary national ambient air quality standards for carbon monoxide (CO) and revocation of the existing secondary standards (45 FR 55066). The availability of several additional support documents was announced on June 18, 1982 (47 FR 26407). The present notice announces the availability of another support document, "Investigation of Carbon Monoxide National Ambient Air Quality Standards Based on Multiple Expected Exceedances." A copy of the document is being placed in the docket (see address below) and a limited number of copies are available from Mr. Michael Jones (see contact below). The Agency plans to take final action on revising the CO standards soon.

ADDRESS: A docket (Number OAQPS 79–7) containing the document referred to above and other information relevant to this rulemaking is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday at EPA's Central Docket Section, West Tower Lobby, Gallery I, Waterside Mall, 401 M Street, SW., Washington, D.C. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Jones, Strategies and Air Standards Division (MD–12), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711, Telephone (919) 541–5531 (FTS 629–5531).

SUPPLEMENTARY INFORMATION: The document, "Investigation of Carbon Monoxide National Ambient Air Quality Standards Based on Multiple Expected Exceedances," referred to above, presents the results of two statistical investigations of the effect on air quality of single and multiple expected exceedance standards for CO. The statistical analyses described in the document are based on a large set of monitored 8-hour average CO pollutant concentration data collected from numerous sites during the period 1979 to 1981. Several methods were used to estimate relative standard equivalencies and the expected incidence of peak CO values for different standard levels and exceedance rates. The document supports the proposition that a multiple expected exceedance 8-hour average standard focuses control strategy decisions on a CO air quality value that is more predictable than the highest or second highest value expected in a year. Such a standard tends to reduce the impact of unusual meteorological events on air quality values which are used to establish control programs.

Dated: November 9, 1982.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 82–31470 Filed 11–16–82; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 52

[KY–005; A–4–FRL 2239–7]

Approval and Promulgation of State Implementation Plans; Kentucky: Set II VOC Regulations

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA is today proposing full approval of State Implementation Plan (SIP) revisions for control of volatile organic compounds (VOC), Set II, which the Commonwealth of Kentucky

submitted pursuant to requirements of Part D, Title I, of the Clean Air Act (CAA). EPA on November 24, 1981, Federal Register (46 FR 57486), approved the revisions submitted by the Commonwealth of Kentucky on condition that the State adopt and submit a regulation for leaks from gasoline tank trucks and collection systems by March 1, 1982. The State has adopted and submitted such a regulation and so EPA proposes to remove the condition on its approval of Kentucky's Set II VOC regulations. The public is asked to submit written comments on the proposal.

DATE: Written comments must reach us on or before December 17, 1982, to be considered.

ADDRESSES: Copies of the materials submitted by the State may be examined during normal business hours at the following locations:

Air Management Branch, EPA, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365

Kentucky Department for Environmental Protection, 18 Reilly Road, Building 2, Fort Boone Plaza, Frankfort, Kentucky 40601

Comments should be sent to Waymond Blackmon of the EPA Region IV Air Management Branch at the Atlanta address.

FOR FURTHER INFORMATION CONTACT: Waymond Blackmon, EPA Region IV, Air Management Branch, 404/881-2864 or FTS 257-2864.

SUPPLEMENTARY INFORMATION: Part D of the Title I of the Clean Air Act, as amended in 1977, requires that States revise their State Implementation Plan (SIP) for all areas that have not attained the National Air Quality Standards (NAAQS).

As part of their control strategies for attainment of the NAAQS for ozone (O_3) Kentucky revised their SIP to require control of volatile organic compounds (VOC) from additional categories of sources which have emissions before control of 100 tons per year or more. SIP revisions were submitted by the Commonwealth of Kentucky on June 6, 1979, February 5, 1981, and September 24, 1982. EPA gave conditional approval to the Kentucky regulations because of the lack of an appropriate gasoline tank truck certification regulation (November 24, 1981 Federal Register (46 FR 57486)). Since the State has adopted and submitted such a regulation, EPA is proposing to remove the condition on its approval of Kentucky's Set II VOC regulations and is soliciting public comments on the regulation. The regulation defines leak-tight conditions and related test procedures for tank trucks and their vapor collection systems while loading and unloading at bulk plants in urban non-attainment counties, bulk terminals in non-attainment counties or in unclassified counties if the terminal is a part of a major source of volatile organic compounds, and service stations in urban non-attainment counties with an annual throughput of greater than 120,000 gallons. It applies only to the transfer of gasoline.

Action: EPA today proposes full approval of the revisions submitted by the Commonwealth of Kentucky.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator has certified (46 FR 8709) that the proposed rule will not if promulgated have a significant economic impact of a substantial number of small entities. This action only approves state actions. It imposes no new requirements.

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

(Secs. 110 and 172 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7502))

Dated: October 22, 1982.

Charles R. Jeter,

Regional Administrator.

[FR Doc. 82-31449 Filed 11-16-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 228

[WH-FRL 2212-8]

Ocean Dumping; Proposed Designation of At-Sea Incineration Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA today proposes to designate a new at-sea incineration site in the North Atlantic Ocean where the thermal destruction of liquid organic chemical wastes may be conducted by incineration at sea. This proposed designation will make available a suitable location off the North Atlantic Coast of the United States where permitted incineration at sea activities may take place. Organic chemical wastes will be the primary materials incinerated at the site. Incineration of other wastes will require research studies or equivalent technical documentation to determine their acceptability.

Incineration at sea provides virtually complete destruction of the wastes, which results in emission products that are compatible with and have no adverse impacts on the marine environment. EPA studies on previous at-sea incineration operations have determined it is an environmentally sound proposal method for certain highly toxic wastes.

The purpose of this notice is to provide the public an opportunity to comment on the proposed designation of this site as an Approved Ocean Dumping Site.

DATE: Comments must be received on or before January 3, 1983.

ADDRESS: Send comments to: Mr. T. A. Wastler, Chief, Marine Protection Branch (WH-585), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

The final EIS on this proposed action is available for public inspection at the following locations:

Environmental Protection Agency, Public Information Reference Unit, 401 M street, S.W., Room 2404, Washington, D.C. 20460.

Environmental Protection Agency, Region II, Library, Room 1002, 26 Federal Plaza, New York, New York 10278

Environmental Protection Agency, Region II, Library, Woodbridge Avenue, GSA Raritan Depot, Edison, New Jersey 08817

NOAA/RD/OMPA—North East Office, Old Biology Building, State University of New York, Stony Brook, New York 11794

Department of Natural Resources and Environmental Control, P.O. Box 1401, Dover, Delaware 19901

Department of Natural Resources, Water Resources Administration, Tawes State Office Building, Taylor Avenue, Annapolis, Maryland 21401

FOR FURTHER INFORMATION CONTACT: Mr. T. A. Wastler, 202-755-0356.

SUPPLEMENTARY INFORMATION: Incineration of wastes at sea requires a permit for ocean dumping issued under the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401 et seq. (hereafter "the Act"). Section 102(c) of the Act gives the Administrator of EPA the authority to designate sites where permitted ocean dumping may be conducted. On September 19, 1980, the Administrator delegated the authority to designate ocean dumping sites to the Assistant Administrator for Water and Waste Management, now the Assistant Administrator for Water. This proposed

site designation is made pursuant to that authority.

Incineration at sea was first used in Europe in the late 1960's as a technique for destruction of certain types of liquid organic wastes. The first incineration at sea activities in the United States took place in 1974 and 1975 under EPA research and special permits at a site in the Gulf of Mexico. They were conducted on a research basis with extensive monitoring of the stack emissions and the ocean near the incinerator vessel. Combustion efficiencies were in excess of 99.9 percent, and no adverse effects on the marine environment were found.

The Gulf of Mexico Incineration Site was designated in 1976 as an EPA Approved Ocean Dumping Site for a period of five years. From October 1974 to April 1977, a total of approximately 29,100 metric tons of mixed organohalogen wastes from the Shell Chemical Company in Deer Park, Texas, were burned at the site aboard the M/T VULCANUS. Results of the burns yielded combustion efficiencies greater than 99.9 percent; principal products of combustion were HCL and carbon dioxide.

Incineration of approximately 10,400 metric tons of Herbicide Orange took place during May-September 1977, under permits issued to the U.S. Air Force, at a site located in the Pacific Ocean 190 km west of Johnston Island, where the bulk of the herbicide had been stored. The site was selected and designated by EPA solely for incinerating the herbicide and only for the length of time necessary to complete the operation.

EPA proposed redesignation of the Gulf of Mexico site for continuing use on October 16, 1981 (46 FR 50986), based on its prior use and additional need for the site as requested in several more recent permit applications. EPA issued a research permit for incineration of liquid PCB-laden wastes at the site, which occurred in the late December of 1981. Three additional permit applications to incinerate an organochlorine waste mixture, DDT and Silvex at the gulf site are presently being considered. On April 26, 1982, EPA published the final designation of the Gulf of Mexico site for continuing use.

The proposed site, therefore, would be the second incineration site designated as an Approved Ocean Dumping Site for continuing use. Its location is centered 266 km (140 nm) east from Delaware Bay, and 294 km (155 nm) east-southeast from Ambrose Light (entrance to New York Harbor). The site covers 4,250 km^2 (1,240 nm^2) on the Continental Rise, bounded by latitudes 38°00'N to 38°40'N and longitudes 71°50'W to 72°30'W. Water depths range from approximately 2,400 m (7920 ft) at the northwest corner of the site to approximately 2,900 m (9570 ft) at the eastern edge.

Primary use of the proposed site would be for the incineration of liquid organic chemical wastes, primarily organohalogen wastes. Although it is unlikely that more than one incinerator ship would be using the site to concurrently conduct burns, a restriction is placed during burns conducted under a research permit to limit the use of the site to those ships involved in the research, in order to facilitate the collection of accurate data.

Environmental Impact Statement

The EPA prepared a draft Environmental Impact Statement (EIS) under Section 102(2)(c) of the National Environmental Policy Act of 1969, and EPA's Statement of Policy for Voluntary Preparation of EIS's (39 FR 16186). The draft EIS was filed with EPA and made available to the public on December 29, 1980. The final EIS was filed and made available to the public on December 11, 1981.

The EIS was based on historical information gathered from records and data on the New York Bight area and acquired during the earlier incineration at sea operations conducted in the Gulf of Mexico and the Pacific Ocean. The proposed site location in this area of the North Atlantic was selected because it meets or exceeds each of the criteria in the Ocean Dumping Regulations.

Alternatives considered in the EIS were:

(1) No action; not selecting or postponing selection of an ocean site for incineration at sea off the middle Atlantic States;

(2) Selecting the proposed site; or

(3) Selecting an alternative site in the general area or in another oceanic region.

The no action alternative was rejected because a demonstrated need for the site in the North Atlantic region exists; environmental baseline data on the existing disposal site (106-Mile Ocean Waste Disposal Site) adjacent to the proposed site support its use; and EPA studies conclude that incineration at sea is an environmentally sound alternative for disposal of certain highly toxic wastes.

The alternatives of selecting another site in the general area or in some other region in the Atlantic were rejected. No additional safeguards to the environment could be gained by studying and evaluating other sites in the area and, since the current need for this disposal method is concentrated in the Mid-Atlantic coastal region, shipping the wastes to a more distant region would involve greater transportation hazards and costs. From the scientific information available, there appears to be no reason to believe that another site in that area would be environmentally preferable.

Twenty-four sets of comments on the draft EIS were received from Federal and State agencies, interested organizations and individuals, which were responded to in the final EIS. Several comments received on the final EIS were answered individually by letter. This information is available to the public at the locations previously listed.

Classification

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. EPA has determined that this proposal will not have a significant impact on small entities. The site designation will only have the effect of providing a disposal option for incineration at sea of liquid organic chemical wastes. Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action will not result in an annual effect on the economy of $100 million or more or cause any of the other effects which would result in its being classified by the Executive Order as a "major" rule. Consequently, this proposed rule does not necessitate the preparation of a Regulatory Impact Analysis.

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

List of Subjects in 40 CFR Part 228

Water pollution control.

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

Dated: November 12, 1982.

Frederic A. Eidsness, Jr.,

Assistant Administrator for Water.

PART 228—[AMENDED]

In consideration of the foregoing, Subchapter H of Chapter I of Title 40 is proposed to be amended by adding to § 228.12(b) an ocean dumping site for Headquarters as follows:

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

* * * * *

(b) * * *

(17) North Atlantic Incineration Site—Headquarters. Location: coordinates

38°00′ to 38°40′N Latitudes and 71°50′ to 72°30′W Longitudes.

Size: 1,240 square nautical miles.

Depth: Ranges from 2,400 to 2,900 meters.

Primary Use: At-sea incineration of wastes. Incineration of materials other than those previously authorized by EPA will require research studies or equivalent technical documentation to determine acceptability for at-sea incineration.

Period of Use: Continuing use.

Restriciton: At-sea incineration of aqueous organic chemical wastes, primarily organohalogens. Only those ships involved in the research will be permitted at the site during a research burn.

[FR Doc. 82-31415 Filed 11-16-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 82-548; CC Docket No. 82-540]

Regulatory Policies Concerning Direct Access to INTELSAT Space Segment for the U.S. International Service Carriers; Modification of Policy on Ownership and Operation of the U.S. Earth Stations That Operate With the INTELSAT Global Communications Satellite System; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Notice of inquiry; extension of comment/reply comment periods.

SUMMARY: This action, by the Chief, Common Carrier Bureau, pursuant to delegated authority, grants requests by the Communication Satellite Corporation and the TRT Telecommunications Corporation to extend the time for the filing of comments and reply comments in response to the Commission's Notice of Inquiry in CC Docket No. 82-540, Modification of Policy on Ownership and Operation of the U.S. Earth Stations that operate with the INTELSAT Global Communications Satellite System and the Commission's Notice of Inquiry in CC Docket No. 82-548, Regulatory Policies Concerning Direct Access to INTELSAT Space Segment for the U.S. International Service Carriers.

DATES: The deadlines in both dockets have been extended to December 1, 1982, for filing comments and to January 15, 1982 for filing reply comments.

ADDRESS: Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Joel Pearlman, Common Carrier Bureau, (202) 632-4047.

SUPPLEMENTARY INFORMATION:

In the matter of regulatory policies concerning direct access to INTELSAT space segment for the U.S. International Service Carriers; modification of policy on ownership and operation of the U.S. Earth Stations that operate with the INTELSAT Global Communications Satellite System; CC Docket No. 82-548 [1] (9-13-82; 47 FR 40226); CC Docket No. 82-540, (8-19-82; 47 FR 36235).

Adopted October 29, 1982.

Released: November 2, 1982.

1. Before the Bureau are two motions by the Communications Satellite Corporation ("Comsat") and a motion by the TRT Telecommunications Corporation ("TRT") seeking extensions of time for the filing of Comments and Reply Comments in the above-captioned proceedings. In CC Docket No. 82-548 ("Direct Access NOI"), Comsat requests that the time for filing of Comments be extended from November 15, 1982 to December 15, 1982 and that the time for filing of Reply Comments be extended from December 15, 1982 to February 15, 1983. In CC Docket No. 82-540 ("Earth Station Ownership NOI"), Comsat requests extensions of time from November 1, 1982 to December 15, 1982 for the Comment period and from December 1, 1982 to February 15, 1983 for the Reply Comment period. TRT requests an extension of time to November 15, 1982 for the Comment period in this docket. Also before the Bureau is an opposition by Western Union International ("WUI") to Comsat's motions.[2]

2. In support of its motions, Comsat contends that it is presently confronted with a number of pending matters that potentially will have a major impact on its future business activities and corporate structure. Comsat states that it does not have the manpower to deal adequately with all of these matters in the time allocated. Particularly, it claims that it will be unable to conduct the level and type of analysis of the legal and policy issues involved in the Direct Access and Earth Station Ownership proceedings that will be meaningful to the Commission. Further, Comsat argues that, since much of the analysis required for one proceeding will directly or indirectly affect the analysis conducted in the other, it would be desirable that the pleading schedules of the two proceedings coincide with one another. TRT also cites the interrelationship of the proceedings as the reason for its request.

3. In support of its opposition, WUI contends that Comsat's requests are unreasonable excessive considering that the issues in both dockets are not new. Further, it maintains that the extensive time extensions sought by Comsat will maintain the status quo in important areas which favor Comsat.

4. While we are concerned that persons participating in these proceedings have the opportunity to address fully all relevant issues, we also believe that public interest requires that we conduct proceedings as expeditiously as possible. We have evaluated the complexity of the issues in these proceedings and have reviewed the filing periods previously granted in similar proceedings. We conclude that Comsat has not shown good cause to warrant the full extension of existing filing deadlines that it requests. The original filing deadlines were not unreasonable.

5. However, since we do recognize the interrelationship of the Direct Access and Earth Station Ownership NOI's, we agree that it would be desirable to align the pleading schedules in these two proceedings. Further, because the parties may be relying on the same staff to prepare their pleadings in both proceedings, we shall grant a limited extension in each proceeding. Therefore, we shall extend the time in both NOI's to December 1, 1902 for Comments and to January 15, 1983 for Reply Comments. We do not foresee any harm to WUI from this limited extension.[3] No further extensions will be granted.

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[1] Docket No. 82-548 was published in the Notices section of the Federal Register, 47 FR 40226, September 13, 1982.

[2] Comsat has also requested an extension of time for its filings in our *Comsat Structure* proceeding. In the Matter of Changes in the Corporate Structure and Operations of the Communications Satellite Corporation, FCC 82-372 (adopted August 5, 1982).

[3] WUI also argued that if the Commission were to grant Comsat an extension of time in Dockets 82-540 and 82-548, it should grant, *sua sponte*, WUI commensurate extension of time in which to comment on Comsat's pending application and tariff revisions looking towards Comsat's retail market entry. WUI's reason is that it has concentrated its resources on the instant dockets in accordance with the original time schedules. We are not inclined to grant such extensions, *sua sponte*. As to Comsat's application, the public notice was released October 27, 1982 and parties have 30 days from that date to file Comments. As to Comsat's tariff filing, parties have a twenty-five day period starting from October 19, 1982 in which to file petitions against the tariff. We do not agree with WUI that extensions of time in CC Docket Nos. 82-540 and 82-548 will affect its ability to make timely filings in response to either the application or the tariff.

6. Accordingly, it is ordered, pursuant to delegated authority under §0.291 of the Commission's Rules, 47 CFR 0.291, that Comsat's motions for extensions of time are granted to the extent indicated and are otherwise denied.

7. It is further ordered, pursuant to delegated authority under § 0.291 of the Commission's rules, 47 CFR 0.291, that TRT's motion for extension of time is granted to the extent indicated.

8. It is further ordered, pursuant to delegated authority under § 0.291 of the Commission's Rules, 47 CFR 0.291, that WUI's opposition to Comsat's motions is granted to the extent indicated and is otherwise denied.

Federal Communications Commission.

Gary M. Epstein,

Chief, Common Carrier Bureau.

[FR Doc. 82-30695 Filed 11-16-82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 76

[CT Docket No. 82-434]

Elimination of the Prohibition on Common Ownership of Cable Television Systems and National Television Networks; Correction

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; correction.

SUMMARY: Due to inadvertence, the previously released version of the *Notice of Proposed Rulemaking in CT Docket No. 82-434,* concerning Common Ownership of Cable Television Systems and National Television Networks omitted the text of footnote 2 and Attachment A (Initial Regulatory Flexibility Act Analysis). The Erratum amends the original *Notice* to include these items.

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

FOR FURTHER INFORMATION CONTACT: Robert H. Ratcliffe, Cable Television Bureau, Federal Communications Commission, Washington, D.C. 20554, (202) 632-6468.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of Part 76, Subpart J, § 76.501 of the Commission's Rules and Regulations Relative to Elimination of the Prohibition on Common Ownership of Cable Television Systems and National Television Networks.

Released: October 8, 1982.

1. The Notice of Proposed Rulemaking in the above-captioned proceeding, FCC 82-323, released August 27, 1982, (September 7, 1982; 47 FR 39212) inadvertently omitted the text of footnote two and Attachment A (the initial regulatory flexibility analysis). The text of footnote two is as follows:

[2] *Second Report and Order in Docket 18397,* 23 FCC 2d 816 (1970), *recons. denied,* 39 FCC 2d 377 (1973).

Attachment A to the *Notice* is appended hereto.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Attachment A—Regulatory Flexibility Act

Initial Analysis

I. *Reason for Action:* The proposed action will eliminate the existing prohibition on cross-ownership between cable television systems and national television networks. The Commission believes this prohibition is no longer necessary in terms of its original purposes and that possible cost benefits attributable to cross-ownership are being needlessly forgone by continuation of the rule.

II. *Objective:* The objective of this action is to eliminate unnecessary regulation, thus permitting the marketplace to operate more freely, and to permit realization of the potential benefits of network/cable cross-ownership.

III. *Legal Basis:* The proposed rulemaking action is authorized by Sections 1, 2, 3, 4(i) and (j), 303, 307, 308, 309 and 403 of the Communications Act of 1934, as amended.

IV. *Description, Potential Impact and Number of Small Entities Affected:* The proposed action is not expected to produce any particular impact on existing cable operations, large or small other than possibly increasing the level of competition in the cable franchise and programming markets as a result of network entry.

V. *Recording, Record Keeping and Other Compliance Requirements:* No recording, record keeping or reporting requirements for cable television operators are involved. The proposed action, however, will eliminate the need for possible Commission compliance actions or waiver proceedings related to the existing rule.

VI. *Federal Rules which Overlap, Duplicate or Conflict with this Rule:* None.

VII. *Any Significant Alternatives Minimizing Impact on Small Entities and Consistent with Stated Objectives:* None.

VIII. *Conclusions:* The Commission desires to eliminate regulatory intervention in the marketplace to the maximum extent consistent with its responsibilities and policy objectives. Review of the network/cable cross-ownership prohibition indicates that this limitation is not necessary as a means of assuring program diversity in local or national video markets and that it may be precluding the realization of cost benefits which might result from network/cable cross-ownership. Accordingly, the Commission seeks comment from all interested parties regarding elimination of the existing prohibition on cross-ownership between national television networks and cable television systems.

[FR Doc. 82-31377 Filed 11-16-82; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 23

Proposals To Amend the Appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of United States proposals.

SUMMARY: The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) regulates international shipment of certain wildlife and plant species, which are listed in appendices to this treaty. The Conference of the Parties to CITES resolved, at a meeting in New Delhi, India, that the status of listed species should be periodically reviewed. The first such review is to be concluded in 1983 at the next meeting of the Parties.

The Service has reviewed the status of wildlife and plant species listed on Appendices I and II that are native to the United States. This notice announces the Service's decisions on proposals that are to be submitted by the United States for consideration by CITES Party nations at their next regular meeting.

ADDRESS: Please send correspondence concerning this notice to the Office of the Scientific Authority, U.S. Fish and Wildlife Service, Washington, D.C. 20240. Materials received will be available for public inspection from 7:45 a.m. to 4:15 p.m., Monday through Friday, in room 537, 1717 H Street, NW., Washington, D.C..

FOR FURTHER INFORMATION CONTACT: Dr. Richard L. Jachowski, Office of the Scientific Authority, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone (202) 653-5948.

SUPPLEMENTARY INFORMATION:

Background

CITES regulates import, export, reexport, and introduction from the sea of certain animal and plant species. Species for which trade is controlled are included in three appendices. Appendix I includes species threatened with extinction that are or may be affected by trade. Appendix II includes species that although not necessarily threatened with extinction may become so unless trade in them is strictly controlled. It also lists species that must be subject to regulation in order that trade in other

currently or potentially threatened species may be brought under effective control. Such listings frequently are required because of difficulty in distinguished specimens of currently or potentially threatened species from other species at ports of entry. Appendix III includes species that any Party nation identifies as being subject to regulation within its jurisdiction for purposes of preventing or restricting exploitation, and for which it needs cooperation of other Parties in controlling trade.

At the Third Meeting of the Conference of the Parties to CITES, held on February 25 to March 8, 1981, at New Delhi, India, the Parties resolved to conduct a "Ten Year Review of the Appendices" (see 46 FR 33534, June 30, 1981). The resolution (Conf. 3.20) called for regional reviews of species in Appendices I and II. A Central Committee, composed primarily of representatives from various Parties, met in Switzerland in June 1982 to appraise and coordinate regional reviews.

The purpose of this notice is to announce results of the Service's review of listed plant and animal species in North America. This review was conducted in coordination with the Canadian Wildlife Service and the Direccion General de la Fauna Silvestre of Mexico. The Service considered comments and information received in response to previous notices and views of the Central Committee in determining if proposals described below were to be submitted to the CITES Secretariat for consideration by Parties at their fourth meeting in 1983. Previous notices on this subject were published on June 30, 1981 (46 FR 33534), February 17, 1982 (47 FR 7190), and April 2, 1982 (47 FR 14472).

Candidate Species

The Service's notices of February 17 and April 2, 1982, identified certain animal and plant species that were being considered as candidates for proposals to change their status under CITES. This section presents a discussion of the draft proposals, comments received following publication of the February and April notices, and the reasons for the Service's final decisions.

1. Gray wolf (*Canis lupus*)—The Service developed a draft proposal to remove Alaskan and Canadian populations of this species from Appendix II. Presently, all populations of *C. lupus* worldwide are listed in Appendix II except for those of India, Pakistan, Bhutan, and Nepal, which are in Appendix I. Alaskan and Canadian populations are not listed in Appendix II only because of similarity in appearance to wolves from other populations. The existence of State and Provincial licensing and tagging requirements was suggested as a means of distinguishing pelts of Alaskan and Canadian wolves in trade.

Comments in support of the proposal were received from the Alaska Department of Fish and Game, Senator Ted Stevens of Alaska, and the Wisconsin Department of Natural Resources. Opposition to the proposal was voiced by the Humane Society of the United States, Defenders of Wildlife, Inc., Monitor, and Ms. Janet Lidle of Clifton Heights, Pennsylvania. Objections centered on the need to maintain CITES controls as a means of monitoring international trade, and requiring tagging and documentation of pelts to distinguish them from pelts of wolves from other populations. The CITES Central Committee requested the U.S. to reconsider its proposal for the latter reason.

The Service has decided to submit this proposal because removal of the Alaskan and Canadian populations from Appendix II is not expected to create problems in controlling international trade in wolf pelts from other populations. Tagging and documentation of pelts by Alaskan and Canadian Provincial game departments provides a method of distinguishing them from wolf pelts originating elsewhere.

2. Swift fox (*Vulpes velox*)—The Service prepared a draft proposal to list this entire species in Appendix II because of the close similarity in appearance between the northern subspecies (*V. velox hebes*), which is now in Appendix I, and the southern subspecies (*V. velox velox*), which is not now listed. the Service also considered including the kit fox (*V. macrotis*) because some scientists consider it to be conspecific with *V. velox*.

Comments in opposition to this proposal were received from the State wildlife agencies of Alaska, Colorado, Louisiana, Nebraska, Soth Dakota, and Texas, and from the International Association of Fish and Wildlife Agencies, the American Fur Resources Institute, and the Arizona Trappers' Association. Information submitted in support of those comments by Dr. Major L. Boddicker shows that the southern subspecies is not potentially threatened by trade. Further, information that the northern subspecies might be extinct (McGrew, J.C. 1979. Mammal Species. 122:1–5) and that southern individuals are being introduced into its range indicate that this proposal were submitted by Defenders of Wildlife, who recommended listing the entire species in Appendix II because of similarity in appearance and because it would enable monitoring of trade in all swift foxes. There was no Central Committee recommendation on this proposal.

The Service has decided not to submit this proposal because there is no clear indication that the entire species needs to be listed in order to effectively control trade in *V. velox hebes*.

3. Bighorn sheep (*Ovis canadensis*)—The Service developed a draft proposal to remove populations of this species in the U.S. and Canada from Appendix II. The species is currently listed in Appendix II with U.S. and Canadian populations included only because of similarity in appearace to the Mexican population. The species is limited in distribution to these three countries. The proposal was based on the existence of strict control on hunting and trade in the species throughout its range, and evidence of a very low volume of trade.

The Service received comments supporting the proposal from State wildlife agencies of Alaska, Colorado, Texas, and Wyoming. Extensive comments in opposition to the proposal were submitted by the National Audubon Society, addressing three issues: (1) U.S. populations should remain listed for control purposes because Mexican populations can be threatened with exploitation for international trade, (2) Mexico's recommendation that its populations be kept on Appendix II, and (3) further information is needed, especially on Mexico's populations. Statements of support for the Audubon Society's comments were submitted by Defenders of Wildlife and Monitor. The Central Committee expressed concern about the desert bighorn, and made no recommendation on this proposal, pending the availability of further data on the Mexican population.

The Service has decided to submit this proposal. Delisting of the U.S. and Canadian populations should not cause problems for the control of trade in Mexican populations, given the strict control of sport hunting in all three countries. International trade in this species is at such a low level under current management regimes that it is unlikely to become a potential threat to the survival of the species.

4. Pronghorn antelope (*Antilocapra americana*)—The Service considered revising the current listings of *A. americana sonoriensis* and *A. americana peninsularis* in Appendix I and *A. americana mexicana* in Appendix II along geographic lines to allow practical CITES controls. The five subspecies of pronghorn are similar in

appearance and distinctions have been blurred by translocation of animals.

The Texas Parks and Wildlife Department expressed support for a proposal to list populations of the species in Mexico on Appendix I, adding that U.S. populations are effectively managed and that international trade is insignificant and limited to hunting trophies. The Wyoming Game and Fish Department, on the other hand, recommended listing both the pronghorn and bighorn sheep by subspecies because the listing of only the Mexican populations poses a problem in determining the source of animals once they enter international trade.

The Service has decided not to submit this proposal because the taxonomic and identification problems are not resolved, and because there is no firm indication that they undermine efforts to regulate international trade in the listed pronghorn subspecies.

5. Grizzly and brown bear (*Ursus arctos*)—The Service prepared a draft proposal to remove Alaskan and Canadian populations of this species from Appendix II. They are now listed only because of similarity in appearance to certain other populations of the species. The appendices do not include all populations of *U. arctos*. Hunting and trade in the species is strictly regulated in Alaska and Canada; State and Provincial licensing and tagging requirements provide a means of distinguished Alaskan and Canadian bear pelts in trade.

Comments in support of the proposal were received from the Alaska Department of Fish and Game, Senator Ted Stevens, and the Wyoming Game and Fish Department. Defenders of wildlife stated that illegal trade in claws and gall bladders of grizzly bears may be significant, and that the U.S. should not propose delisting until this trade is investigated and its impact is evaluated. The Central Committee recommended that all North American populations of *Ursus arctos* should be delisted and that all European populations of the species should be listed in Appendix II. Mexico concurs with this recommendation.

The Service had decided to submit a proposal to remove North American populations from Appendix II on the grounds that Alaskan and Canadian populations are already listed only for reasons of similarity of appearance, the population in the contiguous 48 States is protected under State and Federal laws, and the Mexican population appears to have been extirpated. However, the Service will reconsider this proposal if evidence materializes of significant threats from illegal international trade.

6. Canadian lynx (*Lynx canadensis*)—The Service developed a draft proposal to remove this species from Appendix II on the grounds that it was not potentially threatened with extinction by international trade and that it did not need to be listed because of similarity in appearance to other species.

Comments in support of this proposal were received from the State wildlife agencies of Alaska and Washington, and from Senator Stevens and the International Association of Fish and Wildlife Agencies. State wildlife agencies of Michigan and Wisconsin wrote that they had no opposition to the proposal. Extensive comments in opposition were submitted by Defenders of Wildlife. They argued that populations in the northern part of the 48 contiguous States and Alaska should be retained in Apendix II to protect them from overexploitation for international trade, and that the Canadian population should be retained in Appendix II only to facilitate control of trade in other lynx populations, especially those in the U.S. The Central Committee agreed that *Lynx canadensis* should be listed in Appendix II only because of similarity in appearance to other species, if it is to be retained in that Appendix. However, the Committee did not make a decision on whether the species should be delisted.

The Service has decided to submit a proposal to remove the species from Appendix II. The species is under State and Provincial management that should prevent its becoming threatened with extinction by international trade. Problems of similarity of appearance are limited to a few other cat species in Appendix II that, except for the bobcat and Eurasian lynx, do not enter international trade in large volumes. Most trade is in whole pelts, which are identifiable to species. The species most similar in appearance to the Canadian lynx are the Eurasian lynx (*Lynx lynx*), which is shipped from the Soviet Union under a reservation they entered with respect to this species, and the bobcat (*Lynx rufus*). The Service's decision to propose removal of the bobcat from Appendix II was discussed in a previous notice (47 FR 1242, January 11, 1982). The Central Committee's views on the bobcat were similar to those on the lynx.

7. River otter (*Luctra canadensis*)—The Service prepared a draft proposal to have this species listed in Appendix II for reasons of similarity in appearance to other species of otters. The species is now treated as listed because of potential threat to its survival from international trade as well as similarity in appearance.

Comments in support of the proposal were received from the North Carolina Wildlife Resources Commission, with the provision that annual requirements for population estimates, status report, and harvest level objectives would be deleted for the individual States. Recommendations to remove the river otter from Appendix II were submitted by State wildlife agencies of Alabama, Alaska, Idaho, Louisiana, Texas, Washington, and Wisconsin, and the International Association of Fish and Wildlife Agencies. The latter organization and several states suggested that some other means be found to deal with the similarity of appearance issue. Extensive comments in opposition to the proposal were submitted by the Society for Animal Protective Legislation. Its remarks addressed two issues: (1) The species should remain on Appendix II due to potential threat because there has been no significant improvement in the two major threats to its survival, habitat destruction and trade pressure, and because information on population density is scanty, and (2) reduction of U.S. protection for the river otter could prompt other countries to decrease their protection for other species. Defenders of Wildlife and Monitor expressed support for comments by the Society. The Central Committee Recommended that the river otter be retained in Appendix II only because of similarity of appearance to other otters.

The Service has decided to submit this proposal. Biological information is adequate to show that the species is not potentially threatened with extinction by international trade. State and Provincial wildlife agencies regulate the harvest at sustainable levels. CITES annual reports from several countries include records of international trade in various otter species. This indicates that delisting of the river otter could make it difficult to regulate trade in those other species. The only internationally acceptable alternative to the present proposal would seem to be transfer of the river otter to Appendix III. The legal basis for listing it in that Appendix is questionable, and it would not greatly alter the export requirements for otter pelts.

8. Tule white-fronted goose (*Anser albifrons gambelli*)—The Service developed a draft proposal to remove this subspecies from Appendix II because it is not readily distinguishable from the more common white-fronted goose. *A. albifrons frontalis*, and because it already is given as much protection from overexploitation for trade as is feasible under Migratory Bird

Treaties between the countries in which it occurs.

This proposal allows a recommendation by the CITES Secretariat that the tule goose be removed from Appendix II in accordance with a resolution of the Parties on the listing of subspecies (Conf. 2.20). The Central Committee also recommended its delisting. The International Council for Bird Preservation, United States Section, commented in opposition to the proposal. It stated that it would not oppose the delisting of the central flyway population, but that further information is needed about the population status and the extent to which the western flyway population is hunted in Mexico. The latter population has been described as a separate subspecies. *A. albifrons elgasi*, following the listing of *gambelli* in Appendix II.

The Service has decided to submit this proposal. An intensive study of *elgasi* by D. E. Timm, M. L. Wege, and D. S. Gilmer, has recently produced information about its population status. The close similarity in appearance between the tule goose and the more common Pacific white-fronted goose has frustrated efforts to determine the extent to which the tule goose is hunted in Mexico. Under these circumstances, retention of the subspecies in Appendix II to control international trade under CITES is not realistic.

9. Mona Island boa and Virgin Islands boa (*Epicrates monensis*)—The Service prepared a draft proposal to transfer these snakes from Appendix II to Appendix I on the grounds that both subspecies (*E. monensis monensis* on Mona Island and *E. monensis granti* on the Virgin Islands) are threatened with extinction and they are similar in appearance to the Puerto Rican boa (*E. inornatus*), which is listed in Appendix I.

This proposal was endorsed by the Central Committee, Defenders of Wildlife, and Mr. Frederick L. Paine, Curator of Birds and Reptiles at the Buffalo Zoo.

The Service has decided to submit this proposal for reasons given above

10. Blue pike (*Stizostedion vitreum glaucum*)—The Service developed a draft proposal to remove this subspecies from Appendix I because no specimens have been found since 1965 despite extensive scientific sampling of fish stocks, and because there is very little likelihood of international trade if fresh specimens were to be found. Further, the validity of subspecific status for the blue pike has been questioned because of the wide overlap of its morphometric characters with those of the walleye (*S. vitreum vitreum*).

Comments against the proposal were received from the Ohio Department of Natural Resources, on the grounds that it would be "administratively proper" to retain the blue pike in Appendix I as long as it was listed as an Endangered species under the Endangered Species Act of 1973. The Service has proposed the delisting of this fish under the Act. The Central Committee recommended in favor of the proposal to remove it from CITES Appendix I.

The Service has decided to submit the proposal.

11. Longjaw cisco (*Coregonus alpenae*)—The Service preparded a draft proposal to remove this fish from Appendix I. Its situation resembles that of the blue pike and the Service also has proposed its delisting under the Endangered Species Act. The last recorded specimens were single fish taken from Lake Michigan in 1959 and 1967. Even if fresh specimens were to be found, international trade is very unlikely. The taxonomic validity of this species is doubtful; Lee, et al. (1980) reported that it probably was a variant of *C. zenithicus*.

Comments in favor of the proposal were submitted by the Wisconsin Department of Natural Resources. They stated tht its 15-year absence from the Great Lakes and the great difficulty inherent in identifying deep-water cisco species justified removal from Appendix I. The Central Committee recommended adoption of the proposal.

The Service has decided to submit the proposal.

12. North American cacti (Family Cactaceae)—The Service received numerous comments from various state and Federal agencies and from private organizations, businesses, and individuals in response to its April 2, 1982, Federal Register notice (47 FR 14472–14474) on potential proposals to amend the CITES appendices. In that notice, the Service preliminarily recommended the transfer from CITES Appendix II to the more restrictive Appendix I of 119 taxa of cacti native to the U.S. or Mexico, or both, and sought information on the biological and trade status of each of these species to support their listing. A copy of the entire cactus proposal was mailed to a large number of individuals, organizations, and agencies in the U.S. and Mexico for review. The deadline for comments to be considered was August 31, 1982. The volume of information received by the Service on this proposal, both verbally and in writing, is too great to discuss in detail in the current notice, but is available for public inspection at the Office of the Scientific Authority. Most of the information received is in the form of recommendations to add or delete certain species to or from the proposal, rather than blanket endorsements or objections to the proposal as a whole.

A considerable amount of information on U.S. taxa was provided by the Service's Regional offices as part of a Service wide review and update of the 1980 Federal Register notice (45 FR 82479–82569) on candidate plant taxa being considered for listing as Endangered or Threatened species under the U.S. Endangered Species Act of 1973, as amended. This Regional and Area review provided detailed, current population and taxonomic information on many of the cactus candidates proposed in our April 2, 1982, notice and served as the basis for most of the revisions in the current proposal.

There was a lack of response to the Service's preliminary proposal from Mexican scientists and Mexican Federal agency officials regarding those species native to Mexico. Several U.S. cactus nurserymen specifically objected to the transfer to Appendix I of a number of Mexican species on the grounds that biological data did not support such a change in their listing status and that many of these species were actually quite common and widespread in parts of central and northern Mexico. Consequently, the Service has decided to delete a number of Mexican cacti from its proposal because of insufficient population data or because it appears that the species may be more common than was originally purported. The majority of these species were recommended to the U.S. as needing greater protecton by the Mexican Cactus Society (Sociedad Mexicana de Cactologia, A.C.) and the Mexican Department of Agriculture and Hydraulic Resources (Secretaria de Agricultura y Recursos Hidraulicos), but their recommendations were not accompanied or substantiated by population or trade data.

The proposal that the Service has decided to submit contains 71 taxa of cacti native to the U.S. or Mexico, or both, to be transferred from Appendix II to Appendix I, on the grounds that their wild populations are so rare or depleted that they are actually or potentially threatened by international trade. These taxa are:

CACTACEAE (Cactus Family)

Ancistrocactus tobuschii Marsh. ex Backbg. (TX)

Ariocarpus trigonus (Weber) K. Schum. (Mex.)

Backebergia militaris (Audot) Bravo ex Sanchez-Mejorada (Mex.)
Cereus eriophorus Pfeiffer & Otto var. *fragrans* (Sm.) L. Bens. (FL)
C. gracilis P. Mill. var. aboriginum (Sm.) L. Bens. (FL)
C. portoricensis (Britt.) Urban (Puerto Rico)
C. quadricostatus Bello (Puerto Rico)
C. robinii (Lemaire) L. Bens. (Fl, Cuba)
Coryphantha minima Baird (TX)
C. missouriensis (Sweet) B.&R. var. *marstonii* (Clover) L. Bens. (AZ, UT)
C. ramillosa Cutak (TX, Mex.)
C. robbinsorum (W. H. Earle) A. D. Zimmerman (AZ)
C. scheeri var. *uncinata* L. Bens. (NM, TX)
C. sneedii (B. & R.) Berger (NM, TX)
C. sulcata (Engelm.) B. & R. var. *nickelsiae* (Brandegee) L. Bens. (NM, TX, Mex.)
C. werdermannii Bod. (Mex.)
Echinocactus horizonthalonius Lemaire var. *nicholii* L. Bens. (AZ)
Echinocereus blankii (Poselger) F. Palmer var. *augusticeps* (Clover) L. Bens. (TX)
E. chloranthus (Engelm.) Engelm. ex Rumpler var. *neocapillus* Weniger (TX)
E. kuenzleri Castetter, Pierce & Schwerin (NM)
E. lloydii B. & R. (NM, TX)
E. reichenbachii (Terscheck) Haage f. var. *albertii* L. Bens. (TX)
E. reichenbachii var. *fitchii* (B. & R.) L. Bens. (TX, Mex.)
E. viridiflorus Engelm. var. *correllii* L. Bens. (TX)
E. viridiflorus var. *davisii* (A. D. Houghton) W. T. Marsh. (TX)
Echinofossulocactus sulphureus (Diet.) Y. Ito. (Mex.)
E. vaupelianus (Werd.) Whitmore (Mex.)
Ferocactus acanthodes (Lemaire) B. & R. var. *acanthodes* (AZ, CA, Mex.)
F. crassihamatus (Weber) B. & R. (Mex.)
F. rectispinus (Engelm.) B. & R. (Mex.)
F. townsendianus B. & R. (Mex.)
F. viridescens (Nutt.) B. & R. (CA, Mex.)
Leuchtenbergia principis Hooker (Mex.)
Lobeira macdougallii Alex. (Mex.)
Mammillaria carmenae Castaneda (Mex.)
M. coahuilensis (Bod.) Moran (Mex.)
M. crucigeria Martius (Mex.)
M. lenta Brandegee (Mex.)
M. napina J. A. Purpus (Mex.)
M. pectinifera Weber (Mex.) [*Solisia pectinata* (B. Stein) B. & R.].
M. plumosa Weber (Mex.)
M. solisioides Backbg. (Mex.)
M. thornberi Orcutt (AZ, Mex.)
N. wiesingeri Bod. (Mex.) (Includes *M. erectacantha* Foerster)
Neolloydia erectocentra (Coulter) L. Bens. (AZ, Mex.)
N. gautii L. Bens. (TX)
N. mariposensis (Hester) L. Bens. (TX, Mex.)
Opuntia arenaria Engelm. (NM, TX, Mex.)
Pediocactus bradyi L. Bens. (AZ)
P. *despainii* Welsh & Goodrich (UT)
P. knowltonii L. Bens. (NM)
P. *papyracanthus* (Engelm.) L. Gens. (AZ, NM)
P. paradinei B.W. Benson (AZ)
P. peeblesianus (Croizat) L. Bens. (AZ)
P. sileri (Engelm.) L. Bens. (AZ, UT)
P. winkleri Heil (UT)
Sclerocactus glaucus (J.A. Purpus) L. Bens. (CO, UT)
S. mesae-verdae (Boiss. & Davidson) L. Bens. (CO, NM)
S. polyancistris (Engelm. & Bigelow) B.&R. (CA, NV)
S. pubispinus (Engelm.) L. Bens. (NV, UT)
S. whipplei (Engelm. & Bigelow) B.&R. var. *heilii* Castetter, Pierce & Schwerin (NM)
S. wrightiae L. Bens. (UT)
Strombocactus disciformis (DC.) B.&R. (Mex.)
Turbinicarpus laui Gl. & Foster (Mex.)
T. lophophoroides (Werd.) Buxbaum & Backbg. (Mex.)
T. pseudomacrochele (Backbg.) Buxbaum & Backbg. (Mex.)
T. pseudopectinatus (Backbg.) Gl. & Foster (Mex)
T. schmiedickeanus (Bod.) Buxbaum & Backbg. (Mex.)
T. valdezianus) (Moller) Gl. & Foster (Mex.)
Wilcoxia schmollii (Weingart) Knuth (Mex.)
W. tomentosa Bravo (Mex.)

13. Luquillo Mts. Lepanthes (*Lepanthes eltoroensis* Stimson, Family Orchidaceae)—Dr. Andrew Robinson, Regional Botanist for the Service's Federal Assistance Office in Atlanta, Georgia, recommended that *Lepanthes eltoroensis* be transferred from Appendix II to Appendix I of CITES. This rare and local orchid is confined to a very restricted area of montane rain forest in the Luquillo Mountains of eastern Puerto Rico. According to Robinson, collection by orchid enthusiasts appears to be the most serious threat facing this species and many plants have already been removed. The Service finds sufficient information and grounds to propose transferring this species to Appendix I.

14. *Solanum "sylvestre"* (Family Solanaceae)—The Service proposes to remove the name *Solanum "sylvestre"* or *"silvestre"* from Appendix II of CITES on the grounds that the name is untraceable in the modern literature and has never been used or validly published as a scientific name. This name was submitted by the delegation of Mexico at the 1973 conference in Washington, D.C., and was added to Appendix II in 1975.

Dr. William D'Arcy, Research Botanist at the Missouri Botanical Garden and an expert on the Solanaceae, reported to the Service that he has found no reference to a *Solanum "silvestre"* anywhere in his files or in his work of many years on the genus, nor have any of his colleagues. It is his opinion that the name is an entirely spurious one and hence has no place on the CITES appendices. The Service concurs and is submitting a proposal to delete this name from Appendix II.

Copies of these proposals, which include the common names of the plant species listed above, are available upon request from the Office of the Scientific Authority at the above address.

This notice is issued under authority of the Endangered Species Act of 1973 (16 U.S.C. et seq.; 87 Stat. 884, as amended). It was prepared by Richard L. Jachowski and Joseph J. Dowhan, Office of the Scientific Authority.

Note.—The Department has determined that this is not a major rule under Executive Order 12291 and does not have a significant effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601).

List of Subjects in 50 CFR Part 23

Endangered and threatened wildlife, Exports, Fish, Imports, Plant (agriculture), Treaties.

Dated: November 10, 1982.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 82-31375 Filed 11-16-82; 8:45 am]
BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 47, No. 222
Wednesday, November 17, 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.

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Advisory Committee on Actuarial Examinations; Meeting

Notice is hereby given that the Advisory Committee on Actuarial Examinations will meet in Room 3313, Internal Revenue Service Building, 1111 Constitution Avenue, NW. in Washington, D.C. on December 14, 1982 beginning at 9 a.m.

The purpose of the meeting is to discuss topics and questions which may be recommended for inclusion on the May 1983 Joint Board examinations in actuarial mathematics and methodology referred to in Title 29 U.S.C. 1242(a)(1)(B) and to review the November 1982 Joint Board examinations in order to make recommendations relative thereto, including the minimum acceptable pass scores. In addition, possible topics for inclusion on the syllabus for the Joint Board's examinations will be discussed.

A determination as required by section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–462) has been made that the portions of the meeting dealing with the discussion of questions which may appear on the Joint Board's examination and the review of the November 1982 Joint Board examinations fall within the exceptions to the open meeting requirement set forth in Title 5 U.S.C. 552(c)(9)(B), and that the public interest requires that such portions be closed to public participation.

The portion of the meeting dealing with the discussion of the Joint Board examination syllabus will commence at 2:00 p.m., and will continue for as long as necessary to complete the discussion, but not beyond 5:00 p.m. This portion of the meeting will be open to the public as space is available. Time permitting, after discussion of the program by Committee members, interested persons may make statements germane to this subject. Persons wishing to make oral statements are requested to notify the Committee Management Office in writing prior to the meeting in order to aid in scheduling the time available, and should submit the written text, or, at a minimum, an outline of comments they propose to make orally. Such comments will be limited to ten minutes in length. Any interested person also may file a written statement of consideration by the Joint Board and Committee by sending it to the Committee Management Officer. Notifications and statements should be mailed no later than December 3, 1982 to Mr. Leslie S. Shapiro, Joint Board for the Enrollment of Actuaries, c/o U.S. Department of the Treasury, Washington, D.C. 20220.

Dated: November 12, 1982.

Leslie S. Shapiro,

Advisory Committee Management Officer, Joint Board for the Enrollment of Actuaries.

[FR Doc. 82–31491 Filed 11–16–82; 8:45 am]

BILLING CODE 4810–25–M

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Adjudication; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Adjudication of the Administrative Conference of the United States, to be held at 10:30 a.m. on Wednesday, December 1, 1982, in the Third Floor Conference Room OSHRC, 1825 K Street NW.

The Committee will meet to hear progress reports from Committee consultants on two pending projects: Professor David Welborn's study of agency experience under the Government in the Sunshine Act and Professor Ronald Cass' study of agency structures for review of decisions of presiding officers.

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 Richard K. Berg, Office of the Chairman, Administrative Conference of the United States, 2120 L Street NW., Suite 500, Washington, D.C. 20037. (Telephone: 202–254–7020.) Minutes of the meeting will be available on request.

Richard K. Berg,

General Counsel.

November 10, 1982.

[FR Doc. 82–31473 Filed 11–16–82; 8:45 am]

BILLING CODE 6110–01–M

Siting Procedures; Non-lawyer Representation; Committee Meeting

AGENCY: Administrative Conference of the United States; Committee on Regulation.

ACTION: Committee meeting.

AGENDA: The Committee will meet with its consultants to discuss progress on the projects: (1) Siting procedures for large-scale industrial facilities, and (2) Non-lawyer representation of clients in agency proceedings.

DATE AND TIME: December 16, 1982, 9:00 a.m.—Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C., 6th Floor, Conference A.

PUBLIC PARTICIPATION: Attendance at the Committee's meeting is open to the public, but limited to the space available. Persons wishing to attend should notify the contact person at least two days in advance of the meeting. The Committee chairman may permit members of the public to present appropriate oral statements at the meeting. Any member of the public may file a written statement with the Committee before, during, or after the meeting. Minutes of the meeting will be available on request to the contact person. This meeting is subject to the Federal Advisory Committee Act (Pub. L. 92–463).

FOR FURTHER INFORMATION CONTACT: William C. Bush, Administrative Conference of the United States, 2120 L Street NW., Suite 500, Washington, D.C. 20037. Telephone: (202) 254–7065.

SUPPLEMENTARY INFORMATION:

1. Siting Procedures—This project deals with the process of obtaining

permits for the siting of large scale industrial facilities, particularly seaports and energy production, processing, or transportation facilities that may have a significant environmental effect. Our study will search for ways to speed up the permit process by improving cooperation and understanding between industry, state and local governments, the federal government, environmental interest groups, and affected local citizens. ACUS will be coordinating its efforts on this project with the Advisory Commission on Intergovernmental Relations. Our consultant is Professor Gregory Ogden of Pepperdine University School of Law.

2. Non-lawyer Representation—Our consultant, Professor Jonathan Rose of Arizona State University School of Law, is advising the Committee on possible roles for non-lawyer experts (financial, scientific, economic, etc). as direct representatives of clients in agency regulatory proceedings. Particular problems to be explored are the difficulties in exerting ethical controls on non-lawyers and the treatement of a client-representative confidentiality privilege.

Richare K. Berg,

General Counsel.

November 10, 1982.

[FR Doc. 82-31453 Filed 11-16-82; 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

November 12, 1982.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form numbers(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Public Law 96-511 applies; (9) Name and telephone number of the agency contact person.

Comments and questions about the items in the listing should be directed to the agency person named at the end of each entry. If you anticipate commenting on a form but find that preparation time will prevent you from submitting comments promptly, you should advise the agency person of your intent as early as possible.

Copies of the proposed forms and supporting documents may be obtained from: Richard J. Schrimper, Statistical Clearance Officer, (202) 447-6201.

New

• Extension Service
Plan of Work—State Cooperative Extension Services
Form A
Annually
State or local governments: 56 responses; 12,992 hours; not applicable under 3504(h)
Constance McKenna, (202) 447-7300

Revised

• Soil Conservation Service
Application for Payment
SCS-FNM-141
On occasion
Farms: 18,600 responses; 4,650 hours; not applicable under 3504(h)
Roy R. Twidt, (202) 447-4251

Extension

• Agricultural Marketing Service
Cotton Market Canvass
CN-73-1
Weekly
Businesses or other institutions: 1,750 responses; 280 hours; not applicable under 3504(h)
Loyd R. Frazier, (202) 447-2147
• Farmers Home Administration
7 CFR Part 1942A—Community Facility Loans
FmHA 440-11, 440-22, 440-24, 442-2, 442-3, 442-7, 442-8, 442-9, 442-20, 442-21, 442-22, 442-28, 442-46, 442-47, 1942-19
On occasion, quarterly, annually
State or local government and businesses or other institutions: 110,639 responses; 237,659 hours; not applicable under 3504(h)
Wallis McArthur, (202) 382-9586

Richard J. Schrimper,

Statistical Clearance Officer.

[FR Doc. 82-31479 Filed 11-16-82; 8:45 am]

BILLING CODE 3410-01-M

CIVIL AERONAUTICS BOARD

[Docket No. 40829]

Aeroamerica, Inc., A. Joel Eisenberg; Enforcement Proceeding; Postponement of Hearing

Notice is hereby given that a hearing in the above-entitled matter scheduled to be held on November 17, 1982 (47 FR 46730, October 20, 1982), is hereby postponed until December 2, 1982, at 10:00 a.m. (local time), in Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., November 10, 1982.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 82-31490 Filed 11-16-82; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Certain Steel Pipes and Tubes From Japan; Amendment to preliminary Determination of Sales at Less Than Fair Value and Exclusion From Preliminary Determination

AGENCY: International Trade Administration, Commerce Department.

ACTION: Amendment to Preliminary Determination of Sales at Less Than Fair Value and Exclusion from Preliminary Determination.

SUMMARY: On August 25, 1982, we announced our preliminary determination that certain steel pipes and tubes from Japan are being, on are likely to be, sold in the United States at less than fair value. We directed the U.S. Customs Service to suspend the liquidation of all entries of this merchandise, with the exception of entries of this merchandise produced by Kobe Steel, Ltd. (Kobe), and that the Customs Service require a cash deposit or the posting of a bond in an amount equal to the estimated dumping margin listed for each manufacturer investigated, except Kobe.

We are amending our preliminary determination of sales at less than fair value to exclude merchandise produced by Sanyo Special Steel, Ltd. (Sanyo). The directive that was issued September 23, 1982, to suspend liquidation is hereby terminated with respect to Sanyo. No cash deposit or bond will be required at the time of each entry, or withdrawal from warehouse, for consumption in the United States of this merchandise produced by this manufacturer. All other manufacturers, with the exception of Kobe and Sanyo, will continue to be subject to our original notice. Customs officers are being instructed to refund all deposits of estimated duties paid by importers on enteries of certain steel pipes and tubes produced by Sanyo.

EFFECTIVE DATE: November 17, 1982.

FOR FURTHER INFORMATION CONTACT: Stuart Keitz, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230 (202) 377–1769.

Amendment

On October 1, 1982, we found clerical errors in our fair value calculations for Sanyo. On correction of the figures, we found that Sanyo's weighted-average dumping margin was reduced from 0.62 percent to 0.47 percent, which is *de minimis*. We, therefore, are excluding Sanyo from the preliminary determination.

Accordingly, we are amending our preliminary determination of sales at less than fair value by directing the U.S. Customs Service to remove the suspension of liquidation earlier imposed on imports of certain steel pipes and tubes manufactured by Sanyo. Customs officers are being instructed to refund all deposits of estimated duties paid by importers of entries of certain steel pipes and tubes produced by Sanyo. Our preliminary determination is, otherwise, unchanged.

This determination is published in accordance with § 353.39, Commerce Regulation (19 CFR 353.39).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

November 10, 1982.

[FR Doc. 82–31426 Filed 11–16–82; 8:45 am]

BILLING CODE 3510–25–M

Perchlorethylene From France; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce Department.

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 perchlorethylene from France. The review covers the only known exporter of this merchandise to the United States, Chloe Chimie, and the period May 1, 1981 through April 30, 1982. There were no known shipments of this merchandise to the United States during the period and there are no known unliquidated entries.

As a result of the review, the Department has preliminarily determined to require cash deposits of estimated antidumping duties equal to the margin calculated on the last known shipments. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: November 17, 1982.

FOR FURTHER INFORMATION CONTACT: Arthur N. DuBois or Susan Crawford, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377–3601.

SUPPLEMENTARY INFORMATION: .

Background

On November 9, 1981, the Department of Commerce ("the Department") published in the **Federal Register** (46 FR 55296) the final results of its last administrative review of the antidumping finding on perchlorethylene from France (44 FR 29045–6, May 19, 1979) and announced its intent to conduct the next administrative review by the end of May 1983. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of perchlorethylene, including technical grade and purified grade perchlorethylene. Perchlorethylene is a clear water-white liquid at ordinary temperature with a sweet odor and is completely capable of being mixed with most organic liquids. It is a chlorinated solvent used mainly for dry cleaning of clothing, but is also used in other applications such as vapor degreasing of metals. Perchlorethylene is currently classifiable under item 429.3400 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of only one exporter of French perchlorethylene to the United States, Chloe Chimie.

The review covers the period May 1, 1981 through April 30, 1982. There were no known shipments to the United States during the period and there are no known unliquidated entries.

Chloe Chimie has requested a revocation of the finding with regard to its sales of perchlorethylene to the United States. The firm did not ship to the United States since the date of the finding, May 19, 1979. As provided for by § 353.54(e) of the Commerce Regulations, Chloe Chimie has agreed in writing to an immediate suspension of liquidation and reinstatement of the finding of dumping if circumstances develop which indicate that perchlorethylene produced by Chloe Chimie thereafter imported into the United States is being sold by it at less than fair value.

The Department is not considering the request for revocation at this time because the firm has not demonstrated that it meets the Department's minimum requirements for a revocation. In order for a firm to qualify for revocation the Department requires that, at a minimum, a firm demonstrate that it had:

(1) Two years of sales at not less than fair value, or

(2) Four years of no shipments, or

(3) A three-year combination of at least one year of sales at not less than fair value and two years of no shipments.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties of 47.8 percent, based upon the margin calculated on the last known shipments of this merchandise from Chloe Chimie, shall be required on all shipments of French perchlorethylene entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

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.

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).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

November 10, 1982.

[FR Doc. 82–31428 Filed 11–16–82; 8:45 am]

BILLING CODE 3510–25–M

Racing Plates (Aluminum Horseshoes) From Canada; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce Department.

ACTION: Notice of final results of administrative review of antidumping finding.

SUMMARY: On August 2, 1982, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on racing plates (aluminum horseshoes) from Canada. The review covered the three known exporters of this merchandise to the United States and various periods through January 31, 1982.

Interested parties were given an opportunity to submit oral or written comments. One exporter submitted written comments. As a result of our analysis of the comments, we have made no changes in these final results from those contained in our preliminary results of review.

EFFECTIVE DATE: November 17, 1982.

FOR FURTHER INFORMATION CONTACT: Valerie Newkirk or Susan Crawford, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–3601).

SUPPLEMENTARY INFORMATION:

Background

On February 27, 1974, a dumping finding with respect to racing plates (aluminum horseshoes) from Canada was published in the **Federal Register** as Treasury Decision 74–77 (39 Fr 54388). On August 2, 1982, the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 33307–8) the preliminary results of its administrative review of the finding. The Department has now completed that review.

Scope of the Review

Imports covered by the review are shipments of racing plates (aluminum horseshoes) that are used on race horses, polo, jumping, hunting, and other performing horses, as differentiated from pleasure and work horses, are made of aluminum, may have cleats or caulks, and come in a variety of sizes. Racing plates (aluminum horseshoes) are currently classifiable under item 652.4200 of the Tariff Schedules of the United States Annotated (TSUSA).

The review covers the three known exporters of racing plates from Canada to the United States and various periods through January 31, 1982.

Analysis of Comments Received

Interested parties were given an opportunity to submit oral or written comments on our preliminary results. We received written comments from one reporter, Niagara Forge Inc. ("Niagara").

(1) Comment: Niagara, a new exporter, questioned our use of the best information available to establish the rate for deposit of estimated antidumping duties for non-responding firms.

Department's Position

It is the Department's general rule for non-responding firms, for which no prior information is available, to use the highest current rate for responding firms with shipments, if higher than the fair value rate, for cash deposit purposes.

(2) Commment: Niagara requested it be excluded from the antidumping finding.

Department's Position

The Department is not considering Niagara's request for revocation because it does not meet the Department's minimum requirements for a revocation. In order for a firm to qualify for revocation, the Department requires at a minimum that a firm demonstrate that, since the date of the finding, it has had two years of sales at not less than fair value, four years of no shipments, or 3 years any one of which had shipmemnts at not less than fair value. Further, as provided for by § 353.54(e) of the Commerce Regulations, a firm must agree in writing to an immediate suspension of liquidation and reinstatement of the finding of dumping if circumstances develop which indicate that the merchandise produced by that firm and thereafter imported into the United States is being sold by it at less than fair value. Niagara did not furnish such an agreement.

Final Results of the Review

After our analysis of the comments received, the final results of our review are the same as those presented in our preliminary results of review, and we determine that the following weighted-average margines exist.

Exporter	Time period	Margin (percent)
Canadian Racing Plate Co., Limited	2/1/81–1/31/82	[1]31.94
Equine Forgings Limited	2/1/80–1/31/81	4.80
	2/1/81–1/31/82	6.77
Niagara Forge Inc.	2/1/81–1/31/82	6.77

[1] No shipments during the period.

The Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries with purchase dates during the periods involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The department will issue assessment instructions directly to the Customs Service.

Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based on the above margins shall be required on all shipments of Canadian racing plates (aluminum horseshoes) from these firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. For any shipment from a new exporter not covered in this review, unrelated to any covered firm, a cash deposit shall be required at the highest rate for responding firms with shipments during the most recent period in which shipments occurred. These deposit requirements shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of February 1984. The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information during the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675 (a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

November 10, 1982.

[FR Doc 82–31429 Filed 11–16–82;8:45 am]

BILLING CODE 3510–25–M

Subcommittee on Export Administration of the President's Export Council

AGENCY: International Trade Administration, Commerce Department.

SUMMARY: In accordance with section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Subcommittee on Export Administration of the President's Export Council will be held on Friday, December 3, 1982.

The Subcommittee on Export Administration was initially established on June 1, 1976. Executive Order 12258 of December 31, 1980, continued the Subcommittee until December 31, 1982.

The Subcommittee provides advice on matters pertinent to those portions of the Export Administration Act of 1979 which deal with United States policies of encouraging trade with all countries with which the United States has diplomatic or trading relations, and of

controlling trade for national security and foreign policy reasons.

TIME AND PLACE: The meeting will take place at 9:00 a.m., December 3, 1982, at the Main Commerce Building, Room 6802, 14th Street and Constitution Avenue, N.W., Washington, D.C. The public session will be from 9:00 a.m. to 11:30 a.m.

AGENDA:

Open Session. The agenda for the public session is as follows:

09:00–09:15 Opening Remarks; Chairman David Scott
09:15–09:45 Report on COCOM Reexports; Tom Christiansen
09:45–10:00 Report on OEA Automation; Ed Law
10:00 a.m. Break
10:15–10:50 Foreign Export Controls; Ed Law
10:50–11:00 Export Administration Act—Interim Report; John Copeland
11:00–11:30 Export Enforcement Activities of Customs and Commerce; Representatives of Customs and OEE.

Executive Session. From 1:15 p.m. to 3:00 p.m., the Subcommittee will meet in Executive Session to discuss matters properly classified under Executive Order 12356 (formerly E.O. 12065), dealing with various interim reports and study proposals.

SUPPLEMENTARY INFORMATION: The Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 8, 1982, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94–409, that the matters to be discussed in Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 522b(c)(1) and properly classified under Executive Order 12356.

A copy of the Notice of Determination to close the Subcommittee's meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, telephone: (202) 377–4217.

For further information contact: Ms. Debbie Kappler, Office of the Assistant Secretary for Trade Administration, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–1455) or Ms. Elizabeth Maatsch, President's Export Council, Room 3213 (202/377–1125).

Dated: November 10, 1982.

Lawrence J. Brady,

Assistant Secretary for Trade Administration.

[FR 82-31427 Filed 11-16-82; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

North Pacific Fishery Management Council, Its Scientific and Statistical Committee and Its Advisory Panel; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The North Pacific Fishery Management Council, established by section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265), has established a Scientific and Statistical Committee (SSC) and Advisory Panel (AP) to assist the Council in carrying out its responsibilities under the Act. The Council, its SSC and AP will hold separate public meetings.

DATES: The Council meeting will convene on Tuesday, December 7, 1982, at approximately 9 a.m., in the Alaska Room of the Westward Hilton Hotel, Anchorage, Alaska, and will adjourn on Thursday, December 9, at approximately 5 p.m. The SSC meeting will convene on Monday, December 6, 1982, at approximately 9 a.m., in the Bureau of Land Management Conference Room 284, 605 West Fourth Avenue (the old Federal Court Building), Anchorage, Alaska, and may continue on Tuesday, December 7. The AP meeting will also convene on Monday, December 6, 1982, at approximately 9 a.m., and will adjourn at approximately 5 p.m., in the Kenai Room at the Westward Hilton Hotel.

Proposed Agendas: *Council*—The Council will meet with the Alaska Board of Fisheries on Tuesday, December 7, to discuss and hear public testimony on the western Alaska herring and Gulf of Alaska and Bering Sea/Aleutians groundfish fisheries. The Council and Alaska Board of Fisheries will also hear staff reports on the 1982 Bering Sea herring fishery, preliminary results of the Aleutian Islands area herring stock fishery, preliminary results of the Aleutian Islands area herring stock separation study, and the content and status of the revised draft Bering-Chuckchi Sea Herring Fishery Management Plan (FMP); conduct a public hearing on Board herring proposals of mutual concern and discuss the general approach to Bering Sea herring management. The joint body will also hear reports on the status of the Alaskan groundfish fishery, recent changes to and current status of the Gulf of Alaska Groundfish and Bering Sea/Aleutian Islands Groundfish FMP's and fisheries projections for 1983. The Council and Board will hear public comments on Board groundfish proposals of mutual concern and also discuss general groundfish management. There may be preliminary discussions on Southeast Alaska salmon management in preparation for the main salmon discussion between the Board and the Council in Juneau in January 1983. The joint meeting is expected to be only one day, but the meetings may be lengthened or shortened depending upon the progress on the agenda items.

The Council will also hear reports on domestic and foreign fisheries, enforcement and surveillance, disposition of violations by foreign vessels fishings off Alaska, the crab observer program, year-end reports on joint venture operations and consideration of permit applications of foreign nations to fish and/or participate in joint ventures off Alaska. The Council plans to discuss the fisheries provisions of the Law of Sea Treaty, the proposed halibut moratorium and limited entry study and a joint venture logbook program for 1983.

The Council will also review the question of banning the use of pot gear for sablefish in the Gulf of Alaska from Cape Addington to 140° W longitude, may approve the revised Bering-Chuckchi Sea Herring FMP for resubmission to the Secretary of Commerce and consider final adoption of a Pacific Fishery Management Council/North Pacific Fishery Management Council coastwide natural chinook policy. A report will also be presented on the status of natural chinook stocks and general management alternatives for 1983. A report on the status of U.S./Canada salmon negotiations may also be available.

A schedule will also be proposed for frameworking the Tanner Crab FMP, and the Council will review an example resource assessment document for the Bering Sea/Aleutian Islands groundfish fishery and also consider domestic annual harvest recommendations for 1983. Advisory Panel appointments and Scientific and Statistical Committee membership will also be confirmed, as well as proposed consideration of various contracts.

SSC AND AP. Agendas will be similar to that of the Council. However, a detailed agenda of Council, SSC and AP activities will be sent to the public around November 22, 1982.

Further Information: North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510, Telephone: (907) 274–4563.

Dated: November 10, 1982.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 82-31439 Filed 11-16-82; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

Technical and licensing information on specific inventions may be obtained by writing to: Office of Government Inventions and Patents, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151.

Please cite the number and title of inventions of interest.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

SN 6-398,001—Propagation of Hemorrhagic Enteritis Virus in a Turkey Cell Line, Department of Agriculture

SN 6-367,638—A Novel Synthesis of Aryl Esters and Aryl Thioesters of Indole-3-Acetic and Indole-3-Butyric Acids and Their Use as Auxin Growth Regulators, Department of Agriculture

SN 6-367,639—Synthesis of N-Phenyl and N-Substituted Phenyl Indolyl-3-Acetamide and Indolyl-3-Butyramide and Related Esters and Thioesters and Their Use as Auxin Growth Regulators, Department of Agriculture

SN 6-391,064—Erythro-9, 10-Dihydroxyoctadecan-1-ol Acetate A Boll Weevil Anti-Feedant, Department of Agriculture

SN 6-326,996—Control of Parasitic Ticks, Department of Agriculture

SN 6-326,995—Control of Parasitic Ticks, Department of Agriculture

SN 6-345,455—Extending Plate Earth Anchor and Method, Department of Agriculture

SN 6-322,332—Rod Press Fruit Harverster, Department of Agriculture

SN 6-347,129—Recirculating Wiper for Agricultural Chemicals Department of Agriculture

SN 6-337,045—Radiation-Resistant Fluoroaromatic Ethers, Department of Agriculture

SN 6-337,044—Segmented Fiber Sampler, Department of Agriculture

SN 6-332,906—Process and Apparatus for Encapsulating Additives in Resealed Erythrocytes for Disseminating Chemicals Via the Circulatory System, Department of Agriculture

SN 6-332,905—Process and Apparatus for Encapsulating Additives in Resealed Erythrocytes for Disseminating Chemicals Via the Circulatory System, Department of Agriculture

SN 6-364,517—Expression of Retroviral myc Genes in Human Neoplastic Cells, Department of Health & Human Services

SN 6-304,571—A Simian Virus Recombinant that Directs the Synthesis of Hepatitis B Surface Antigen, Department of Health & Human Services

SN 6-414,904—Blood Pressure Cuff Calibration System, Department of Health & Human Services

SN 6-423,203—Repair of Tissue in Animals, Department of Health & Human Services

SN 6-100,843 (4,308,145)—Relatively Thick Polycarbonate Membranes for use in Hemodialysis, Department of Health & Human Services

SN 6-208,029 (4,349,538)—Nuclease-Resistant Hydrophilic Complex of Polyriboinosinic-Polyribocytidylic Acid, Department of Health & Human Services

SN 6-831,279 (4,350,984)—Method of Position Fixing Active Sources Utilizing Differential Doppler, National Security Agency

SN 6-274,087 (4,351,130)—Recessive Tall-A Fourth Genetic Element to Facilitate Hybrid Cereal Production, Department of Agriculture

SN 6-294,095 (4,351,857)—New Surface in Cellulosic Fibers by Use of Radiofrequency Plasma of Ammonia, Department of Agriculture

SN 6-314,323 (4,352,827)—Altered Brining Properties of Produce by a Method of Pre-Brining Exposure of the Fresh Produce to Oxygen or Carbon Dioxide, Department of Agriculture

SN 6-276,768 (4,352,930)—Bromine-Containing 2, 4-Diaminotriazines, Department of Agriculture

SN 6-790,988 (4,353,375)—Activity Monitor for Ambulatory Subjects, Department of Health & Human Services

SN 6-302,007 (4,353,707)—Textile Finishing Agents from Reaction Products of Carbamates and Glutaraldehyde, Department of Agriculture

SN 6-254,318 (4,354,352)—Catalytic Coating to Directly Generate Heat Upon the Surface of a Heat Dome, Department of the Interior

SN 6-153,074 (4,354,821)—Multiple Stage Catalytic Combustion Process and System, Department of the Enviromental Protection Agency

SN 6-187,382 (4,355,051)—Direct Extraction Process for the Production of a White Defatted Food-Grade Peanut Flour, Department of Agriculture

SN 6-115,538 (4,355,727)—Intermediate Support for a Skyline Logging System, Department of Agriculture

SN 6-199,781 (4,356,117)—Chemical Modifications of Proteins Which Induce New Receptor Specificities and Therefore Elicit New Effects in Cells, Department of Health & Human Services

SN 6-040,921 (4,356,164)—Detection of Non-A, Non-B Hepatitis Associated Antigen, Department of Health & Human Services

SN 6-245,463 (4,356,180)—Insect Repellants, Department of Agriculture

SN 6-098,460 (4,353,926)—Soda Crackers, Department of Agriculture

[FR Doc. 82-31477 Filed 11-16-82; 8:45 am]

BILLING CODE 3510-04-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Import Levels for Certain Cotton Textile Products Under a New Bilateral Agreement With Indonesia

November 15, 1982.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import restraint levels for men's and boys' woven cotton shirts in Category 340 and cotton trousers in Category 347/348, produced or manufactured in Indonesia and exported during the twelve-month period which began on July 1, 1982 under a new bilateral agreement.

(A detail description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 F.R. 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), October 27, 1981 (46 FR 52409), February 9,

1982 (47 FR 5926), and May 13, 1982 (47 FR 20654))

SUMMARY: On November 9, 1982, the Governments of the United States and the Republic of Indonesia signed a new Bilateral Textile Agreement which established specific ceilings for Categories 340 and 347/348 during the agreement year which began on July 1, 1982. In the letter following this notice the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs, in accordance with the terms of the new agreement, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 340 and 347/348, produced or manufactured in Indonesia and exported during the twelve-month period which began on July 1, 1982 and extends through June 30, 1983, in excess of 321,000 dozen and 541,606 dozen, respectively. This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

On September 1, 1982, the Chairman of the Committee for the Implementation of Textile Agreements issued a directive to the Commissioner of Customs (published at 47 FR 39226, September 7, 1982) under the terms of Article 3 and Annex B of the Arrangement Regarding International Trade in Textiles, limiting imports of cotton textile products in Categories 340 and 347/348 produced or manufactured in Indonesia and imported into the United States during the twelve-month period which began on May 28, 1982 and extends through May 27, 1983 to levels of 235,256 dozen and 537,661 dozen, respectively. The letter published below cancels and supersedes the directive of September 1, 1982.

EFFECTIVE DATE: November 18, 1982.

FOR FURTHER INFORMATION CONTACT: Claire McDermott, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

November 15, 1982.

Committee for the Implementation of Textile Agreements

Commissioner of Customs, Department of the Treasury, Washington, D.C. 20229.

Dear Mr. Commissioner: This directive cancels and supersedes, effective on November 18, 1982 the directive issued to you on September 1, 1982 by the Chairman of the Committee for the Implementation of Textile Agreements which directed you to prohibit entry of cotton textile products in Categories 34 and 347/348, produced or manufactured in Indonesia and imported during the twelve-month period which began on May 28, 1982.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Textile Agreement of November 9, 1982, between the Governments of the United States and the Republic of Indonesia; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on November 18, 1982, and for the twelve-month period beginning on July 1, 1982 and extending through June 30, 1983, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 340 and 347/348 in excess of the following levels of restraint:

Category	12-Month level of restraint[1] dozens
340	321,000
347/348	541,606

[1] The levels of restraint have not been adjusted to reflect any imports after June 30, 1982.

Textile products in Categories 340 and 347/348 produced or manufactured in Indonesia that have been exported to the United States before July 1, 1982 shall not be subject to this directive.

Textile products in Categories 340 and 347/348 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

The levels of restraint set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement of November 9, 1982 between the Governments of the United States and the Republic of Indonesia, which provide, in part, that (2) specific levels of restraint may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve problems arising under the bilateral agreement. Any appropriate adjustments under the bilateral agreement, referred to above, will be made to you by letter.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), October 27, 1981 (46 FR 52409), February 9, 1982 (47 FR 5926), and May 13, 1982 (47 FR 20654).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Indonesia and with respect to imports of cotton textile products from Indonesia have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register**.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 82-31581 Filed 11-16-82; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; Amendments to Systems of Records

AGENCY: Department of the Army, DoD.

ACTION: Deletion of and amendments to notices for systems of records.

SUMMARY: The Department of the Army proposes to delete one and amend one system notice for systems of records subject to the Privacy Act of 1974. Following identification of changes, the amended notice is set forth in its entirety below.

DATE: Actions shall be effective December 17, 1982 unless public comments are received which result in a contrary determination.

ADDRESS: Comments may be submitted to Headquarters, Department of the Army, ATTN: DAAG–AMR–S, Room 1146, Hoffman Building 1, 2461 Eisenhower Avenue, Alexandria, VA 22331.

FOR FURTHER INFORMATION CONTACT: Mrs. Dorothy Karkanen, Office of The Adjutant General, Department of the Army at the above address; telephone: 703/325–6163.

SUPPLEMENTARY INFORMATION: The Department of the Army inventory of system notices for systems of records subject to the Privacy Act of 1974, Title 5, United States Code Section 552a (Pub. L. 93–579; 88 Stat. 1896 *et seq.*) appeared in the **Federal Register** at:

FR Doc. 82–674 (47 FR 2544), January 18, 1982
FR Doc. 82–5277 (47 FR 8610), March 1, 1982
FR Doc. 82–11002 (47 FR 17324), April 22, 1982
FR Doc. 82–12993 (47 FR 20654), May 13, 1982
FR Doc. 82–16040 (47 FR 25780), June 15, 1982

FR Doc. 82-20786 (47 FR 33314), August 2, 1982
FR Doc. 82-23089 (47 FR 36880), August 24, 1982
FR Doc. 82-27594 (47 FR 44379), October 7, 1982

An altered system report for the amended system was submitted in accordance with 5 U.S.C. 552a(o) on October 12, 1982.

M. S. Healy,
OSD Federal Register Liaison Officer, Department of Defense.
November 12, 1982.

Deletion

A1012.03pDAMO

System name:

USAWC Individual Student Counseling Records (44 FR 73963), December 17, 1979.

Reason:

Records formerly subject to the Privacy Act are no longer maintained; previous records have been destroyed.

Amendment

A0917.10aDAAG

System Identification:

Delete suffix and "DAAG"; substitute: "DASG".

System Name:

Delete "Child Protection"; substitute: "Family Advocacy".

Categories of individuals covered by the system:

Substitute "family" for "children".

Categories of records in the system:

Delete entry; add the following: "Medical records of suspected or established cases of child abuse or neglect cases of spouse abuse, investigative reports, correspondence, family advocacy case management team reports, follow-up and evaluative reports, and other supportive data relevant to individual family advocacy case management files."

Authority:

Delete entry; substitute therefor: "Pub. L. 93-247, Child Abuse Prevention and Treatment Act; DOD Directive 6400.1, Family Advocacy Program."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entire present entry and substitute the following: "Information is used by the Department of the Army:

"(1) To provide child abuse and neglect treatment services and treatment services for abused and abusive spouses. Services include mental health, education, counseling, health care, child protection, legal and referral, for members and former members of the uniformed services, civilians, and dependents receiving medical care under Army auspices;

"(2) To determine qualifications and suitability of Army personnel for duty assignments and fitness of continued military service;

"(3) To perform research studies and compile statistical data concerning uniformed services personnel, civilians and dependents receiving medical care under Army auspices;

"Information may be disclosed to:

"(1) Officials and employees of other components of the Department of Defense and other departments and agencies of the Executive Branch of government in performance of their official duties relating to coordination of family advocacy programs, medical care and research concerning child abuse and neglect, and spouse abuse;

"(2) The Attorney General of the United States or his authorized representatives in connection with litigation or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies;

"(3) Federal, state, or local governmental agencies when it is deemed appropriate to use civilian resources in counseling and treating individuals or families involved in child abuse or neglect, or spouse abuse, or when appropriate or necessary to refer a case to civilian authorities for civil or criminal law enforcement;

"(4) National Academy of Sciences, private organizations and individuals for health research in the interest of the Federal government and the public, and authorized surveying bodies for professional certification and accreditation such as Joint Commission for the Accreditation of Hospitals."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Retrievability:

Delete entry; substitute therefor: "By name of the suspected abused child or the abused or abusive spouse and the name and/or Social Security Number (SSN) of the military member. (Information is never indexed by the name or SSN of any other person not an Army employee or member.)

Retention and disposal:

Change "22" to "23".

System manager(s) and address:

After "Department of the Army", delete remainder and add: "The Pentagon, Washington, DC 20310."

Notification procedure:

Delete entry and add the following: "Individuals desiring to know whether this system of records contains information about them should contact either the commander of the medical center or hospital where treatment was received, or the Central Registry at the Patient Administration System and Biostatistics Activity, Ft. Sam Houston, TX 78234."

Record access procedures:

Delete entries; substitute the following: "Individuals seeking access to records pertaining to them should submit a written request as indicated in "Notification procedure" above. Individual should provide his/her full name, Social Security Number, current address, date and location details that will assist in locating the record, and signature."

AO917.10DASG

SYSTEM NAME:

Family Advocacy Case Management Files.

SYSTEM LOCATION:

Primary: Commander, Patient Administration System and Biostatistics Activity, ATTN: HSHI, OPS (AFAP), Ft. Sam Houston, TX 78234.

Secondary: Office of The Surgeon General, Headquarters, Department of the Army, ATTN: DASG-PSC-C, The Pentagon, Washington, DC 20310; US Army medical treatment facility and/or family advocacy case management team office on post, camp, or station where file was initiated or, in some cases, subsequently transferred upon reassignment of military member. Addresses are contained in the appendix to the Army inventory of system notices at 44 FR 74011, December 17, 1979.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All family members entitled to care at Army medical and dental facilities whose abuse or neglect is brought to the attention of appropriate authorities and all persons suspected of abusing or neglecting such family members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records of suspected or established cases of child abuse or neglect and cases of spouse abuse, extracts of law enforcement

investigative reports, correspondence, family advocacy case management team reports, follow-up and evaluative reports, and other supportive data relevant to individual family advocacy case management files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Child Abuse Prevention and Treatment and Child Abuse Prevention and Treatment and Adoption Program Reform Acts, 42 U.S.C. 5101, et seq; 5 U.S.C. 301 and 10 U.S.C. 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is used by the Department of the Army:

(1) To provide child abuse and neglect treatment services and treatment services for abused and abusive spouses. Services include mental health, education, counseling, health care, child protection, legal and referral, for members and former members of the uniformed services, civilians, and dependents, receiving medical care under Army auspices;

(2) To determine qualifications and suitability of Army personnel for duty assignments and fitness of continued military service;

(3) To perform research studies and compile statistical data concerning uniformed services personnel, civilians and dependents receiving medical care under Army auspices.

Information may be disclosed to:

(1) Officials and employees of other components of the Department of Defense and other departments and agencies of the Executive Branch of government in performance of their official duties relating to coordination of family advocacy programs, medical care and research concerning child abuse and neglect, and spouse abuse;

(2) The Attorney General of the United States or his authorized representatives in connection with litigation or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies;

(3) Federal, state, or local governmental agencies when it is deemed appropriate to use civilian resources in counseling and treating individuals or families involved in child abuse or neglect, or spouse abuse, or when appropriate or necessary to refer a case to civilian authorities for civil or criminal law enforcement;

(4) National Academy of Sciences, private organizations and individuals for health research in the interest of the Federal government and the public, and authorized surveying bodies for professional certification and accreditation such as Joint Commission for the Accreditation of Hospitals.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, microfilm, magnetic tape or disk, punched cards, machine listings, and other computerized or machine readable media.

RETRIEVABILITY:

By name of the suspected abused child or the abused or abusive spouse and the name and/or Social Security Number (SSN) of the military member. (Information is never indexed by the name or SSN of any other person not an Army employee or member.)

SAFEGUARDS:

Records are maintained in various kinds of filing equipment in specified monitored or controlled areas. Public access is not permitted. Records are accessible only to authorized personnel who are properly screened and trained, and on a need-to-know basis only. Computer terminals are located in supervised areas with access controlled by password or other user code system.

RETENTION AND DISPOSAL:

Records are retained in decentralized office files for 5 years after the end of the year in which the case is closed and are then destroyed. Records (DA Form 4461–R) in the central registry at the primary location are retained until the child is age 23 after which information is erased/destroyed; information on adults is retained for 5 years after the end of the year in which the case was closed and is then erased.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether this system of records contains information about them should contact either the commander of the medical center or hospital where treatment was received, or the Central Registry at the Patient Administration System and Biostatistics Activity, Ft Sam Houston, TX 78234.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records in this system pertaining to them should submit a written request as indicated in "Notification procedure" above. Individual should provide his/her full name, Social Security Number, current address, date and location details that will assist in locating the record, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Information is obtained from the individual, educational institutions, medical institutions, police and investigating officers, state and local government agencies, witnesses, and records and reports prepared on behalf of the Army by boards, committees, panels, auditors, etc. Information may also derive from interviews, personal history statements, and observations of behavior by professional persons (i.e., social workers, physicians—including psychiatrists and pediatricians, psychologists, nurses, and lawyers).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All portions of this system which fall within 5 U.S.C. 552a(k)(2) and (5) are exempted from the following provisions of Title 5 U.S.C. 552a: (d). (See 32 CFR Part 505 (Army Regulation 340–21)).

[FR Doc. 82–31421 Filed 11–16–82; 8:45 am]

BILLING CODE 3710–08–M

Army Advisory Panel on ROTC Affairs

October 26, 1982; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following panel meeting:

Name of Panel: Army Advisory Panel on ROTC Affairs

Date of meeting: 30 November 1982

Place: DCSPER Conference Room (2D731), Pentagon

Time: 0800–1630, 30 November 1982

Proposed agenda: The meeting will be conducted in both workshop and general sessions. The Panel will be briefed on officer quality and selection criteria for Professors of Military Science and participate in discussions concerning ROTC curriculum. This meeting is open to the public. Any interested person may appear before or file statements with the Panel at the time and in the manner permitted by the Panel.

John O. Roach, II,

Authorizing Officer for the Federal Register.

[FR Doc. 82–31475 Filed 11–16–82; 8:45 am]

BILLING CODE ARTO–ES–M

Department of the Air Force

Air Force Academy Board of Visitors Meeting

The meeting of the Air Force Academy Board of Visitors announced in 47 FR 45897, October 14th, 1982, and scheduled for November 18–20, 1982, has been cancelled. This meeting will not be rescheduled.

For further information, contact Captain David W. Keith, Headquarters, U.S. Air Force (MPPA), Washington, D.C. 20330 at (202) 697–7116.

Winnidel F. Holmes,

Air Force Federal Register, Liaison Officer.

[FR Doc. 82–31703 Filed 11–16–82; 9:59 am]

BILLING CODE 3910–01–M

Office of the Secretary

DOD Advisory Group on Electron Devices; Notice of Advisory Committee Meeting

The DOD Advisory Group on Electron Devices (AGED) will meet in closed session on 11–12 January 1983 at the Palisades Institute for Research Services, Inc., 201 Varick Street, New York, N.Y. 10014.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency, and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of Electron Devices.

The AGED meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The agenda for this meeting will include programs on Radiation Hardened Devices, Microwave Tubes, Displays and Lasers. The review will include details of classified defense programs throughout.

In accordance with section 10(d) of Pub. L. 92–463, as amended (5 U.S.C. App. 1, 10(d) (1976)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that, accordingly, this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

November 12, 1982.

[FR Doc. 82–31462 Filed 11–16–82; 8:45 am]

BILLING CODE 3810–01–M

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group C (Mainly Imaging and Display) of the DOD Advisory Group on Electron Devices (AGED) will meet in closed session 16 December 1982, at the Lockheed Palo Alto Research Laboratories, v251 Hanover Street, Palo Alto, Calif. 94304.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. This special device area includes such programs as infrared and night sensors. The review will include classified program details throughout. In accordance with Section 10(d) of Pub. L. 92–463, as amended (5 U.S.C. App. 1, 10(d) (1976)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

November 12, 1982.

[FR Doc. 82–31463 Filed 11–16–82; 8:45 am]

BILLING CODE 3810–01–M

Defense Intelligence Agency Advisory Committee; Closed Meeting

Pursuant to the provisions of Subsection (d) of section 10 of Pub. L. 92–463, as amended by Section 5 Pub. L. 94–409, notice is hereby given that a closed meeting of a Panel of the DIA Advisory Committee has been rescheduled from 16 November 1982 as follows:

13 December 1982, Monday, Strategic Air Command, Omaha, Nebra. The entire meeting, commencing at 0900 hours is devoted to the discussion of classified information as defined in section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a special study on intelligence to tactical commanders.

M. S. Healy,

OSD Federal Register Liaison Officer, Department Of Defense.

November 12, 1982

[FR Doc. 82–31460 Filed 11–16–82; 8:45 am]

BILLING CODE 3810–01–M

Defense Intelligence Agency Advisory Committee; Closed Meeting

Pursuant to the provisions of Subsection (d) of section 10 of Pub. L. 92–463, as amended by section 5 of Pub. L. 94–409, notice is hereby given that a closed meeting of a Panel of the DIA Advisory Committee has been scheduled as follows:

27–28 January 1983, Thursday & Friday, SOUTHCOM, Panama Canal Zone. The entire meeting, commencing at 0900 hours is devoted to the discussion of classified information as defined in section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a special study on intelligence support to tactical commanders.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

November 12, 1982

[FR Doc. 82–31461 Filed 11–16–82; 8:45 am]

BILLING CODE 3810–01–M

Defense Science Board Task Force on the Transition of Weapon Systems From Development to Production; Advisory Committee Meeting

The Defense Science Board Task Force on the Transition of Weapon Systems from Development to Production will meet in closed session on 15 December 1982, at 1755 Jefferson Davis Highway, Suite 900, Arlington, Va.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

The Task Force will review, evaluate, and make recommendations concerning ways to improve and accelerate the transition of weapon systems into production. They will also consider training emphasis and possibilities for improvement in the internal management process.

In accordance with section 10(d) of the Federal Advisory Committee Act,

Pub. L. 92–463, as amended (5 U.S.C. App. I, (1976)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly these meetings will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

November 12, 1982.

[FR Doc. 82–31459 Filed 11–16–82; 8:45 am]

BILLING CODE 3810–01–M

Personal Commercial Solicitation, Including Insurance Sales, on DOD Installations; Open Meeting

Notice is hereby given that a meeting will be held on December 7, 1982, at the Pentagon, Room #5, 1E–801. The meeting will convene at 9:30 a.m. and adjourn at approximately 3:00 p.m.

The purpose of the meeting is to provide an open discussion and free exchange of ideas with the public on policies and procedural changes to DoD Directives 1344.1 and 1344.7 governing personal commercial solicitation activities conducted on DOD installations.

All interested persons desiring to attend should contact Ms. Barbara E. Schoenberger, Assistant Director for Commercial and Consumer Affairs, Office of the Assistant Secretary of Defense (MRA&L), area code 202/697–9283.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

November 12, 1982

[FR Doc. 82–31464 Filed 11–16–82; 8:45 am]

BILLING CODE 3810–01–M

DELAWARE RIVER BASIN COMMISSION

Commission Meeting and Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Tuesday, November 23, 1982 beginning at 1:30 p.m. The hearing will be a part of the Commission's regular November business meeting which is open to the public. Both the hearing and the meeting will be held in the Raphael Peale Room of the Holiday Inn, 18th and Market Streets, Philadelphia, Pennsylvania. The subjects of the hearing will be:

1. *Northampton Bucks County Municipal Authority (D–80–91 CP).* A well water supply project to augment public water supplies in the Authority's service area in Northampton Township, Bucks County, Pennsylvania. Designated as Well No. 11, the new facility is expected to yield up to 187,000 gpd. The drawdown of water level in Well No. 11 will be limited to protect existing ground water users in the area. The application and the recommendations of the Hearing Officer will be considered by the Commission.

2. *Upper Hanover Authority (D–82–8 CP).* A well water supply project to augment public water supplies in the Authority's service area in the Borough of Pennsburg and Upper Hanover Township, Montgomery County, Pennsylvania. Designated as Well No. 3, the new facility is expected to yield up to 290,000 gallons per day. The project is located in the Southeastern Pennsylvania Ground Water Protected Area.

3. *Scott Paper Company (D–82–23).* An industrial waste treatment plant at the company's plant in Eddystone Borough, Delaware County, Pennsylvania. Additional waste treatment facilities will be provided to achieve 90 percent removal of BOD from a wastewater flow of 50,000 gallons per day. Treated effluent will discharge to the Delaware River.

Documents relating to these projects may be examined at the Commission's offices. Please contact Mr. David B. Everett.

Persons wishing to testify at this hearing are requested to register with the Secretary prior to the date of the hearing.

Susan M. Weisman,

Secretary.

November 9, 1982

[FR Doc. 82–31452 Filed 11–16–82; 8:45 am]

BILLING CODE 6360–01–M

DEPARTMENT OF EDUCATION

Office of Bilingual Education and Minority Languages Affairs

Discretionary Grants Program Application; Bilingual Education Basic Grants Program for New Projects; Correction

AGENCY: Education Department.

ACTION: Correction, Discretionary Grant Programs Application Notice for Bilingual Education Basic Grants Program for New Projects.

SUMMARY: In the application notice published in the **Federal Register** on October 20, 1982 on page 46743, in the third column under *Program Information,* the second sentence beginning "The Secretary establishes 60 points as the cut-off score * * *" should be changed to read, "The Secretary establishes *30 points* as the cut-off score * * *."

FOR FURTHER INFORMATION CONTACT: Ms. Regina Robbins, telephone (202) 472–3520.

(Catalog of Federal Domestic Assistance No. 84.003, Bilingual Education Program)

Dated: November 9, 1982.

Daniel Oliver,

General Counsel for the Department of Education.

[FR Doc. 82–31383 Filed 11–16–82; 8:45 am]

BILLING CODE 4000–01–M

Office of Educational Research and Improvement

Promulgation of Federal Shares Under the Library Services and Construction Act

AGENCY: Educational Research and Improvement Office, Education Department.

Sections 7(b)(1) and 7(b)(2) of the Library Services and Construction Act, as amended, provide for the promulgation of Federal Shares every second fiscal year. Per capita income data from the Department of Commerce for the years 1979, 1980, and 1981 have been used to establish the Federal shares applicable to Title I for the States and Territories. These shares published below are effective for the fiscal years ending September 30, 1984 and September 30, 1985.

(Catalog of Federal Domestic Assistance Program Number 84.034, Library Services-Grants for Public Libraries)

Dated: November 12, 1982.

Donald J. Senese,

Assistant Secretary for Educational Research and Improvement.

Summary Statement—Department of Education

Library Services and Construction Act—Promulgation of Federal Shares.

State	Federal share (percent)
Alabama	60.66
Alaska	34.08
Arizona	53.58
Arkansas	61.74
California	42.95
Colorado	47.14
Connecticut	39.56
Delaware	47.19
District of Columbia	36.26
Florida	51.94
Georgia	57.46
Hawaii	46.88

State	Federal share (percent)
Idaho	57.37
Illinois	44.43
Indiana	52.82
Iowa	50.14
Kansas	47.65
Kentucky	59.67
Louisiana	55.56
Maine	59.61
Maryland	45.51
Massachusetts	47.37
Michigan	47.67
Minnesota	48.72
Mississippi	64.75
Missouri	53.70
Montana	55.54
Nebraska	51.20
Nevada	43.91
New Hampshire	52.54
New Jersey	42.67
New Mexico	58.76
New York	45.97
North Carolina	58.86
North Dakota	53.64
Ohio	50.25
Oklahoma	51.97
Oregon	51.20
Pennsylvania	50.58
Rhode Island	51.79
South Carolina	61.64
South Dakota	58.04
Tennessee	59.63
Texas	49.65
Utah	59.75
Vermont	58.75
Virginia	50.86
Washington	45.94
West Virginia	59.57
Wisconsin	51.05
Wyoming	43.59
American Samoa	66.00
Guam	66.00
Puerto Rico	66.00
Trust Territory	100.00
Virgin Islands	66.00
Northern Marianas	66.00

[FR Doc. 82-31492 Filed 11-16-82; 8:45 am]
BILLING CODE 4000-01-M

Revised Report on the Definition of Indian; Request for Comments

AGENCY: Education Department.

ACTION: Request for Comments on Revised Report on the Definition of Indian.

SUMMARY: The Secretary invites qualified and interested individuals to comment on the Revised Report on the Definition of Indian which was submitted to Congress on September 30, 1982.

DATE: Comments must be received on or before December 17, 1982.

ADDRESS: Requests for copies of the report should be addressed to the Director, Indian Education Programs, 400 Maryland Avenue, SW. (Room 2177), Washington, D.C. 20202. Comments should be sent to the same address.

FOR FURTHER INFORMATION CONTACT: Planning Officer, Indian Education Programs. Telephone (202) 245-8060.

SUPPLEMENTARY INFORMATION: The Department of Education invites public comment on the *Revised Report on the Definition of Indian*, A Study of Alternative Definitions and Measures Relating to Eligibility and Service under Part A of the Indian Education Act. This report was submitted to the Congress on September 30, 1982, under subsection (b) of Section 453 of the Indian Education Act (Title IV, Pub. L. 92-318, as amended).

The *Revised Report* contains estimates of Indian Children based on new information from the 1980 Census and a special study of Indian Student Certification forms on file in local educational agencies participating in the Part A program. This information was obtained just 45 days before the deadline for the submission of the *Revised Report*. As a result, there was no opportunity to obtain comments in advance of the Report's transmittal to Congress. Recognizing the importance of receiving the views of interested Indian groups and organizations, the Secretary of Education has deferred making formal recommendations to the Congress concerning possible changes in the statutory definition of Indian until December 31, 1982. The Secretary is especially interested in receiving comments designed to assist him in his assessment of the findings of the *Revised Report* as they relate to possible changes in the statutory definition of Indian.

An Executive Summary of the report is contained in this notice.

(Catalog of Federal Domestic Assistance does not apply)

Dated: November 12, 1982.

T. H. Bell,

Secretary of Education.

Executive Summary of Revised Report on the Definition of Indian

On September 24, 1981, the Department of Education submitted an initial report to the Congress on the Definition of Indian. This report contained comprehensive information on Federal and State-recognized tribes, as well as valuable expressions of the views of members of Indian communities. However, for reasons described in Appendix A of the *Revised Report*, the estimates of Indian children in 1981 report could not be endorsed. Accordingly, further work was undertaken which has resulted in the present report.

Using new information from the 1980 Census, plus data obtained this year from a special study of Indian Student Certification Forms on file in local education agencies praticipating in the Part A Indian Education Programs, the *Revised Report* presents estimates which respond to the follwoing points in the statutory mandate:

- Number of Indian children eligible and served under Part A of the Indian Education Act;
- Consequences of eliminating descendents in the second degree; and
- Other options for changes in the definitions and their consequences.

While the estimates presented in this report are based on sound methods and the best available data, it should be kept in mind that there exists no single standard for judging the true number of Indians.

On the question of the number of Indian children ages 5 to 17, analysis of the Census data indicates the following:

- More than half the increase between 1970 and 1980 in the number of school-age Indian children is attributable to *changes in reporting of race* from non-Indian to Indian for individuals ages 0 to 7 in 1970 and 10-17 in 1980. (Table 1 of Appendix C of the *Revised Report*)
- For 23 States, the 1980 sample estimate of Indian race children exceeds the corresponding complete-count figure by 10 percent or more. The report concludes from this that the *Census race questions more often elicited an "American Indian" response* when it was one of the more than 50 questions on the sample questionnaire than when it was one of just 7 questions on the short-form questionnaire. (Table 10 of Appendix D of the *Revised Report*)
- Substantial numbers of school-age children are reported to be *only of Indian ancestry* (i.e., with no second, non-Indian ancestry indicated), *but not of the Indian race.* In 11 States, the number of such children was more than twice the number of Indian race children. (Table 10 of Appendix D of the *Revised Report*)
- The behavior of State-level census statistics for Indian children in the last two respects just noted is significantly related to: (1) The proportion that Indian race children represent of all school-age children in the State, (2) the percent of Indian race children for whom a tribal affiliation was reported, and (3) the percent of Indian children from homes where an Indian language is regular spoken. (Table 4 of Appendix C of the *Revised Report*)

Based on this and other evidence presented, the report reaches the following conclusions concerning the relation of definitions to counts of Indian children:

- *The term Indian has no singular meaning.* Counts obtained in response to the same question vary significantly over time, in response to

the context in which the question is asked, and as a function of the characteristics of local Indian populations.

- *Efforts to stabilize Indian counts by means of added precision* in the questions relied on for identifying Indian children are *likely to have just the opposite effect*, because complex questions produce confusion, with the result that responses become even less predictable.

Concerning the impact of these problems of instability in counts of Indian children on the Part A Program, the report presents two significant findings: Between 1976 and 1980, growth in Part A participation was greatest in those States where Indian counts are most stable, and as of 1980, these same States as a group had the highest participation rates (Tables 2–6 and 3–3 of the *Revised Report*.) Other evidence shows that the educational disadvantagement of Indian children (as measured by poverty rates, school droput rates, and use of an Indian language) is less severe in States characterized by lower Part A participation rates and less stable counts of Indian children (Table 5–1).

The report contains no proposals involving the Secretary of Education's excercise of his discretionary authority under clause (4) of the statutory definition of Indian (Section 453(a) of Pub. L. 92–318, as amended; 20 U.S.C. 1221h), and no specific recommendations concerning changes in that definition. However, the report's findings will be valuable to the Secretary, who must make recommendations to the Congress concerning possible changes in the statutory definition of Indian before the end of this calendar year (1982). Timely public comment on this report is therefore being invited.

[FR Doc. 82-31502 Filed 11-16-82; 8:45 am]
BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Western Area Power Administration

Falcon Project; Contract Extension

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of final results on proposed marketing plan—Falcon Project, Texas.

SUMMARY: On August 4, 1982, the Western Area Power Administration (Western) published a notice of the proposed marketing plan for the Falcon Project, Texas, which provides for the extension of the contract with Central Power and Light Company (CPL) from the current expiration date of December 31, 1982, until such time as the initial commencement of electric service from Amistad Powerplant.

Interested parties were given the opportunity to submit written comment through September 3, 1982. Written comments were received from the contractors of both the Falcon and Amistad Projects, the city of Brownsville, and the International Boundary and Water Commission. As a result of the need to market the output of the Falcon Powerplant from January 1, 1983, until Amistad Powerplant is operational, and in consideration of the comments received, Western is extending the contract with CPL for this interim period.

EFFECTIVE DATE: The effective date shall be the date of execution of the supplement to extend the original contract.

FOR FURTHER INFORMATION CONTACT: Mr. Albert M. Gabiola, Area Manager, Salt Lake City Area Office, Western Area Power Administration, Salt Lake City, UT 84147, Telephone: (801) 524–5493.

SUPPLEMENTARY INFORMATION:

I. Regulatory Procedural Requirements

A. Regulatory Flexibility Analysis

Pursuant to the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.), each agency, when required by 5 U.S.C. 553 to publish a final "rule," is further required to prepare and publish in the **Federal Register**, at the time of publication of the final rule, a final regulatory flexibility analysis. In this instance, the marketing plan for power produced at the Falcon Powerplant relates to nonregulatory services provided by Western. Under 5 U.S.C. 601(2), rules of particular applicability relating to rates or services are not considered "rules" within the meaning of the act; therefore, Western believes that no flexibility analysis is required.

B. Environmental Evaluation

In compliance with the National Environmental Policy Act of 1969 (NEPA) and the Department of Energy (DOE) regulations published in the **Federal Register** on February 23, 1982 (47 FR 7976), Western has made a determination that no further documentation is required. This decision is based on the statement in the above regulations that the renewal of existing power contracts in kind normally does not require either an environmental assessment or environmental impact statement.

C. Determination Under Executive Order 12291

The DOE has determined that this is not a major rule because it does not meet the criteria of section 1(b) of Executive Order 12291, 46 FR 13193 (February 19, 1981). Western has an exemption from sections 3, 4, and 7 of Executive Order 12291.

II. Background

On August 5, 1977, the Bureau of Reclamation entered into a contract with CPL for the sale of the output of the hydroelectric facilities at Falcon Dam. Falcon Dam is an international storage project located on the Rio Grande River about 130 miles upstream from Brownsville, Texas. The powerplant owned by the United States at Falcon Dam has a generation capacity of 31.5 megawatts.

The contract between the Bureau of Reclamation and CPL is to remain in effect "until the date on which the Amistad Powerplant is ready to deliver power or December 31, 1982, whichever date occurs first." The Amistad Powerplant is currently under contruction at Amistad Dam, a multipurpose reservoir located about 300 miles upstream from the Falcon Dam. The construction of the Amistad Powerplant, as with all construction of the Falcon and Amistad facilities, is the responsibility of the International Boundary and Water Commission.

A contract entered into between the Bureau of Reclamation and two electric cooperatives will become effective once the Amistad Powerplant is operational. This contract, dated August 9, 1977, commits the output of both the Falcon and Amistad Powerplants to the South Texas Electric Cooperative, Inc. and Medina Electric Cooperative, Inc. The term of this contract is 50 years from the date that initial service is provided from Amistad Powerplant.

The Western Area Power Administration is currently responsible for the marketing of power from the Falcon and Amistad Powerplants. Due to delays in the construction of the Amistad Powerplant, the output of the Falcon Powerplant is not under contract for the time period running from December 31, 1982, until the date of initial service from the Amistad Powerplant. The Amistad Powerplant is expected to be operational in May of 1983.

Analysis of Comments

Written comments were received from five interested parties during the comment period. Four of the five parties favored the extension of the contract

while the fifth made comments on the power sales rate and did not address the issue of favoring or disfavoring the extensions.

Based on the need to market the output of the Falcon Powerplant from January 1, 1983, until Amistad Powerplant is operational, and on the comments received, Western will extend the contract with CPL for the interim period that will end on the date of initial electric service from the Amistad Powerplant.

Issued at Golden, Colorado, November 9, 1982.

Robert L. McPhail,

Administrator.

[FR Doc. 82-31376 Filed 11-16-82; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[PP 1G2539/T390; PH-FRL 2245-4]

Methoprene; Establishment of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has established temporary tolerances for residues of the insect growth regulator methoprene in or on certain raw agricultural commodities. These temporary tolerances were requested by Zoecon Corporation.

DATE: These temporary tolerances expire June 21, 1984.

FOR FURTHER INFORMATION CONTACT: Franklin Gee, Product Manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 207, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2690).

SUPPLEMENTARY INFORMATION: Zoecon Corporation, 975 California Avenue, Palo Alto, CA 94304, has requested in pesticide petition PP 1G2539 the establishment of temporary tolerances for residues of the insect growth regulator methoprene (isoproply (*E, E*)-11-methoxy-3,7,11-trimethyl-2,4-dodecadienoate in or on the raw agricultural commodities almonds, cashews, chestnuts, cocoa beans, coffee beans, hazelnuts, macadamia nuts, pecans, walnuts, dried beans and dried peas at 10.0 parts per million (ppm). The company also requested food additive regulation establishing tolerances for the insect growth regulator methoprene in or on raisins, wheat flour, macaroni (wheat), rice cereal, rye cereal, barley cereal, wheat cereal, corn cereal, corn meal, grits, hominy, oat cereal, spices, dry dog food, dried apples, dried apricots, dried peaches, and dried prunes at 10.0 ppm.

These temporary tolerances will permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of the experimental use permit 20954-EUP-20 which is being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that establishment of the temporary tolerances will protect the public health. Therefore, these temporary tolerances have been established on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.

2. Zoecon Corp. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These tolerances expire June 21, 1984. Residues not in excess of these amounts remaining in or on the raw agricultural commodities after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These tolerances may be revoked if the experimental use permit is revoked or if any experience or scientific data with this pesticide indicate that such revocation is necessary to protect the public health.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 610-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: November 5, 1982.

Robert V. Brown,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 82-31419 Filed 11-16-82; 8:45 am]

BILLING CODE 6560-50-M

[OPP-C31053B; PH-FRL 2243-8]

Rhone-Poulenc, Inc.; Approval of Application to Conditionally Register a Pesticide Product Involving a Changed Use Pattern

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has conditionally approved the application by the Rhone-Poulenc, Inc. to register the fungicide Rovral involving a changed use pattern pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

FOR FURTHER INFORMATION CONTACT: Henry Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 227, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202. (703-557-1900).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of January 13, 1982 (47 FR 1406) that the Rhone-Poulenc, Inc., PO Box 125, Black Horse Lane, Monmouth Junctions, NJ 08852, had submitted an application to register the fungicide Rovral containing 50 percent of the active ingredient Isoprodione 3-(3,5-dichloropheny)-*N*-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide. The application proposed a changed use pattern of the product.

The application was approved on August 27, 1982 for general use for the control of blossom and fruit monilinia brown rot on cherries and peaches. The product was assigned EPA Registration No. 359-685.

A copy of the approved label and the list of data references used to support registration are available for public inspection in the office of the product manager. The data and other scientific information used to support registration, except for the material specifically protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (92 Stat. 819; 7 U.S.C. 136), will be available for public inspection in accordance with section 3(c)(2) of FIFRA within 30 days after registration date. Requests for data must be made in accordance with the

provisions of the Freedom of Information Act and must be addressed to the Freedom of Information office (A–101), EPA, 401 M St., SW., Washington, D.C. 20460. Such requests should: (1) Identify the product name and registration number and (2) specify the data or information desired.

Dated: November 2, 1982.

James M. Conlon,

Acting Director, Office of Pesticide Programs.

[FR Doc. 82–31232 Filed 11–16–82; 8:45 am]

BILLING CODE 6560–50–M

[PP 2G2636/T394; PH–FRL 2245–3]

Shell Oil Co.; Establishment of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has established temporary tolerances for residues of the pesticide cyano (3-phenoxyphenyl) methyl-4-chloro-alpha-(1-methylethyl) benzeneacetate, in or on the raw agricultural commodities cherries, oranges, grapefruit, and lemons. These temporary tolerances were requested by Shell Oil Company.

DATE: These temporary tolerances expire September 15, 1983.

FOR FURTHER INFORMATION CONTACT: Franklin Gee, Product Manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 207, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–2790).

SUPPLEMENTARY INFORMATION: Shell Oil Company, Suite 200, 1025 Connecticut Avenue, NW., Washington, DC 20036, has requested, in pesticide petition PP 2G2636 the establishment of temporary tolerances for residues of the pesticide cyano (3-phenoxyphenyl) methyl-4-chloro-alpha-(1-methylethyl) benzeneacetate, in or on the raw agricultural commodities cherries at 10.0 parts per million (ppm); and oranges, grapefruits, and lemons at 2.0 ppm.

These temporary tolerances will permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of the experimental use permit 201–EUP–73 which is being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that establishment of the temporary tolerances will protect the public health. Therefore, the temporary tolerances have been established on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.

2. Shell Oil Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These tolerances expire September 15, 1983. Residues not in excess of these amounts remaining in or on the raw agricultural commodities after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These tolerances may be revoked if the experimental use permit is revoked or if any experience or scientific data with this pesticide indicate that such revocation is necessary to protect the public health.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 610–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May, 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: November 5, 1982.

Robert V. Brown,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 82–31418 Filed 11–16–82; 8:45 am]

BILLING CODE 6560–50–M

[OA–FRL 2245–5]

Streamlining EPA Procurement Requirements and Processes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Procurement Review; Opportunity for Comment.

SUMMARY: EPA has embarked upon a comprehensive review of agency procurement requirements and processes to identify opportunities and recommend actions to improve and simplify the entire procurement process substantially.

This procurement review initiative is organized into seven elements:

1. Procurement Development
2. Solicitation
3. Evaluation and Source Selection
4. Negotiation, Review and Award
5. Contract Administration and Closeout
6. Procurement Planning
7. Policies, Procedures and Management Reporting

Issues identified in each element will be reviewed and analyzed and opportunities for constructive change will be thoroughly explored.

Decisions will be made and implemented at the conclusion of the review of each element over the next several months.

ADDRESS: Dr. Thomas L. Hadd (PM–224), U.S. Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460; (202) 382–7600. Suggestions for improvement, identification of problems, or other comments related to EPA procurement requirements and processes from contractors, Federal agencies or other interested parties are invited.

Dated: October 26, 1982.

John P. Horton,

Assistant Administrator for Administration.

[FR Doc. 82–31498 Filed 11–16–82; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

Radio Advisory Committee Meets

November 30, 1982

The next meeting of the Advisory Committee on Radio Broadcasting has been scheduled at 9:30 a.m., Tuesday, November 30, 1982, in Room 330, 1200 19th Street, NW., Washington, D.C.

The Committee will consider reports from its Technical Subgroup concerning:

—Tasks performed on the development of a new bilateral agreement between the United States and Canada on AM broadcasting;

—Similar tasks related to discussions with Mexico concerning revisions to the U.S.—Mexican AM Radio Broadcasting Agreement;

—Studies related to FM receiver characteristics, FM listening, and FM station mileage separations;

and other business within the scope of the Committee.

The meetings of the Committee are public, and are open for participation by all interested persons. The meeting scheduled for November 30, 1982 may, if the participants so decide, be recessed for resumption at such other time and place as they may designate.

For further information please contact the Committee Chairman, Louis C. Stephens at FCC Headquarters, (202) 632–7792

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82–31514 Filed 11–16–82; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10327; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after the date of the Federal Register in which this notice appears. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. T–4008–2.

Filing Party: Mr. John E. Nolan, Assistant Port Attorney, Port of Oakland, 66 Jack London Square, P.O. Box 2064, Oakland, California 94604.

Summary: Agreement No. T–4008–2 between the Port of Oakland (Port) and Marine Terminals Corporation (MTC) modifies Agreement No. T–4008 between the Port and MTC whereby the Port assigned to MTC the responsibility of management and the provision of terminal operating and cargo solicitation services for Berths G, H, I and J of the Port's Seventh Street Marine Terminal. Agreement No. T–4008–2 provides that, in the interest of maximizing the use of the terminal area and cargo throughput, to the extent that MTC obtains use of the facility by vessels that do not require the use of a berth with a container crane, thereby permitting additional use of the wharf area for the holding of cargoes, MTC may retain an additional 2½ percent of gross dockage and wharfage revenues which accrue from such use by said vessels and their cargoes.

Agreement No. 93–28.

Filing Party: David C. Nolan, Esq., Graham and James, One Maritime Plaza, Third Floor, San Francisco, California 94111.

Summary: Agreement No. 93–28 amends the basic agreement of the North Europe-U.S. Pacific Freight Conference to extend the expiration dates of the joint service voting and independent action clauses through December 30, 1983.

Agreement No. 5600–44.

Filing Party: Charles F. Warren, Esq., Warren & Associates, P.C., 1100 Connecticut Avenue, NW., Washington, D.C. 20036.

Summary: Agreement No. 5600–44 would amend the current independent action provision of the Philippines North America Conference Agreement in order to allow members to extend prior independent filings without again having to give 30 days' notice. Only a seven (7) day notice period would be required in this instance.

Agreement Nos. 9648A–19, 20, 21 and 22.

Filing Party: Wade S. Hooker, Jr., Esquire, Burlingham Underwood & Lord, One Battery Park Plaza, New York, New York 10004.

Summary: The basic agreement of the Inter-American Freight Conference would be modified by amendments A–19, A–20, A–21 and A–22 which respectively: (1) Authorize establishment and procedures for committees at principal's meeting; (2) permit executive administrator and his assistant to execute and file agreement amendments; (3) increase security deposit to $50,000, and (4) provide that no member line or any of its agents may act as a soliciting agent for any non-conference carrier in the trade covered by the Conference.

By Order of the Federal Maritime Commission.

Dated: November 12, 1982.

Francis C. Hurney,

Secretary.

[FR Doc. 82–31497 Filed 11–16–82; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, 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 applications may be inspected at 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 for each application.

A. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President), 400 South Akard Street, Dallas, Texas 75222:

1. *Andrews Bancshares, Inc.*, Andrews, Texas (leasing activities; Texas): To engage in making leases of

personal property in accordance with the Board's Regulation Y. These activities would be conducted from an office in Andrews, Texas, serving the State of Texas. Comments on this application must be received not later than December 9, 1982.

B. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President), 400 Sansome Street, San Francisco, California 94120:

1. *BankAmerica Corporation,* San Francisco, California (financing, servicing, and insurance activities; expansion of geographic scope; Pennsylvania): To continue to engage, through its indirect subsidiary, FinanceAmerica Consumer Discount Company, a Pennsylvania corporation, in the activities of making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company; servicing loans and other extensions of credit; and offering credit-related life insurance, credit-related accident and health insurance and credit-related property insurance. Such activities will include, but not be limited to, purchasing installment sales finance contracts, making loans and other extensions of credit to consumers as well as small businesses, making loans and other extensions of credit secured by real and personal property, and offering credit-related life, credit-related accident and health and credit-related property insurance. Credit-related life and credit-related accident and health insurance may be reinsured by BA Insurance Company, Inc., an affiliate of FinanceAmerica Consumer Discount Company. These activities will be conducted from an existing office located in Hazleton, Pennsylvania, serving the entire State of Pennsylvania. Comments on this application must be received not later than December 9, 1982.

Board of Governors of the Federal Reserve System, November 10, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-31380 Filed 11-16-82; 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 summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. **Kingswood Bank-Corp.,** Wolfeboro, New Hampshire; to become a bank holding company by acquiring 80 percent of the voting shares of Kingswood Trust & Savings Bank, Wolfeboro, New Hamsphire. Comments on this application must be received not later than December 9, 1982.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South La Salle Street, Chicago, Illinois 60690:

1. **Hinsdale Bancshares, Inc.,** Hinsdale, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of Bank of Hinsdale, Hinsdale, Illinois. Comments on this application must be received not later than December, 9, 1982.

2. **Livermore Bancorporation,** Livermore, Iowa; to become a bank holding company by acquiring 97 percent of the voting shares of Livermore State Bank, Livermore, Iowa. Comments on this application must be received not later than December 9, 1982.

Board of Governors of the Federal Reserve System, November 10, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-31381 Filed 11-16-82; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, 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 applications 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 for each application.

A. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President), 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Independence BancCorp.,* Independence, Ohio (leasing activities; northern Ohio): To engage through its subsidiary, Independence Equipment Leasing Company, in making leases of personal property (e.g., machine tool equipment, automotive equipment, computers and office equipment) in accordance with the Federal Reserve Board's Regulation Y. These activities would be conducted from an office in Independence, Ohio, serving northern Ohio.

B. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President), 400 Sansome Street, San Francisco, California 94120:

Correction

1. *Valley Capital Corporation,* Las Vegas, Nevada (insurance activities; Nevada): This notice corrects a previous **Federal Register** Document (FR Doc. 82-30852) that was published at page 51001 of the issue for Wednesday, November 10, 1982. Applicant proposes to engage in underwriting and reinsuring credit life insurance and credit accident and health insurance which is directly related to the extensions of credit by the bank holding company system.

Board of Governors of the Federal Reserve System, November 10, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-31382 Filed 11-16-82; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

Administration for Children, Youth and Families Head Start Summer Programs; Intent To Discontinue Funding

AGENCY: Office of Human Development Services, HHS.

SUBJECT: Notice of Intent to Discontinue Funding of Summer Head Start Programs.

SUMMARY: The Secretary of Health and Human Services has determined that summer-only Head Start programs, because of their limited duration, do not produce the positive outcomes for enrolled children and their families that are produced by full year Head Start programs and that, consequently, Federal funding for summer-only programs should be discontinued. This determination has been made in consultation with the Department officials concerned, and on the basis of comments received from a large number of people involved in and concerned with Head Start.

EFFECTIVE DATE: November 17, 1982.

FOR FURTHER INFORMATION CONTACT: Michael W. Ambrose, Head Start Bureau, P.O. Box 1182, Washington, D.C. 20013, (202/755-7782).

A. Rationale for Discontinuing Summer Head Start Programs

1. *Head Start Research.* The Westinghouse Learning Corporation, working in concert with Ohio University, was commissioned in 1968, three years after Head Start got underway, to conduct an evaluation of program outcomes. The purpose of the study was to address a "limited question concerning Head Start's impact; namely: taking the program as a whole as it has operated to date, to what degree has if had psychological and intellectual impact on children that has persisted into the primary grades?" The study attempted to determine to what extent children in first, second or third grade in 1968 who had attended Head Start programs any time during the period from summer 1965 to spring 1968 were different in their intellectual and social-personal development from comparable children who did not attend.

During summer and fall 1968, standardized tests were given to children in 104 centers nationwide who had gone to first, second, or third grades in local schools. These centers were intended to represent a random sample of the 12,927 Head Start centers in the U.S. in 1966–1967. The sample included 75 summer centers and 29 full year centers. This reflected the proportional dominance of the summer effort, which included 70 percent of the children at that time. No distinctions were made between programs that were part day and full day. In addition to child testing, parents and teachers supplied additional information through interviews and rating scales.

Head Start children were matched with other children who met the Head Start eligibility criteria but had not participated in the preschool intervention.

The findings substantially for summer *vs.* full year programs. Summer programs had no lasting impact. The children who had attended summer programs did not score significantly higher than a matched comparison group who had not attended Head Start in any grade or, with isolated exceptions of limited consequence, on any of the cognitive or affective measures.

Head Start was converted to full year program status in April, 1969, and summer programs have continued to convert to full year since that time. Only 65 summer programs remain today.

New analyses of the Westinghouse data and other research studies conducted since that time have not materially altered the unfavorable picture of summer program outcomes when compared with the benefits produced by full year Head Start programs. While summer programs have been shown to be of some value, particularly in initiating health services and special education and related services for handicapped children, major benefits are achieved only when the children are meaningfully linked to full year programs. No study has demonstrated significant outcomes for summer-only program participants.

2. *Head Start Strategy Paper.* In October of 1981, the Administration for Children, Youth and Families (ACYF) published a strategy paper called. "Head Start: Directions for the Next Three Years," which was widely circulated in the Head Start community and among other agencies and organizations in the child development/child care field. Over 600 copies of the paper were made available to a broad audience through distribution from both ACYF Headquarters and Regional Offices. The paper was well publicized, and copies were made available to the Congress and to any organization or individual requesting one. Over 3,000 responses to the paper were received.

The strategy paper discussed summer Head Start programs in the following terms:

- *Completion of the Phase-out of Summer Programs.* While summer programs do provide some tangible benefits, they are too brief to result in sustained developmental gains for children and their families. Consequently, over the past several years, there has been an effort to gradually phase these programs out. We expect to complete this phase-out in FY 1982.

In FY 1981 there were about 65 "summer-only" Head Start programs in operation, serving approximately 12,000 children. The proposal to phase these programs out and convert them to "regular" Head Start programs (i.e., programs of approximately eight months duration) was based on two considerations. First, approximately $4 million could be redirected toward providing additional support for children in the regular, mainstream program in states which currently have summer programs. Second, the proposal was based on a long standing recognition that the duration of services in these programs (generally 6–8 weeks) is too brief to produce lasting developmental gains for the children enrolled. It should also be noted that the phase-out of summer programs is a policy direction that has been pursued for a number of years. The strategy paper proposal to convert the remaining 65 to regular Head Start programs represents the completion of the process.

B. Public Comments on Phasing-Out Summer Head Start Programs

The public reaction which the proposal to phase out summer Head Start programs elicited was generally sympathetic to the proposal. Commentors viewed the proposal as regrettable but necessary especially in light of the financial limitations then facing Head Start programs nationwide. It was also acknowledged by commentors that summer programs are less effective than full-year programs. It was recommended that we make some provision, in communities previously served by these programs, for enrolling eligible children in the regular program.

Records of the review of public comments on the strategy paper proposal to phase out summer Head

Start programs reveal that the commentors concurred in the proposal. The record reveals comments such as: "Regrettable (to discontinue funding of summer Head Start programs) but if necessary for the larger programs' survival, (it) can be justified;" "Summer programs (are) ineffective in comprehensive child development;" and, the proposal is a "good start in reconsidering esoteric functions of Head Start and rechanneling those monies in regular Head Start programs." The records of the review of comments also note: "Most of the favorable responses gave qualifications for phasing out, i.e., continue serving these children in comprehensive program."

C. Announcement

In accordance with his responsibility under Section 641 of the Head Start Act (Pub. L. 97–35) to select Head Start grantees which he determines to be capable of carrying out the purposes of the Head Start program, the Secretary of Health and Human Services has determined that funding for summer Head Start programs will be discontinued. As explained above the discontinuance of all summer Head Start programs reflects the Secretary's judgment that full year programs are more effective than summer programs in meeting the needs of Head Start children. Thus, the discontinuance is not based on particular deficiencies in any individual summer Head Start program.

In a presss release dated April 15, 1982, the Department said, in part:

HHS Secretary Richard S. Schweiker, in an action he said will "reinforce our strong support for Head Start through more effective use of the $912 million appropriated for the program," has decided to complete the conversion of the 65 existing summer-only programs to full-time programs that roughly parallel the conventional school year over a two-year period.

Children whose exposure to the Head Start program has until now been restricted to the summer months will have a greater opportunity to enhance their pre-school development on a [full year] basis, as a result of changes Schweiker announced today.

Under his plan, the Federal funds that serve 4- and 5-year-old youngsters in the summer programs would be redirected to support year-round Head Start activities. Summer programs will be offered additional funds to aid in the transition * * *

"It has long been recognized that Head Start programs of six to eight weeks are too brief to produce lasting developmental gains for participants," Schweiker said in explaining the move toward year-round status.

Summer Head Start programs will be phased out according to instructions issued by the Commissioner of the Administration for Children, Youth and Families to "accelerate and complete the process of converting Summer programs into more effective full year Head Start programs."

The goals of this effort include:

- To enable more children to receive the demonstrated benefits of full year Head Start services (benefits which have not been convincingly demonstrated in summer programs) by converting, wherever possible, summer programs into full year programs.
- To provide full year Head Start services to the same communities which have previously been served by summer Head Start.

This policy with respect to summer Head Start programs is effective upon publication in Fiscal Year 1983.

(Category of Federal Domestic Assistance Program Number 13.000 Project Head Start)

Dated: November 10, 1982.

Clarence E. Hodges,

Commissioner, Administration for Children, Youth and Families.

Approved

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

[FR Doc. 82-31493 Filed 11-16-82; 8:45 am]

BILLING CODE 4130-01-M

Social Security Administration

Privacy Act of 1974; Report of Altered System of Records

AGENCY: Social Security Administration (SSA), Health and Human Services Department (HHS).

ACTION: Altered System of Records.

SUMMARY: In accordance with the Privacy Act (5 U.S.C. 552a(e)(4)) and the Office of Management and Budget (OMB) Circular No. A–108, we are issuing public notice of our intent to expand the purposes for which we use information in the Privacy Act system of records 09–60–0210—Record of Individuals Authorized Entry to Secured Automated Data Processing Area, HHS/SSA/OS. We also are making a number of "housekeeping" changes which make the system of records accurate. The proposed changes are discussed below in the supplementary information section.

We invite public comments on this proposal.

DATES: We filed a report of altered system with the President of the Senate, the Speaker of the House of Representatives and the Director, Office of Management and Budget on November 10, 1982, in accordance with the requirements of OMB Circular No. A–108. The proposed alteration will become effective on January 9, 1983, unless we receive comments on or before that date which would result in a contrary determination. The "housekeeping" changes are effective November 17, 1982.

ADDRESSES: Interested individuals may comment on this proposal by writing to the SSA Privacy Officer, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235. Comments received will be available for public inspection at 3–F–1 Operations Building at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Carl Baker, Deputy Director, Office of Systems Operations, Social Security Administration, Room 561 Computer Center, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (area code 301) 594–2446.

SUPPLEMENTARY INFORMATION: The Record of Individuals Authorized Entry to Secured ADP Areas system is the basic security system which we use to safeguard personal and sensitive records about individuals. The primary purpose of the system is to restrict access to the computer facility and secured areas to those individuals who have a legitimate need and are authorized to enter the facility and secured areas. It contains identifying data on these individuals; e.g., name, Social Security number and/or driver's license number. Records are maintained on employees of SSA as well as commercial vendors and other individuals who have a need to enter the computer facility and secured areas in the performance of their official duties. The system also electronically records the date and time an individual enters and exits various sites of the computer facility and secured areas.

a. *Proposed Alteration: Expansion of the Purposes of the System:* We are proposing to expand the purposes for which we use information in the system to permit an additional use for management information. This change will permit us to use the information in the system pertaining to the date and time of an individual's entry and exit to/from secured areas to verify employee time and attendance when we suspect errors on employee time sheets completed at their regular duty station. Managerial personnel must know if employees are in or out of secured areas. We currently use "sign-in/sign-out sheets" completed when an employee leaves, or returns to, his/her duty station to go to, or return from, the computer facility and secured areas; however, we cannot rely upon this

procedure to accurately reflect attendance absent a comparison with information recorded when the individual enters or leaves the ADP areas.

B. *General Housekeeping Revisions:* In addition to the alteration discussed in item A above, we have made a number of minor revisions to the system as indicated below:

1. We have clarified the categories of records section of the system to indicate that the system contains information pertaining to authorized individuals' date and time of entry and exit to/from the computer center and secured areas. This information always has been maintained; however, it inadvertently was not stated in the initial publication of the notice (44 FR 21375, April 10, 1979).

2. We have clarified language in the purpose section to more fully state the purposes of the system.

3. We have revised the storage section to indicate that the storage medium for records is paper copy and magnetic media. This section previously indicated that the records were stored on magnetic tape and paper copy. This change also has been reflected in the retrievability and retention and disposal sections where reference was made to magnetic tape records.

4. We have clarified language in the safeguards section to indicate that access to records maintained in the system is limited to security personnel and the Directors within the Office of Systems Operations (or their authorized representatives).

5. We have clarified the retention and disposal section to indicate differences in retention and disposal practices relative to paper and magnetic media records.

6. We have specified the correct office name in the system manager section, changing the designation from Office of Systems to Office of Systems Operations.

7. We have added language to the contesting records procedures section to indicate additional procedures individuals should follow when contesting information maintained about them.

C. *Effect of the Proposed Alteration on Individual Privacy:* The goal of this system is to restrict access to personal and sensitive information to those individuals who have legitimate needs to access the information, thereby maintaining the confidentiality and safety of records entrusted to SSA. The alteration which we have proposed will assist in monitoring attendance of employees who have access to secured ADP areas. Consequently, we do not anticipate that our additional use of information would result in any unwarranted invasion of the privacy rights of the individuals affected. The notice below contains the revisions discussed above.

Dated: November 10, 1982.

John A. Svahn,

Commissioner of Social Security.

09-60-0210

SYSTEM NAME:

Record of Individuals Authorized Entry to Secured Automated Data Processing (ADP) Area, HHS/SSA/OS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Systems, Computer Center Building, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Those individuals with a legitimate need who are authorized entry to the secured ADP area.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains the name, badge number, of employer, access level, a unique five-digit identifying number, and a nine-digit number which is either the social security number or driver's license number for each individual authorized to enter the secured ADP area. *This system also contains date and time of actual or attempted entry to and exit from secured areas.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552a(e)(10).

PURPOSE(S):

This system is the basic system which we use to safeguard personal and sensitive records about individuals. Records in the system are used to restrict access to the SSA computer facility and other secured areas which house the information.

Data in the system also are used for management purposes to ensure the security of the computer facility and secured areas and to verify time and attendance when employee fraud or abuse is suspected.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made for routine uses as indicated below:

1. To a congressional office in response to an inquiry from the congressional office made at the request of that individual.

2. To the Department of Justice in the event of litigation where the defendant is:

(a) the Department of Health and Human Services (HHS), any component of HHS, or any employee of HHS in his or her official capacity;

(b) the United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or

(c) any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee;

HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

3. To the Internal Revenue Service, Department of the Treasury, as necessary, for the purpose of auditing the Social Security Administration's compliance with safeguard provisions of the Internal Revenue Code of 1954, as amended.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

SSA stores records in this system on magnetic *media* and paper form.

RETRIEVABILITY:

SSA retrieves magnetic *media* records by name, badge number and the unique five-digit identifying number and paper records alphabetically by name.

SAFEGUARDS:

SSA maintains computerized records in a highly secured room within the secured area and hard copy records in a locked room. Only authorized *security personnel and the Directors within the Office of Systems Operations (or their authorized representatives)* have access to these records. SSA has established system security for this system in accordance with the HHS ADP System Manual, "Part 6, ADP System Security."

RETENTION AND DISPOSAL:

SSA retains records in this system for *up to 3 years following expiration* of an individual's authority to enter the secured area. *SSA destroys paper records by shredding.* When an individual is no longer authorized, SSA deletes information from magnetic *media immediately.*

SYSTEM MANAGER(S) AND ADDRESS:

Associate Commissioner, *Office of Systems Operations*, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record pertaining to him or her by writing to the individual specified under system manager above. When requesting notification, an individual should provide his or her social security number, name, signature, or other personal identification and refer to this system. These procedures are in accordance with HHS Regulations 45 CFR 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the *record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification.* These procedures are in accordance with HHS Regulations 46 CFR Part 5b.

RECORD SOURCE CATEGORIES:

SSA obtains information in this system from the individuals who are covered by the system.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 82-31423 Filed 11-16-82; 8:45 am]

BILLING CODE 4190-11-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-82-1183]

Membership of the Performance Review Board and Schedule for Awarding Performance Bonuses to SES Career Executives

AGENCY: Office of the Secretary, HUD.

ACTION: Notice.

SUMMARY: The Department of Housing and Urban Development announces the names of individuals who will serve on the Departmental Performance Review Board as required by the Civil Service Reform Act of 1978.

In addition, the Department gives notice that Senior Executive Service (SES) bonus payments will be made on or before December 31, 1982.

EFFECTIVE DATE: November 15, 1982.

ADDRESSES: The names, titles, and addresses of the individuals appointed to serve on HUD's Performance Review Board and alternates are:

1. *S. Leigh Curry*, Deputy General Counsel (Operations), Office of the General Counsel, Department of Housing and Urban Development, Washington, D.C. 20410.
2. *Claire Freeman*, Deputy Assistant Secretary for Program Policy Development and Evaluation, Office of Community Planning and Development, Department of Housing and Urban Development, Washington, D.C. 20410.
3. *George O. Hipps, Jr.*, Associate General Deputy Assistant Secretary for Housing, Office of Housing, Department of Housing and Urban Development, Washington, D.C. 20410.
4. *Daniel M. Hughes*, Deputy Under Secretary for Field Coordination, Office of the Secretary, Department of Housing and Urban Development, Washington, D.C. 20410.
5. *Roosevelt Jones*, Director, Office of Procurement and Contracts, Office of Administration, Department of Housing and Urban Development, Washington, D.C. 20410.
6. *Warren Lasko*, Executive Vice President, Government National Mortgage Association, Department of Housing and Urban Development, Washington, D.C. 20410.
7. *Judith L. Tardy*, Chairperson, Assistant Secretary for Administration, Office of Administration, Department of Housing and Urban Development, Washington, D.C. 20410.
8. *Harold G. Thompson*, Alternate, Deputy Regional Administrator, Region I, Department of Housing and Urban Development, Boston, Massachusetts 02203.
9. *Lance Wilson*, Alternate, Executive Assistant, Office of the Secretary, Department of Housing and Urban Development, Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Persons desiring any further information about the Performance Review Board and its members may contact Robert F. Fagin, Acting Director of Personnel, Department of Housing and Urban Development, Washington, D.C. 20410, telephone (202) 755-5500. This is not a toll-free number.

Dated: November 12, 1982.

Samuel R. Pierce, Jr.,

Secretary, Department of Housing and Urban Development.

[FR Doc. 82-31448 Filed 11-16-82; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Fort Peck Irrigation Project, Montana; Irrigation Rate Change

September 23, 1982.

AGENCY: Bureau of Indian Affairs.

ACTION: Notice.

SUMMARY: The purpose of this notice is to change the annual per acre assessment rates for the operation and maintenance of the irrigation facilities on the Fort Peck Indian Irrigation Project to properly reflect the actual costs for labor, materials, equipment, and services.

EFFECTIVE DATE: This notice will become effective November 17, 1982.

FOR FURTHER INFORMATION CONTACT: John Vogel, Billings Area Office, 316 N. 26th St., Billings, Montana 59101, Telephone number (406) 657-6145, FTS 585-6145.

SUPPLEMENTARY INFORMATION: This notice of change in operation and maintenance rates is published under the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8 and redelegated by the Deputy Assistant Secretary—Indian Affairs (Operations) to the Area Directors in 10 BIAM 3..

Irrigation rate changes for the Fort Peck Irrigation Project are made in compliance with 25 CFR 171.1(e) previously numbered as 25 CFR Part 191.

In accordance with 25 CFR Part 171, the operation and maintenance charges for the lands under the Fort Peck Irrigation Project, Montana, for the season of 1982 and until further notice are hereby fixed as follows:

	Acre
Wiota Irrigation Unit	$9.00
Frazer-Wolf Point Irrigation Unit	9.00

The following payment and entitlement criteria will be maintained in Project files, and will not be republished each year except for changes or as reminders.

Payment of the annual basic assessment entitles the water user to 2 Acre-feet of water per acre assessed. Any additional water delivered shall be charged for at the rate of $5.00 for each additional Acre-foot, or fraction thereof in excess over the basic 2 Acre-feet.

Water users shall make application for each delivery of water at the project office, or with the ditch rider at least 72 hours before requested delivery time to allow adjustment of such times and

schedules to fit required system adjustments and contacts between water users and project personnel.

Payment: (a) The basic annual assessment fixed shall become due and payable on April 1 of each calendar year. Charges for excess water delivered during any irrigation season shall be included in the bill for the ensuing season, except in cases of excess water delivery to Lessees of Indian lands where payment is required in advance of delivery.

(b) No water shall be delivered to any lands until all charges shall have been paid in accordance with provisions and exceptions contained in Part 171 of Title 25 of the Code of Federal Regulations.

(c) To all charges assessed against lands in non-Indian ownership and Indian lands under lease to non-Indian Lessees which are noit paid on or before July 1 of each year there shall be added a penalty of ½% per month or fraction thereof from the due date, April 1, so long as the delinquency continues.

John W. Fritz,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 82-31478 Filed 11-16-82; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Amendment to Land Use Plan

November 8, 1982.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Amendment to Land Use Plan.

SUMMARY: Notice is hereby given that a land use plan for the Wattis Planning Unit is being prepared to determine the acceptability of 1,520 acres of public land for further consideration for coal leasing. The land under consideration is within the Bureau of Land Management's Moab District and within Carbon County, Utah.

FOR FURTHER INFORMATION CONTACT: Leon E. Berggren, Price River Resource Area Manager, Bureau of Land Management, 900 North 700 East, P.O. Drawer AB, Price, Utah 84501; (801) 637-4584.

Background: The Wattis Planning Unit Land Use Plan completed July, 1979 was specifically prepared to apply the coal unsuitability criteria (43 CFR 3460) and conduct a multiple use analysis of underground mining on public lands in a portion of the Wasatch Plateau Known Recoverable Coal Resource Area. Areas have now been identified in the Wattis Planning Unit which are amendable to surface mining methods. Thus, through the proposed land use plan amendment, a determination will be made as to the acceptability of these lands (listed below) for consideration for leasing and possible surface mining.

T. 12 S., R. 7 E., SLB&M,
Sec. 31, SE¼SE¼.
T. 13 S., R. 7 E., SLB&M,
Secs.
6, NE¼NE¼, NE¼SW¼, NW¼SE¼;
7, SE¼NE¼, NE¼SE¼, S½SE¼;
17, SW¼NW¼, N½SW¼;
18, NE¼, N½SE¼;
19, SE¼NE¼, SE¼NW¼, E½SW¼, NE¼SE¼, S½SE¼;
20, SW¼NW¼, W½SW¼;
29, NW¼NW¼;
30, NE¼, NE¼NW¼, SE¼;
31, NE¼NW¼.

The land use plan amendment will be prepared by an interdisciplinary team that includes the following specialists: Soil scientist, archaeologist, hydrologist, range conservationist, geologist, realty specialist, recreation planner and wildlife biologist. Applicability of the unsuitability criteria is expected to be limited to impacts on public roads (Criterion 3), wildlife (Criterion 10–15), municipal watersheds (Criterion 17) and alluvial valley floors (Criterion 19).

The preliminary results of the plan amendment and a public meeting will be announced in the **Federal Register** at a later date.

Gene Nodine,

District Manager.

[FR Doc. 82-31435 Filed 11-16-82; 8:45 am]

BILLING CODE 4310-84-M

[A-17000]

Arizona; Application for Public Lands for State Indemnity Selection

1. Under the provisions of Sections 2275 and 2276 of the revised Statutes 43 U.S.C. 851, 852, the State of Arizona has filed application A-17000 to acquire public lands in lieu of certain school lands that were encumbered by other rights or reservations before the State's title could attach. Pursuant to the provisions of 43 CFR 2091.2-6 the lands described below are segregated from settlement, sale, locations of entry under the public land laws, including the mining laws, but not the mineral leasing laws or Geothermal Steam Act.

2. The following described lands were segregated in accordance with 43 CFR 2091.2-6 as of January 19, 1982:

T. 3 N., R. 13 W., GSR Mer. Arizona,
Sec. 8, S½SE¼, SE¼SW¼;
Sec. 17, E½NW¼, NE¼, north of CAP R/W.
T. 3 N., R. 15 W, GSR Mer. Arizona,
Sec. 2, N½ north of I-10 R/W.

3. The following described lands were segregated in accordance with 43 CFR 2091.2-6 as of February 10, 1982:

T. 1 S., R. 20 W., GSR Mer. Arizona,
Sec. 5, Lot 3.
T. 14 N., R. 23 W., GSR Mer. Arizona,
Sec. 4, Lot 4.
T. 12 N., R. 1 E., GSR Mer. Arizona,
Sec. 16, Lot 14.
T. 12 N., R. 1 E., GSR Mer. Arizona,
Sec. 32, Lot 7.
T. 13 N., R. 2 E., GSR Mer. Arizona,
Sec. 6, Lots 3, 4.

4. The following described lands were segregated in accordance with 43 CFR 2091.2-6 as of February 24, 1982:

T. 10 N., R. 19 W., GSR Mer. Arizona,
Sec. 25, NW¼NW¼.

5. The following described lands were segregated in accordance with 43 CFR 2091.2-6 as of March 19, 1982:

T. 4 N., R. 17 W., GSR Mer. Arizona,
Sec. 22, S½;
Sec. 27, N½ north of I-10 R/W.

6. The following described lands were segregated in accordance with 43 CFR 2091.2-6 as of May 12, 1982:

T. 1 N., R. 4 W., GSR Mer. Arizona,
Sec. 12, NW¼SW¼.
T. 2 N., R. 5 W., GSR Mer. Arizona,
Sec. 1, SW¼, W½SE¼;
Sec. 11, SE¼SE¼;
Sec. 12, NW¼, W½SW¼, W½E½SW¼;
Sec. 13, W½SW¼;
Sec. 14, E½E½;
Sec. 23, E½E½.
T. 2 S., R. 4 W., GSR Mer. Arizona,
Sec. 32, NW¼NE¼.

7. The following described lands were segregated in accordance with 43 CFR 2901.2-6 as of June 29, 1982:

T. 22 S., R. 22 E., GSR Mer. Arizona,
Sec. 3, Lots 57, 59 and 81.

8. The segregation of the above described public lands shall terminate upon issuance of a document of conveyance to such lands, or upon publication in the **Federal Register** of a notice of termination of the segregation or the expiration of 2 years from the date of the filing of the selection application, whichever occurs first. However, where administrative appeal or review actions have been sought pursuant to Part 4 or Subparts 2450 of 43 CFR, the segregative period shall continue in effect until publication of a notice of termination of the segregation in the **Federal Register.**

9. Inquiries concerning the segregation of the lands referenced above should be addressed to the District Manager, Bureau of Land Management, Phoenix

District Office, 2929, West Clarendon Avenue, Phoeniz, Arizona, 85017.

Mario L. Loperz,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-31433 Filed 11-16-82; 8:45 am]

BILLING CODE 4310-84-M

[A-17000]

Arizona; Application for Public Lands for State Indemnity Selection

1. Under the provisions of Sections 2275 and 2276 of the Revised Statutes 43 U.S.C. 851, 852, the State of Arizona has filed application A-17000 to acquire public lands in lieu of certain school lands that were encumbered by other rights or reservations before the State's title could attach. Pursuant to the provisions of 43 CFR 2091.2-6 the lands described below are segregated from settlement, sale, locations or entry under the public land laws, including the mining laws, but not the mineral leasing laws or Geothermal Steam Act.

2. The following described lands were segregated in accordance with 43 CFR 2091.2-6 as of October 7, 1982.

T. 10 N., R. 2 E., GSR Mer. Arizona,
Sec. 2, that part of Lots 2 and 3 lying between I-17 R/W and Bloody Basin Road.

T. 11 N., R. 2 E., GSR Mer. Arizona,
Sec. 4, S½N½;
Sec. 5, E½SE¼NW¼, S½NW¼SE¼NW¼, SW¼SE¼NW¼, E½NW¼NE¼SW¼;
Sec. 26, That part of W½W½ lying east of I-17 R/W;
Sec. 35, That part of S½SW¼SE¼ lying between I-17 R/W and Bloody Basin Road.

T. 12 N., R. 2 E., GSR Mer. Arizona,
Sec. 28, W½E½NW¼NW¼, W½NW¼NW¼, N½NW¼NE¼SW¼NW¼, N½NW¼SW¼NW¼, S½S½SW¼SW¼SW¼, SW¼SE¼SW¼SW¼;
Sec. 29, NW¼NE¼, N½N½N½SE¼NE¼;
Sec. 30, S½NE¼NE¼, SE¼NE¼;
Sec. 33, NE¼.

Total: 602.75 acres, more or less.

3. The segregation of the above described public lands shall terminate upon issuance of a document of conveyance to such lands, or upon publication in the **Federal Register** of a notice of termination of the segregation or the expiration of 2 years from the date of the filing of the selection application, whichever occurs first. However, where administrative appeal or review actions have been sought pursuant to Part 4 or Subparts 2450 of 43 CFR, the segregative period shall continue in effect until publication of notice of termination of the segregation in the **Federal Register.**

4. Inquires concerning the segregation of the lands referenced above should be addressed to the District Manager, Bureau of Land Management, Phoenix District Office, 2929 West Clarendon Avenue, Phoenix, Arizona 85017.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-31434 Filed 11-16-82; 8:45 am]

BILLING CODE 4310-84-M

[C-10847]

Colorado; Termination of Recreation and Public Purposes Classification

October 9, 1982.

This notice will terminate classification C-10847 which classified land for disposal under the Recreation & Public Purposes Act by FR Doc. 70-10908 on August 20, 1970.

No applications have been filed on this land and it has been determined that this classification is no longer required. Therefore, in accordance with 43 CFR 2461.5(a)(2), this classification is terminated on the following described lands:

Sixth Principal Meridian

T. 9 S., R. 95 W.,
Sec. 26: SW¼NW¼.

T. 10 S., R. 95 W.,
Sec. 15: SW¼SE¼;
Sec. 22: NE¼NE¼.

T. 10 S., R. 96 W.,
Sec. 21: NE¼SE¼;
Sec. 22: NW¼SW¼.

The area described aggregates approximately 200 acres in Mesa County.

At 10 a.m. on December 20, 1982, the land herein described shall be open to the operation of the public land laws generally, including location and entry under the U.S. mining laws, subject to valid existing rights. The lands have been and continue to be open to applications and offers under the mineral leasing laws.

All valid applications received prior to the opening time and date shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be directed to the Chief, Withdrawal Section, Bureau of Land Management, 1037 20th Street, Denver, Colorado 80202.

George C. Francis,

State Director.

[FR Doc. 82-31437 Filed 11-16-82; 8:45 am]

BILLING CODE 4310-84-M

[Serial Nos. I-2316, I-3651]

Idaho; Partial Termination of Classification for Multiple-Use Management

November 9, 1982.

1. Pursuant to authority delegated to me by Bureau Order No. 701, dated July 23, 1964 (29 FR 10526), I hereby terminate the Bureau of Land Management Multiple-Use Classification Orders dated May 14, 1970 and November 6, 1970 (Serial Nos. I-2316, I-3651) published in the **Federal Register** May 21, 1970 and November 13, 1970 (Vol. 35, No. 99 and Vol. 34, No. 221) insofar as they affect the lands described below:

Boise Meridian

All unappropriated public land within the following-described subdivisions:

Twin Falls County

T. 9 S., R. 13 E.,
Sec. 1, lot 1, SE¼SW¼;
Sec. 12, W½NW¼, SW¼, W½SE¼;
Sec. 13, NE¼NW¼, W½NW¼, NW¼SW¼;
Sec. 14, E½E½;
Sec. 23, NE¼NE¼, W½E½;
Sec. 26, W½NE¼, SE¼NE¼, NW¼SE¼, E½SE¼;
Sec. 35, NE¼NE¼.

T. 10 S., R. 13 E.,
Sec. 1, all;
Sec. 20, SE¼SE¼, all;
Secs. 21 and 28;
Sec. 29, E½NE¼, NE¼SE¼;
Sec. 33, E½NW¼, NW¼SW¼.

T. 11 S., R. 13 E.,
Sec. 4, E½SE¼, SE¼;
Sec. 8, NE¼, NE¼NW¼, E½SE¼;
Sec. 10, S½, W½NW¼;
Secs. 13 and 14, all;
Sec. 15, N½, N½SE¼, SE¼SE¼;
Sec. 23, N½NE¼;
Sec. 24, NW¼NE¼, S½NE¼, N½NW¼, SE¼NW¼, NE¼SE¼.

T. 8 S., R. 14 E.,
Sec. 29, all;
Sec. 31, lot 4, SE¼NE¼, E½SW¼.

T. 9 S., R. 14 E.,
Secs. 8, 9, 11, 12, and 17, all.

T. 10 S., R. 14 E.,
Sec. 30, all.

T. 11 S., R. 14 E.,
Sec. 10, all;
Sec. 11, NE¼SW¼, S½SW¼, SE¼;
Sec. 12 to 15, incl.;
Secs. 19 to 29, incl.;
Sec. 30, NE¼, NE¼NW¼, NE¼SE¼;
Sec. 32, N½NE¼, SE¼NE¼;
Sec. 33, N½, SE¼;
Secs. 34 and 35, all.

T. 12 S., R. 14 E.,
Sec. 1 to 3, incl.;
Sec. 4, lots 1, 2, 3, S½NE¼, SE¼;
Sec. 9, E½NE¼, NE¼SE¼;
Secs. 10 to 13, incl.;
Sec. 14, N½, NE¼SW¼, SE¼;
Sec. 15, N½NE¼, NE¼NW¼;

Sec. 24, all;
Sec. 25, NE¼, E½NW¼, N½SE¼, SE¼SE¼.

T 13 S., R. 14 E.,
Sec. 25, SE¼NE¼, E½SE¼.

T. 15 S., R. 14 E.,
Sec. 25, E½SE¼.

T. 16 S., R. 14 E.,
Sec. 1, E½NE¼.

T. 11 S., R. 15 E.,
All.

T 12 S., R. 15 E.,
Secs. 1 to 12, incl.;
Sec. 13, N½NE¼, SW¼NE¼, NW¼;
Sec. 14, N½;
Sec. 15, N½N½;
Secs. 17 to 22, incl.;
Secs. 28 to 30, incl.;
Sec. 31, lots 1 and 2, E½, E½NW¼;
Secs. 32 to 34, inclusive.

T. 13 S., R. 15 E.,
Secs. 2 to 5, incl.;
Sec. 6, lots 1 and 2, S½NE¼, SE¼;
Sec. 7, E½;
Secs. 8 to 15, incl.;
Sec. 17, all;
Sec. 18, lots 3 and 4, E½, SE¼NW¼, E½SW¼;
Secs. 19 to 35, incl.

T. 14 S., R. 15 E.,
Secs. 1 to 6, incl.;
Sec. 7, lot 1, E½, E½NW¼, NE¼SW¼;
Secs. 8 to 10 incl.;
Secs. 12 to 15, incl.;
Sec. 17, all;
Sec. 18, lot 10, NW¼NE¼;
Sec. 19, E½E½, SW¼SE¼;
Secs. 20 and 21, all;
Secs. 24 to 26, incl.;
Sec. 27, SW¼NW¼, SW¼, W½SE¼;
Sec. 28 SE¼NE¼, SE¼SW¼, E½SE¼, W½W½;
Sec. 29, all;
Sec. 30, E½, NE¼SW¼;
Sec. 31, E½E½, W½SE¼;
Secs. 32 to 35, incl.

T 15 S., R. 15 E.,
Secs. 1 to 5, incl.;
Sec. 6, lot 1, SE¼NE¼, NE¼SE¼;
Secs. 8 to 15, incl.;
Sec. 17, all;
Sec. 18, E½;
Sec. 19, lot 5, E½, SE¼SW¼;
Secs. 20 to 29, incl.;
Sec. 30, lots 2 to 8, incl., E½, E½W½;
Secs. 31 to 35, incl.

T. 16 S., R. 15 E.,
Secs. 1 to 6, incl.;
Sec. 7, NE¼, NE¼NW¼, E½SE¼;
Secs. 8 to 15, incl.;
Sec. 17, all;
Sec. 18, E½E½;
Sec. 20, E½, E½NW¼, NW¼NW¼;
Secs. 21 to 28, incl.;
Sec. 29, lots 3 and 4, E½NE¼, NE¼SE¼;
Secs. 34 and 35, all.

T. 9 S., R. 16 E.,
Sec. 18, lots 17, 18, 20, all;
Sec. 21, lot 3;
Sec. 24, lots 5, 6, 13.

T. 11 S., R. 16 E.,
Secs. 5 and 8, all;
Sec. 19, lots 1 and 2, E½NW¼;
Sec. 22, all;
Sec. 30, lots 1 to 4, incl., N½NE¼, E½W½, SW¼SE¼;
Sec. 31, lots 1 to 4, incl., SE¼NE¼, W½NE¼, E½W½SE¼;
Sec. 32, all.

T.12 S., R. 16 E.,
Sec. 1, lots 1 to 4, incl.;
Sec. 2, lots 1 to 4, incl.;
Sec. 5 to 9 incl.;
Sec. 10, SW¼NW¼, S½;
Sec. 11, SW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 13, SW¼SW¼;
Sec. 14, S½NE¼, W½, S½SE¼;
Sec. 15, all;
Sec. 17, all;
Secs. 20 to 23, incl.;
Sec. 24, NE¼NW¼, S½NW¼;
Sec. 34, W½NW¼, NW¼SW¼.

T. 13 S., R. 16 E.,
Sec. 7, all;
Secs. 13 to 15, incl.;
Secs. 18 and 19, all;
Sec. 20, SW¼NW¼, W½SW¼, SE¼SW¼, SW¼SE¼;
Secs. 22 to 24, incl.;
Secs. 29 to 32, incl.

T. 14 S., R. 16 E.,
Secs. 5 to 8, incl.;
Secs. 10, 12, and 13, all;
Secs. 18 to 20, incl.;
Secs. 22 to 35, incl.

T. 15 S., R. 16 E.,
Secs. 1 to 9, incl.;
Secs. 11 to 15, incl.;
Secs. 17 to 35, incl.

T. 16 S., R. 16 E.,
All.

T. 9 S., R. 17 E.,
Sec. 30, lots 10 to 12, incl.;
Sec. 33, lot 3;
Sec. 34, lots 15 to 17, incl.

T. 11 S., R. 17 E.,
Sec. 19, NW¼SE¼, S½SE¼;
Sec. 20, SW¼SW¼;
Sec. 28, all;
Sec. 29, W½;
Sec. 30, lots 2 to 4, incl., E½W½, E½;
Sec. 31, lot 1, E½W½, E½;
Sec. 32, all;
Sec. 33, all.

T. 12 S., R. 17 E.,
Sec. 1, lots 1 to 4, incl. S½N½, SW¼,W½SE¼, NE¼SE¼;
Sec. 2, lots 3 and 4, S½NW¼, W½SW¼;
Sec. 4, lots 1 to 4, incl., S½NE¼, SW¼SW¼;
Sec. 5, all;
Sec. 6, lots 1 to 4, incl., S½NE¼, SE¼NW¼, NE¼SW¼, SE¼;
Sec. 7, lots 3 and 4, NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 8, NW¼, W½NE¼, NE¼NE¼;
Sec. 9, NW¼NW¼, SW¼SW¼;
Sec. 10, all;
Sec. 11, NE¼SW¼, NW¼NW¼;
Sec. 12, E½NE¼, SE¼, NW¼NW¼;
Sec. 13, NW¼, S½;
Sec. 14, S½NE¼, SE¼NW¼, SE¼;
Sec. 15, NW¼NE¼, N½NW¼;
Sec. 21, W½NE¼, E½NW¼, SW¼, NW¼SE¼;
Secs. 22 to 26, incl.;
Sec. 27, NE¼NE¼;
Secs. 28 and 29, all;
Secs. 31, to 33, incl.;
Sec. 34, E½E½, SW¼NE¼;
Sec. 35, all.

T. 13 S., R. 17 E.,
Secs. 5 to 8, incl.;
Sec. 17 and 18, all.

T. 14 S., R. 17 E.,
Secs. 4, 19 and 20, all;
Sec. 27, NW¼;
Secs. 29 to 32, incl.

T. 15 S., R. 17 E.,
Secs. 5 to 7, incl.;
Sec. 18 and 19, all;
Secs. 30 to 35, incl.

T. 16 S., R. 17 E.,
All.

T. 9 S., R. 18 E.,
Sec. 32, lots 7 and 8;
Sec. 33, lot 2.

T. 10 S., R. 18 E.,
Sec. 3, lot 9, SW¼SW¼;
Sec. 4, lot 4, NW¼SE¼;
Sec. 10, lots 4 and 5;
Sec. 11, lots 3, 4, 7, 8, NW¼SW¼;
Sec. 12, lots 2, 6, 7.

T. 11 S., R. 18 E.,
Sec. 33, NE¼SE¼;
Sec. 34, S½NW¼, N½SW¼.

T. 12 S., R. 18 E.,
Secs. 1 to 3, incl.;
Sec. 4, S½NE¼, SE¼NW¼, S½;
Sec. 5, lot 1, SW¼SW¼;
Sec. 6, lot 7, S½NE¼, SE¼NW¼, E½SW¼, W½SE¼, NE¼SE¼;
Secs. 7 to 15, incl.;
Secs. 17 to 35, incl.

T. 15 S., R. 18 E.,
Secs. 31 to 33, incl.

T. 16 S., R. 18 E.,
All.

T. 10 S., R. 19 E.,
Sec. 7, lot 8;
Sec. 15, lot 3;
Sec. 24, lot 3;
Sec. 25, lot 2.

T. 11 S., R. 19 E.,
Sec. 10, S½SW¼.

T. 10 S., R. 20 E.,
Sec. 35, SW¼SW¼.

T. 11 S., R. 20 E.,
Sec. 4, lot 3;
Sec. 6, lot 1;
Sec. 17, all.

T. 10 S., R. 21 E.,
Sec. 29, lot 5.

(I-3651)—Power County

T. 6 S., R. 34 E.,
Secs. 16, 19, 30 and 31, all.

T. 6 S., R. 34 E.,
All.

T. 9 S., R. 34 E.,
Secs. 1, 2, 11 to 14, incl., and 24, all

T. 10 S., R. 34 E.,
Sec. 2, all.

T. 9 S., R. 35 E.,
Sec. 18, all;
Sec. 29, E½W½, W½SW¼, SW¼NW¼;
Sec. 30, all;
Sec. 32, E½W½, W½NW¼, NW¼SW¼.

Bannock County

T. 6 S., R. 34 E.,
Secs. 17, 20, 29, 32 and 33, all.
T. 7 S., R. 34 E.,
All.
T. 5 S., R. 35 E.,
All.
T.6 S., R. 35 E.,
All.
T. 7 S., R. 35 E.,
All.
T. 9 S., R. 35 E.,
Secs. 15, 22, 27 and 28, all;
Sec. 29, E½;
Sec. 32, E½;
Secs. 33, and 35, all.
T. 10 S., R. 35 E.,
Sec. 1, all;
Secs. 12 to 14, incl.;
Secs. 17 and 19, all;
Secs. 23 to 26, incl.;
Secs. 28 to 33, incl.;
Sec. 35, all.
T. 6 S., R. 36 E.,
Secs. 17 to 20, incl.;
Sec. 30, all;
Sec. 31, all.
T. 7 S., R. 36 E.,
Secs. 2 and 3, all;
Secs. 5 to 11, incl.;
Secs. 17 to 20, incl.;
Secs. 30 and 31, all.
T. 8 S., R. 36 E.,
Secs. 7, 12, and 13, all;
Sec. 17, S½SW¼;
Secs. 20, 24, 25, 29 and 32, all.
T. 9 S., R. 36 E.,
Secs. 5, 7 and 8, all;
Secs. 17 to 20, incl.;
Secs. 30 and 31, all.
T. 10 S., R. 36 E.,
Sec. 6, all;
Sec. 19, all;
Sec. 30, all.
T. 11 S., R. 36 E.,
Sec. 12, all;
Sec. 13, N½N½.
T. 8 S., R. 37 E.,
Secs. 7, 18, 19 and 30, all.
T. 9 S., R. 37 E.,
Secs. 3 to 5, incl.;
Secs. 9, 10, 13 and 24, all.
T. 10 S., R. 37 E.,
Secs. 1, 2, 12, 13 and 24, all.
T. 11 S., R. 37 E.,
Secs. 1 and 12, all.
T. 8 S., R. 38 E.,
All within the county.
T. 9 S., R. 38 E.,
Secs. 1 to 4, incl.;
Sec. 9, all;
Secs. 10 to 14, incl.;
Secs. 18 to 20, incl.;
Secs. 23 and 24, all.
T. 10 S., R. 38 E.,
Secs. 6, 7, 18, 19 and 30, all.
T. 11 S., R. 38 E.,
Secs. 4 to 9, incl.;
Secs. 17 to 21, incl.;
Sec. 28, all;
Sec. 29, NW¼NE¼, N½NW¼.
T. 12 S., R. 38 E.,
Sec. 13, all.
T. 13 S., R. 38 E.,
Sec. 15, all.
T. 9 S., R. 39 E.,
All within the county.
T. 13 S., R. 39 E.,
Sec. 6, SE¼NW¼, SW¼NE¼.

Caribou County

T. 5 S., R. 38 E.,
All within the county.
T. 6 S., R. 38 E.,
All.
T. 7 S., R. 38 E.,
All.
T. 8 S., R. 38 E.,
All within the county.
T. 5 S., R. 39 E.,
All.
T. 6 S., R. 39 E.,
All.
T. 8 S., R. 39 E.,
All.
T. 9 S., R. 39 E.,
All within the county.
T. 10 S., R. 39 E.,
All within the county.
T. 11 S., R. 39 E.,
Secs. 11, 13, and 14, all;
Secs. 23 to 25, incl.
T. 5 S., R. 40 E.,
Sec. 5, SW¼SW¼;
Sec. 6, lots 3 and 4, S½, S½N½
Secs. 7, 8, 11, 14, 15, 17, and 22, all.
T. 6 S., R. 40 E.,
All.
T. 7 S., R. 40 E.,
All.
T. 8 S., R. 40 E.,
All.
T. 10 S., R. 40 E.,
Secs. 19 and 30, all.
T. 11 S., R. 40 E.,
Secs. 28 to 32, incl.
T. 5 S., R. 41 E.,
All.
T. 7 S., R. 41 E.,
All.
T. 8 S., R. 41 E.,
All.
T. 9 S., R. 41 E.,
Secs. 3 to 7, incl., 10, 13, 17 to 22, incl., and 24, all;
Sec. 31, NE¼NE¼.
T. 11 S., R. 41 E.,
Secs, 3, 10, 15, and 22, all.
T. 5 S., R. 42 E.,
All.
T. 6 S., R. 42 E.,
All.
T. 7 S., R. 42 E.,
All.
T. 8 S., R. 42 E.,
All.
T. 9 S., R. 42 E.,
Secs. 1, 2, 11, 12, 28, and 35, all.
T. 5 S., R. 43 E.,
All.
T. 6 S., R. 43 E.,
All.
T. 7 S., R. 43 E.,
All.
T. 8 S., R. 43 E.,
All.
T. 5 S., R. 44 E.,
All.
T. 6 S., R. 44 E.,
All.
T. 7 S., R. 44 E.,
All.
T. 8 S., R. 44 E.,
All.
T. 9 S., R. 44 E.,
All.
T. 7 S., R. 46 E.,
All.
T. 8 S., R. 46 E.,
All.
T. 9 S., R. 46 E.,
All.

Franklin County

T. 13 S., R. 38 E.,
Sec. 22, SW¼NW¼.
T. 14 S., R. 38 E.,
Sec. 13,NW¼SW¼.
T. 12 S., R. 40 E.,
Secs. 6, 7, 17 to 21, incl., and 28 to 33, incl.
T. 13 S., R. 40 E.,
Secs. 5, 6, 12 to 14, incl., 22 to 24, incl., 26, 27, 34, and 35, all.
T. 14 S., R. 40 E.,
Secs. 2, 3, 9, 10, and 15, all.
T. 12 S., R. 41 E.,
Secs. 4, 5, 8, 9, 15, 20, and 21, all.
T. 13 S., R. 41 E.,
Secs. 6, 7, and 18, all.

Bear Lake County

T. 13 S., R. 42 E.,
Sec. 12, all.
T. 14 S., R. 42 E.,
Secs. 1 and 12, all.
T. 11 S., R. 43 E.,
Secs. 18 to 20 incl., and 30, all.
T. 13 S., R. 43 E.,
All.
T. 14 S., R. 43 E.,
Secs. 5 to 7 incl.
T. 15 S., R. 43 E.,
Secs. 20, 21, and 33, all.
T. 16 S., R. 43 E.,
Secs. 3, 4, 9, 10, and 16, all.
T. 11 S., R. 44 E.,
Sec. 4, all.
T. 13 S., R. 44 E.,
Sec. 1, all.
T. 14 S., R. 44 E.,
Sec. 25, all.
T. 15 S., R. 44 E.,
Secs. 1, 12, 13, and 24, all.
T. 13 S., R. 45 E.,
All.
T. 14 S., R. 45 E.,
All.
T. 15 S., R. 45 E.,
All.
T. 16 S., R. 45 E.,

All.

T. 12 S., R. 46 E.,
Secs. 17 and 19, all;
Sec. 20, NE¼NW¼;
Secs. 30 and 31, all.

T. 13 S., R. 46 E.,
Secs. 6, 7, and 17 to 20 incl.;
Sec. 29, NW¼, N½SW¼, SE¼SW¼;
Secs. 30 and 31, all;
Sec. 32, E½NW¼, W½SW¼.

T. 14 S., R. 46 E.,
Secs. 5 to 8, incl., 17 to 20, incl., and 29 to 31, incl.

T. 15 S., R. 46 E.,
Secs. 13 and 19, all;
Sec. 20, SW¼;
Sec. 29, W½NW¼;
Secs. 30 and 31, all.

T. 16 S., R. 46 E.,
Sec. 5, SW¼;
Secs. 6 and 7, all;
Sec. 8, NW¼;
Sec. 20, NW¼NW¼.

The area described in paragraph No. 1 aggregates approximately 428,300 acres.

2. The following-described lands were further segregated from appropriation under the general mining laws.

(I–2316)

T. 9 S., R. 13 E.,
Sec. 1, lot 1, SE¼SW¼;
Sec. 12, W½NW¼, NW¼SW¼;
Sec. 14, E½E½;
Sec. 23, W½E½, NE¼NE¼;
Sec. 26, W½NE¼, NW¼SE¼, E½SE¼;
Sec. 35, NE¼NE¼.

T. 10 S., R. 13 E.,
Sec. 1, lots 3 and 4;
Sec. 20, SE¼SE¼;
Sec. 21, W½NW¼, (Balanced Rock Rec. Site);
Sec. 28, SW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 29, E½NE¼, NE¼SE¼;
Sec. 33, E½NW¼, NW¼SW¼.

T. 8 S., R. 14 E.,
Sec. 29, lots 3 and 4, S½NW¼, SW¼, W½SE¼;
Sec. 31, lot 4, E½SW¼ (Buhl Dunes Rec. Site).

T. 14 S., R. 15 E.,
Sec. 17, lots 1, 2, 3, E½W½, NW¼NW¼, (Salmon Dam Rec. Site);
Sec. 18, lot 10;
Sec. 19, E½NE¼ (Sand Bar Bay Rec. Site).

T. 15 S., R. 15 E.,
Sec. 8, SW¼SW¼, E½SW¼ (Gray's Landing Rec. Site);
Sec. 19, NE¼ (Norton Bay Rec. Site).

T. 16 S., R. 15 E.,
Sec. 6, lot 7, SE¼SW¼ (China Creek Rec. Site).

T. 9 S., R. 16 E.,
Sec. 18, lots 17, 18, 20;
Sec. 21, lot 3;
Sec. 24, lots 5, 6, 13.

T. 9 S., R. 17 E.,
Sec. 30, lots 10, 11, 12, (Homestead Camp and Picnic Ground Rec. Site);
Sec. 33, lot 3;
Sec. 34, lots 15, 16, 17 (Twin Falls River Park Rec. Site).

T. 12 S., R. 17 E.,
Sec. 21, NE¼NW¼ (Magic Valley Cycle Club-R&PP Rec. Site);
Sec. 31, lots 1 and 2.

T. 10 S., R. 18 E.,
Sec. 3, lot 9;
Sec. 10, lots 4, and 5 (Hansen Bridge Overlook & Park);
Sec. 11, lots 3, 4, NW¼SW¼;
Sec. 12, lots 2, 6, 7.

T. 10 S., R. 19 E.,
Sec. 7, lot 8;
Sec. 15, lot 3;
Sec. 24, lot 3;
Sec. 25, lot 2.

T. 11 S., R. 20 E.,
Sec. 17, all.

T. 10 S., R. 21 E.,
Sec. 29, lot 5.

(I–3651)

T. 6 S., R. 35 E.,
Sec. 22, SW¼SE¼ (Camelback Picnic Area);
Sec. 35, NE¼SW¼ (Black Rock Canyon Campground).

T. 10 S., R. 35 E.,
Sec. 12, NE¼NE¼ (Garden Gap Campground);
Sec. 35, N½NE¼ (Hawkin's Reservoir Camp Area).

T. 9 S., R. 36 E.,
Sec. 7, W½SE¼ (Goodenough Creek Campground).

T. 11 S., R. 36 E.,
Sec. 12, S½NW¼, N½SW¼ (Wiregrass Reservoir Camp Area).

T. 6 S., R. 38 E.,
Sec. 14, SW¼, SE¼NW¼, (Portneuf Reservoir Camp Area).

T. 8 S., R. 38 E.,
Sec. 24, S½SW¼SW¼;
Sec. 25, N½NW¼NW¼ (North Canyon Camp).

T. 9 S., R. 38 E.,
Sec. 20, lot 4 (Lava Campground).

T. 11 S., R. 38 E.,
Sec. 5, SE¼SE¼ (Nine-Mile Campground);
Sec. 21, SE¼SE¼;
Sec. 28, NW¼NE¼ (North Fork Campground).

T. 13 S., R. 38 E.,
Sec. 15, SE¼Ne¼ (Swan Lake Campground).

T. 14 S., R. 38 E.,
Sec. 13, NW¼SW¼ (Twin Lakes Park).

T. 13 S., R. 39 E.,
Sec. 6, SE¼NW¼, SW¼NE¼ (Stockton Creek Campground).

T. 5 S., R. 40 E.,
Sec. 12, NW¼ (Blackfoot Reservoir Dam Camground).

T. 13 S., R. 40 E.,
Sec. 13, SW¼SW¼, NE¼SW¼ (Narrows Reservoir Boat Docks);
Sec. 24, NW¼ (Narrows Reservoir Campgrounds).

T. 14 S., R. 40 E.,
Sec. 2, NW¼SW¼, SW¼NW¼;
Sec. 3, NE¼SE¼, SE¼NE¼ (Red Point campground);
Sec. 9, SE¼SE¼, (Pigeon Cave Campground).

T. 7 S., R. 41 E.,
Sec. 1, NE¼SE¼, SE¼NE¼ (Southbend-Middle Cone Campground).

T. 9 S., R. 41 E.,
Sec. 10, S½NW¼ (Soda Point Reservoir Campground);
Sec. 13,E½SE¼;
Sec. 24, NW¼SE¼, NE¼SW¼, E½NE¼, (Soda Springs Campground);
Sec. 31, NE¼NE¼ (Grace Campground).

T. 9 S., R. 42 E.,
Sec. 35, SE¼NE¼ (Railroad Bridge Camp Site).

T. 16 S., R. 43 E.,
Sec. 16, NE¼, E½NW¼ (Squaw Mill Camp Site).

T. 11 S., R. 44 E.,
Sec. 4, SE¼NE¼ (Georgetown Canyon Campground).

T. 13 S., R. 45 E.,
Sec. 6, NW¼NW¼ (Montpelier Canyon Campground).

T. 14 S., R. 45 E.,
Sec. 14, S½SW¼SW¼ (Bear River Camp).

T. 7 S., R. 46 E.,
Sec. 26, S½NW¼, NW¼SW¼ (Stump Creek Camp).

T. 14 S., R. 46 E.,
Sec. 8, SE¼SW¼SW¼, (Overlook).

The area described in paragraph No. 2 aggregates approximately 6,105 acres.

3. The segregative effect on the lands described in this order will terminate upon publication of this notice in the **Federal Register** as provided by the regulations in 43 CFR 2641.5(c)(2).

4. At 9:00 a.m. on December 8, 1982, the lands will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable laws. All valid applications received at or prior to 9:00 a.m. on December 8, 1982, shall be considered as simultaneously filed at the time. Those received thereafter shall be considered in the order of filing.

5. The land in paragraph one and two above have been and will continue to be open to applications and offers under the mineral leasing laws.

6. The lands in paragraph two above also will be open to location under the mining laws at 9:00 a.m. on December 8, 1982. Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Federal Building, Box 042, Boise, Idaho 83724.

Clair M. Whitlock,

State Director.

[FR Doc. 82–31431 Filed 11–16–82; 8:45 am]

BILLING CODE 4310–84–M

Las Vegas District, Nevada; Scoping of Wilderness Alternatives

AGENCY: Bureau of Land Management, Interior.

ACTION: Intent to Prepare a Wilderness Environmental Impact Statement for Clark County, Nevada; Scoping of Wilderness Alternatives.

SUMMARY: This notice advises the public that the Las Vegas District of the Bureau of Land Management will be preparing a Wilderness Environmental Impact Statement (EIS) on eighteen Wilderness Study Areas (WSASs) in Clark County within the Las Vegas District of Nevada. This notice also advises that a scoping period will be held to solicit comments from the public concerning the alternatives for the Clark County Wilderness EIS.

The Wilderness EIS will be conducted to determine which of the 18 WSAs or portions of these WSAs, if any, are suitable for designation as wilderness. The 18 WSAs encompass 527,254 acres. Analysis will be conducted in accordance with the National Environmental Policy Act, the regulations of the Council of Environmental Quality, and the BLM's *Wilderness Study Policy.*

Scoping for the EIS alternatives will be conducted beginning with the publication of this notice and lasting through January 14, 1983. The purpose of the scoping period is to solicit written comments about the alternatives formulated, in particular, the composition of the individual alternatives and the representativeness of the array presented by the four alternatives. For the Clark County Wilderness EIS, the alternatives are the Management Framework Plan (MFP II) alternative (emphasis on manageability), the Resource Development Alternative (emphasis on minerals production), the Resource Protection Alternative (all wilderness), and the No Action Alternative (no wilderness). The 18 WSAs are listed below:

Wilderness Study Areas		Acreage
NV-050-0201	Fish and Wildlife #1	8,991
NV-050-0215	Arrow Canyon Range	32,853
NV-050-0216	Fish and Wildlife #2	16,516
NV-050-0217	Fish and Wildlife #3	22,002
NV-050-0229	Muddy Mountains	96,170
NV-050-0231	Lime Canyon	30,747
NV-050-0233	Million Hills	9,599
NV-050-0235	Garrett Buttes	11,100
NV-050-0238	Jumbo Springs	3,208
NV-050-0401	Mt. Stirling	69,650
NV-050-0411	Quail Springs	12,225
NV-050-0412	La Madre Mtns.	56,243
NV-050-0414	Pine Creek	24,000
NV-050-0423	Eldorado	11,069
NV-050-0425	No. McCullough Mtns.	47,166
NV-050-0435	So. McCullough Mtns.	56,623
NV-050-0438	Ireteba Peaks	13,374
NV-050-04R-15	Nellis	5,718
Total acreage		527,254

DATES: Three scoping open house sessions will be held at the following locations:

Overton, Nevada—Moapa Valley Community Center; 8 December 1982, 3:00 to 8:00 p.m.

Las Vegas, Nevada—BLM District Office, 4765 W. Vegas Dr.; 15 December 1982, 3:00 to 5:00 p.m. and 7:00 to 9:00 p.m.

Searchlight, Nevada—Searchlight Community Center; 16 December 1982, 3:00 to 8:00 p.m.

ADDRESS: Comments should be addressed to Kemp Conn, District Manager, Bureau of Land Management, P.O. Box 26569, Las Vegas, Nevada 89126.

FOR FURTHER INFORMATION CONTACT: Frank Maxwell, Wilderness EIS Team Leader, Las Vegas District Office (702–385–6463).

Dated: November 4, 1982.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 82–31436 Filed 11–16–82; 8:45 am]

BILLING CODE 4310–84–M

Planning Criteria for Coast Valley Resource Management Plan (RMP) in the Caliente Resource Area, Bakersfield, California

November 8, 1982.

In accordance with 43 CFR 1601.3, notice is hereby given of the availability of the Planning Criteria to direct the Coast Valley Resource Management Plan (RMP) in the Caliente Resource Area.

The bakersfield District of the Bureau of Land Management has prepared the initial Planning Criteria to direct this planning effort in the Caliente Resource Area. The Plan will involve the public lands located in Kern, Kings, San Luis Obispo, Santa Barbara, Tulare, and Ventura Counties and will carry out the requirements of the Federal Land Policy and Management Act (FLPMA) of 1976.

As new information surfaces during the planning process, and/or from public input, additional planning criteria will be developed for future guidance of this planning effort.

This initial planning criteria is available for review at the following locations: Bakersfield District Office, 800 Truxtun Avenue, Room 302, Bakersfield, California, 93301, (805) 861–4191; and Caliente Resource Area Office, 520 Butte Street, Bakersfield, California, 93305, (805) 861–4236.

FOR FURTHER INFORMATION CONTACT: Glenn A. Carpenter, Area Manager, at the Caliente Resource Area Office listed above.

Robert D. Rheiner, Jr.,

District Manager.

[FR Doc. 82–31432 Filed 11–16–82; 8:45 am]

BILLING CODE 4310–84–M

[W–71259]

Wyoming; Proposed Continuation of Withdrawal

The Bureau of Land Management, U.S. Department of the Interior, proposes to continue the existing withdrawal of the following public lands made by Public Land Order 5060 of May 13, 1971, for a 20-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):

Sixth Principal Meridian, Wyoming

T. 19 N., 105 W.,
Sec. 14, a tract of land within lot 17 (formerly lot 5) described as follows:

Beginning at a point 816.55 feet N., 17° 56' 40" E. of the quarter corner common to sections 14 and 15; thence N. 12° 22' E., a distance of 513.7 feet; thence S. 89° 41' E., a distance of 902.92 feet; thence S. 2° 16' E., distance of 779.4 feet; thence N. 74° 54' 30" W., a distance of 1,080 feet to the point of beginning.

The area described contains 14.43 acres in Sweetwater County, Wyoming.

The purpose of the withdrawal is a Bureau of Land Management Administrative Site (Rock Springs District Office). The withdrawal closes the described land to all forms of appropriation under the public land laws including the mining laws but not to leasing under the mineral leasing laws. The withdrawal does not alter the applicability of the public land laws governing the use of the land under lease, license, or permit or governing the disposal of their mineral or vegetative resources other than under the mining laws. No change in the segregative effect or use of the land is proposed by this action.

Notice is hereby given that an opportunity for a public meeting 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 meeting to the undersigned before February 15, 1983.

Upon determination by the State Director, Bureau of Land Management, that a public meeting will be held, a

notice will be published in the **Federal Register** giving the time and place of such meeting. Public meetings are scheduled and conducted in accordance with BLM Manual, Section 2351.16B.

The authorized officer of the Bureau of Land Management will make necessary investigation to determine the existing and potential demands for the land and its resources and review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated. 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 the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposal withdrawal continuation should be sent to the undersigned officer, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-31340 Filed 11-16-82; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Receipt of Application for Permit

Notice is hereby given that an applicant has applied in due form for a permit under the Marine Mammal Protection Act of 1972 and the Endangered Species Act of 1973.

1. Applicant:
   a. Name: Mote Marine Laboratory
   b. Address: 1600 City Island Park, Sarasota, FL
2. Type of permit: Take (harassment)
3. Name and number of animals: West Indian Manatee (*Trichechus manatus*)—20 Bottle-nosed dolphin (*Tursiops truncatus*)—200 Loggerhead turtle (*Caretta caretta*)—100
4. Type of Activity: Possible harassment due to use of sonar device to track movements of these animals.
5. Location of Activity: Western coastal Florida around Tampa Bay.
6. Period of Activity: January 1983–December 1984.

The purpose of this application is for the applicant to obtain a permit to authorize the use of a sonar device to determine its feasibility in effectively tracking large marine animals.

Concurrent with the publication of this notice in the **Federal Register** the Fish and Wildlife Service and National Marine Fisheries Service are forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

The application has been assigned file number PRT 2-9757. Written data or views, requests for copies of the complete application, or requests for a public hearing on this application should be submitted to the Director, U.S. Fish and Wildlife Service (WPO), P.O. Box 3654, Arlington, VA 22203, 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 Director of the Fish and Wildlife Service or the Administrator of the National Marine Fisheries Service.

All statements contained in this notice are summaries of those of the applicant and do not necessarily reflect the views of the Fish and Wildlife Service or the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review during normal business hours in Room 605, 1000 North Glebe Road, Arlington, Virginia.

Dated: November 12, 1982.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service, Department of Commerce.

Dated: November 10, 1982.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office, Department of the Interior.

[FR Doc. 82-31425 Filed 11-16-82; 8:45 am]

BILLING CODE 4310-55-M and 3510-08-M

Minerals Management Service

Alaska Outer Continental Shelf; Availability of a Draft Environmental Impact Statement for a Proposed Sand and Gravel Lease in the Diapir Field Region of the Beaufort Sea

Pursuant to section 102 (2) (C) of the National Environmental Policy Act of 1969, the Minerals Management Service has prepared a draft environmental impact statement (EIS) relating to a proposed Outer Continental Shelf (OCS) Sand and Graval Lease Sale in the Diapir Field, off the northern coast of Alaska.

Single copies of the draft EIS can be obtained from the Regional Manager, Alaska OCS Region, P.O. Box 1159, Anchorage, Alaska 99510.

Copies of the draft EIS will also be made available for inspection in the following public libraries: Alaska Federation of Natives, Suite 304, 1577 O Street, Anchorage, AK 99501; Anchor Point Public Library, Anchor Point, AK 99556; Department of the Interior Resources Library, Box 36, 701 "C" Street, Anchorage, AK 99513; Cordova Public Library, Box 472, Cordova, AK 99574; Kenai Community Library, Box 157, Kenai, AK 99611; Elim Learning Center, Elim, AK 99739; Haines Public Library, P.O. Box 36, Haines, AK 99827; North Star Borough Library, Fairbanks, AK 99701; University of Alaska Institute of Social and Economic Research Library, Fairbanks, AK 99801; Homer Public Library, Box 356, Homer, AK 99603; Z. J. Loussac Public Library, 427 F Street, Anchorage, AK 99801; Juneau Memorial Library, 114 W. 4th Street, Juneau, AK 99824; Alaska State Library, Documents Librarian, Pouch G, Juneau, AK 99811; Ketchikan Public Library, 629 Dock Street, Ketchikan, AK 99901; Department of Defense, Army Corps of Engineers Library, P.O. Box 7002, Anchorage, AK 99501; Kodiak Public Library, P.O. Box 985, Kodiak, AK 99615; Metlakatla Extension Center, Metlakatla, AK 99926; Department of the Interior, Bureau of Mines Library, AF-F.O. Center, P.O. Box 550, Juneau, AK 99802; Petersburg Extension Center, Box 289, Peterburg, AK 99833; Seldovia Public Library, Drawer D, Seldovia, AK 99663; Seward Community Library, Box 537, Seward AK 99664; University of Alaska Juneau Library, P.O. Box 1447, Juneau, AK 91447; Sitka Community Library, Box 1090, Sitka, AK 99835; Douglas Public Library, Box 469, Douglas, AK 99824; University of Alaska Anchorage Library, 3211 Providence Drive, Anchorage, AK 99504; University of Alaska Elmer E. Rasmusson Library, Fairbanks, AK 99701; Wrangel Extension Center, Box 651, Wrangell, AK 99929.

In accordance with 43 CFR 3314.1, the Minerals Management Service will hold a public hearing in order to receive comments and suggestions relating to the EIS. The exact location and date of this hearing will be announced at a later date. Comments concerning the draft EIS will be accepted until Friday, January 7, 1983, and should be addressed to the Regional Manager,

Alaska OCS Region, P.O. Box 1159, Anchorage, Alaska 99510.

Harold Doley,

Director, Minerals Management Service.

Approved

Bruce Blanchard,

Director, Environmental Project Review.

[FR Doc. 82-31494 Filed 11-16-82; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Death Valley National Monument, California and Nevada Natural and Cultural Resources Plan; Availability of the Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1965, the National Park Service, U.S. Department of the Interior, has prepared a final environmental impact statement for the proposed Natural and Cultural Resources Plan for Death Valley National Monument, California and Nevada.

The proposal involves restoration of natural ecosystems by removal of exotic plants and animals, rehabilitating water sources, revegetating disturbed areas, archeological/historical studies, and preservation of historic structures. The alternatives considered include no action and four other alternatives to achieve restoration of natural systems.

A limited number of copies of the documents are available upon request from the Superintendent, Death Valley National Monument, Death Valley, California 92328 and Ron Replogle, 450 Golden Gate Avenue, San Francisco, California 94102 (415-556-5750).

Public reading copies are available at the following locations: 450 Golden Gate Avenue, San Francisco, Interior Building, 18th and C Streets, NW., Washington, D.C. and Park Headquarters, Death Valley, California 92328.

Dated: November 8, 1982.

Howard H. Chapman,

Regional Director, Western Region.

[FR Doc. 82-31417 Filed 11-16-82; 8:45 am]

BILLING CODE 4310-70-M

Midwest Regional Advisory Committee; Meeting

Notice is hereby given, in accordance with the Federal Advisory Committee Act, 86 Stat. 770, 5 U.S.C. App. 1, as amended by the Act of September 13, 1976, 90 Stat. 1247, that a meeting of the Midwest Regional Advisory Committee will be held on December 6-7 beginning on Monday, December 6, at 12 o'clock noon (CST), at the Midwest Regioal Office, 1709 Jackson Street, Omaha, Nebraska.

The Committee was estabished pursuant to Pub. L. 91-383 by the Secretary of the Interior to advise the Regional Director, Midwest Region, National Park Service, on program, policies, and such other matters as may be referred to it by the Regional Director. It also functions to provide closer communication with the public on such matters.

The members of the Committee are as follows:

Mr. Norman G. Duke, Northfield, Ohio (Chairman)
Ms. Halina M. Frizzelle, Pinckney, Michigan
Mr. William L. Lieber, Indianapolis, Indiana
Ms. Sally Bl Schanbacher, Springfield, Illinois
Mr. Cherry Warren, Exeter, Missouri

The purpose of this meeting is to allow the Committee to organize and to familiarize themselves with the purpose, policies, and programs of the Midwest Regional office of the National Park Service.

The meeting will be open to the public. Any member of the public may file with the Committee, prior to the meeting, a written statement concerning the matters to be discussed. Persons wishing further information concerning the meeting or who wish to submit written statements, may contact J. L. Dunning, Regional Director, Midwest Region, National Park Service, 1709 Jackson Street, Omaha, Nebraska 68102, telephone (402) 221-3431.

Minutes of the meeting will be available for public inspection 4 weeks after the meeting at the Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, Nebraska 68102.

Dated: November 8, 1982.

Randall R. Pope,

Deputy Regional Director, Midwest Region.

[FR Doc. 82-31426 Filed 11-16-82; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Agricultural Cooperative; Intent To Perform Interstate Transportation for Certain Nonmembers

Dated: November 12, 1982.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt, interstate transportation must file the Notice, Form BOP 102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change.

The name and address of the agricultural cooperative (1) and (2), the location of the records (3), and the name and address of the person to whom inquiries and correspondence should be addressed (4), are published here for interested persons. Submission of information which could have bearing upon the propriety of a filing should be directed to the Commission's Office of Compliance and Consumer Assistance, Washington, D.C. 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C.

(1) Dawn Transport, Inc.
(2) C.F.P. #13, 117 W. San Ysidro Blvd., San Ysidro, California 92073
(3) 1590 Reforma Ave., Mexicali, Baja, California
(4) H. Jackson c/o Dawn Transport, Inc. C.F.P. #13, 117 W. San Ysidro Blvd., San Ysidro, Calif., 92073

(1) Western Agricultural Lines, Inc.
(2) 4734 N. Cornelia, Fresno, California 93711
(3) 4734 N. Cornelia, Fresno, CA 93711
(4) Rebecca Sue Helms, 4734 N. Cornelia, Fresno, CA 93711

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-31388 Filed 11-16-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Decision-Notice; Finance Applications

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuance) 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 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, 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 12, 1982.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

MC–F–14970, filed October 12, 1982 C.T. TRANSPORT, INC. (C.T.) (34200 Mound Road, Sterling Heights, MI 48077—CONTROL—SUPERIOR FORWARDING COMPANY, INC. (SUPERIOR) (2600 South Fourth Street, St. Louis, MO 63118). Representatives: Leonard R. Kofkin, Suite 1515, 140 South Dearborn Street, Chicago, IL 50503 and Joseph E. Rebman, Suite 1300, 314 North Broadway, St. Louis, MO 63102. C.T. seeks authority to acquire control of Superior through the purchase by C.T. of all the issued and outstanding stock of Superior. Centra, Inc., a non-carrier and sole stockholder of C.T., and in turn T.J. Moroun and M.J. Moroun, majority stockholders and officers and directors of Centra, Inc., seek authority to acquire control of said rights and property through the transaction. Superior is authorized to operate as a motor common carrier pursuant to Certificate No. MC–75406 and subnumbers thereunder, which authorizes the transportation of general commodities, classes A and B explosives, agricultural insecticides and fungicides, and weed and tree killing compounds over regular and irregular routes in AR, IL, MS, MO, TX and TN. C.T. is authorized to operate as a motor common carrier in Certificate No. MC–141609 and subnumbers the reunder. C.T. is affiliated with (1) Central Transport Inc., a motor contract carrier operating under MC–19311; (2) McKinlay Transport Limited, a motor common carrier operating under MC–123282; and (3) Port Side Transport, Inc. which has been granted temporary authority in MC–F–14764.

MC–F–14975, filed October 13, 1982. CARROLL FULMER, MACKARIAH FULMER, AND ZACKARIAH FULMER, 5325 South Orange Blossom Trail, Orlando, FL 32809—Continuance in Control—Fulmer Brothers International Inc., 5325 South Orange Blossom Trail, Orlando, FL 32809. Representative: David L. Capps, P.O. Box 924, Douglasville, GA 30133, (404) 949–7756. Applicants seek authority to continue in control of Fulmer Brothers, upon its institution of operations, in interstate or foreign commerce, as a motor carrier. Applicants also control through management Reed Lines, Inc., a wholly owned subsidiary of ServAmerica Inc., which holds common carrier authority issued by the Commission in Docket No. MC–119632 and Subs thereto.

Note.—This application is directly related to MC–145121 (Sub-No. 1) published in the Federal Register of April 23, 1982.

[FR Doc. 82–31389 Filed 11–16–82; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 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 to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will

be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to Team 1, (202) 275–7992.

Volume No. OP1–198

Decided: November 10, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 158461 (Sub-1), filed October 29, 1982. Applicant: T & R DELIVERY, INC., 3000 West Commerce, Dallas, TX 75212. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062, (214) 255–6279. Transporting, (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), and (2) *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 164520, filed November 2, 1982. Applicant: GREATER SOUTH TRAFFIC SERVICE, INC., P.O. Box 2157, Memphis, TN 38101. Representative: Ronald N. Cobert, 1730 M Street, NW., Suite 501, Washington, DC 20036. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 164560, filed November 4, 1982. Applicant: BILL EMERSON BERRY, Route 1, Box 300, Bagley, MN 56621. Representative: Mary K. Schulz, P.O. Drawer 17308, Pensacola, FL 32522, (904) 438–1493. 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 5 at 202–275–7289.

Volume No. OP5–250

Decided: November 5, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 164358, filed October 22, 1982. Applicant: CAMAS TRANSPORT, INC., 7000 SW Hampton St., Suite 213, Tigard, OR 97223. Representative: David C. White, 2400 SW Fourth Ave., Portland, OR 97201, (503) 226–6491. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 164488, filed October 29, 1982. Applicant: LARRY L. LEWIS, DBA L. & L. TRUCKING, P.O. Box 486, White Swan, WA 98952. Representative: Larry L. Lewis (same address as applicant), (509) 874–2162. 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 164499, filed October 27, 1982. Applicant: MULTIMODAL TRANSPORT OPERATIONS, INC., 735 Market St., San Francisco, CA 94103. Representative: Patrick H. Smyth, 105 W. Madison St., Suite 1008, Chicago, IL 60602, (312) 263–2397. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–31390 Filed 11–16–82; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are goverened by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to Team 1, (202) 275–7992.

Volume No. OPI-199

Decided: November 10, 1982.

By the Commission, Review Board No. 1 members Parker, Chandler, and Fortier.

MC 29800 (Sub-1), filed November 1, 1982. Applicant: JOHN ANDERSON COMPANY, a corporation, One Bedson Road, Cranston, RI 02920. Representative: Paul F. Sullivan, 3408 Wisconsin Ave., N.W., Suite 202, Washington, DC 20016, (202) 363–1848. Transporting *those commodities which because of their size and weight require the use of special equipment, machinery, and metal, plastic, leather and paper products,* between those points in the U.S. in and east of MN, IA, MO, OK, and TX.

MC 59150 (Sub-198), filed November 2, 1982. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, FL 32206, representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 W. Duval Street, Jacksonville, FL 32202, (904) 353–9707. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AZ, CA, CO, CT, DE, IA, ID, IL, IN, KS, MA, MD, ME, MI, MN, MO, MT, ND, NE, NH, NJ, NM, NV, NY, OH, OK, OR, PA, RI, SD, TX, UT, VT, WA, WI, WY, and DC.

MC 67270 (Sub-6), filed November 1, 1982. Applicant: GLEASON BROS., INC., 7 Pearl St., Northampton, MA 01060. Representative: Patrick T. Gleason, 160 Main St., Northamption, MA 01060, (413) 584–9509. Transporting (1) *submarine periscopes and periscope containers.* between points in ME, NH, VT, MA, CT, RI, NY, NJ, DE, MD, VA, NC, SC, GA, FL, PA, and DC, (2) *general commodities* (except classes A and B explosives and household goods), between points in ME, NH, VT, MA, CT, RI, NY, NJ, DE, PA, MD, VA, and DC, and (3) *used household goods,* between points in Hampshire, Hampden, Franklin, Berkshire, and Worcester Counties, MA, Hartford County, CT, and Columbia, Rensselaer and Albany Counties, Ny, on the one hand, and, on the other, points in ME, NH, VT, CT, MA, RI, NY, NJ, DE, MD, VA, PA, and DC.

MC 107460 (Sub-86), filed November 2, 1982. Applicant: WILLIAM Z. GETZ, INC., 3055 Yellow Goose Road, Lancaster, PA 17604. Representative: Christain V. Graf, 407 N. Front St., Harrisburg, PA 17101, (717) 236–9318. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Conestoga Foundry Supply Company, of Hamburg, PA.

MC 115181 (Sub-50), filed October 29, 1982. Applicant: HAROLD M. FELTY, INC., R.D. #1, Box 148, Pine Grove, PA 17963. Representative: Lee E. High, P.O. Box 8551, Reading, PA 19603, (215) 376–6721. Transporting (1) *construction materials, and (2) concrete products,* between those points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itascaand Koochiching Counties, MN, to the international boundary line between the United States and Canada.

MC 119991 (Sub-40), filed November 2, 1982. Applicant: YOUNG TRANSPORT, INC., 1601 Woodlawn Ave., Logansport, In 46947. Representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., Indianapolis, IN 46204, (317) 639–4511. Transporting *steel bars,* between points in Trousdale County, TN, on the one hand, and, on the other, Atlanta, GA.

MC 121171 (Sub-4), filed November 3, 1982. Applicant: WILLIAMS TRANSPORTATION, INC., 1925 East Vernon Ave., Los Angeles, CA 90058. Representative: C. Jack Pearce, 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20036, (202) 785–0048. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Freight Distribution Services, Inc., of Los Angeles, CA.

MC 154800 (Sub-1), filed November 3, 1982. Applicant: LYNN E. ADAMS, d.b.a. TRANSPORT SPECIALTIES UNLIMITED, 2859 S. Orange Avenue, Fresno, CA 93725. Representative: John Adams (same address as applicant), (209) 233–6149. Transporting *chemicals and related products and hazardous materials,* between points in the U.S., under continuing contract(s) with Wilbur-Ellis Co., of Fresno, CA.

MC 157901 (Sub-1), filed November 1, 1982. Applicant: EDWARD P. CASSINELLI, d.b.a. QUEENSLAND DISTRIBUTORS, 157 Clover Lane, Medford, OR 97501. Representative: Edward W. Dennin, 7611 Telfer Way, Sacramento, CA 95823, (916) 391–0133. Transporting *food and related products, plumbing supplies, chemicals and related products, pulp, paper and related products, printed matter, foam, plastics, metal products and forest products,* between points in CA, OR, WA, NV, AZ, ID, UT, MT, WY, CO, NE, MN, IA, IL, IN, OH, and PA.

MC 159061, filed October 25, 1982. Applicant: KENNY'S TRUCKING CO. INC., 7800 S. Chicago Ave., Chicago, IL 60619. Representative: Austin O'Malley, 17600 S. Crawford, Country Club Hills, IL 60477, (312) 957–4620. Transporting *general commodities* (except classes A and B explosives and household goods), between Chicago, IL, on the one hand, and, on the other, points in AL, AR, AZ, CT, CO, DE, FL, GA, ID, IL, IN, KS, KY, LA, MA, MD, MO, MN, MS, WI, MI, NC, NE, NH, NJ, OH, OK, OR, PA, SC, TN, TX, UT, VA, VT, WA, WV, WY, and DC.

MC 163181, filed November 1, 1982. Applicant: PAULA L. GEIER d.b.a. G.G.L. TRANSPORTATION, 24 Linden St., West Boylston, MA 01583. Representative: Carl D. Aframe, 339 Main St., Worcester, MA 01608, (617) 757–7721. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in Worcester County, MA, on the one hand, and, on the other, points in the U.S., under continuing contract(s) with David Clark Company Incorporated, of Worcester, MA.

MC 163761, filed November 2, 1982. Applicant: PAYTON OIL COMPANY, INC., d.b.a. PAYTON TRANSPORTATION CO., 5301 N.E. 10th Street, Oklahoma City, OK 73111. Representative: G. Timothy Armstrong, 200 N. Choctaw, P.O. Box 1124, El Reno, OK 73036, (405) 262–1322. Transporting (1) *alcohol,* (a) between points in Caddo and Oklahoma Counties, OK, Wichita County, KS, Baca County, CO, and Bernalillo County, NM, and (b) between points in Caddo and Oklahoma Counties, OK, on the one hand, and, on the other, points in TX, and (2) *petroleum and petroleum products,* (a) between points in El Paso County, CO, Crittenden County, AR, Sedgwick and Butler Counties, KS, and points in TX, on the one hand, and, on the other, points in OK, and (b) between points in Oklahoma and Tulsa Counties, OK, and Harris and Jefferson Counties, TX, on the one hand, and, on the other, points in Maury, Davidson and Shelby Counties, TN.

MC 164511, filed October 22, 1982. Applicant: ELDER MOVING & STORAGE COMPANY, INC., 561 Stevens St., Jacksonville, FL 32205. Representative: W. G. Lowry, 9998 North Michigan Rd., Carmel, IN 46032, (317) 875–1142. Transporting *used household goods, used automobiles and unaccompanied baggage,* between Jacksonville, FL, on the one hand, and,

on the other, points in Camden, Charlton and Glynn Counties, GA. Condition The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343 or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 1, Room 6358.

MC 164550, filed November 2, 1982. Applicant: C & R CARTAGE, INC., P.O. Box 281, 215 Auburn Court, St. Charles, IL 60174. Representative: Joel H. Steiner, 135 South LaSalle Street, Chicago, IL 60603, (312) 236–9375. Transporting *metal products, machinery and rubber and plastic products,* between points in AZ, CA, CO, GA, IL, IN, MA, MI, MO, NC, OH, OR, PA, TX and VA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 164571, filed November 3, 1982. Applicant: RELIABLE TRANSPORT CORPORATION, P.O. Box 4798, East Providence, RI 02916. Representative: Robert L. Cope, Suite 501, 1730 M Street NW., Washington, DC 20036, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in PA, NJ, NY, CT, RI, and MA.

For the following, please direct status inquiries to Team 2 at 202–275–7030.

Volume No. OP2-286

Decide November 5, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 78842 (Sub-8), filed October 27, 1982. Applicant: DALEY & WANZER, INC., 821 Nantasket Ave., Hull, MA 02045. Representative: Thomas R. Kingsley, 10614 Amherst Ave., Silver Spring, MD 20902, 301–649–5074. Transporting *household goods, furniture, furnishings, and fixtures,* (1) between those points in the U.S. on and east of U.S. on and east of U.S. Hwy 85, and (2) between those points in the U.S. Hwy 85, on the one hand, and, on the other, those points in the U.S. west of U.S. Hwy 85 (except AK and HI).

MC 152392 (Sub-3), filed November 2, 1982. Applicant: TDS TRUCKING, INC., P.O. Box 1612, Grand Forks, ND 58201. Representative: William L. Fairbanks, 2400 Financial Center, Des Moines, IA 50309, 515–282–3525. Transporting *anhydrous ammonia,* between points in IA, on the one hand, and, on the other, points in MN, NE, SD, and WI.

MC 161242, filed November 2, 1982. Applicant: RICHARD CONZEMIUS, d.b.a. CONZCO, 5th & Wisconsin Ave., Breckenridge, MN 56520. Representative: Richard P. Anderson, 2525 South University Drive, P.O. Box 2581, Fargo, ND 58108, 701–235–3300. Transporting *petroleum and petroleum products* (a) between points in Lake County, IN, Hennepin County, MN, and Natrona County, WY, on the one hand, and, on the other, points in ND, SD, and MN, (b) between points in Clay County, MN, on the one hand, and, on the other, points in ND and SD.

MC 163312 (Sub-1), filed November 1, 1982. Applicant: BURCHILL TRUCKING, INC., 12115 Pulaski Highway, Bradshaw, MD 21021. Representative: Carl L. Steiner, 135 South LaSalle St., Suite 2106, Chicago, IL 60603, (312) 236–9375. Transporting *such commodities* as are dealt in or used in the assembly of motor vehicles, between points in Baltimore County, MD, on the one hand, and, on the other, points in CT, DE, IN, MA, MI, NJ, NY, OH and PA.

MC 164383, filed October 22, 1982. Applicant: JAMES McDONNELL, d.b.a. H & M TRUCKING, 402 Markland Dr., Morrison, IL 61270. Representative: Irwin D. Rozner, 134 North LaSalle St., Chicago, IL 60602, 312–782–6937. Transporting *chemicals* between points in IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

For the following, please direct status inquiries to Team 5 at 202–275–7289.

Volume No. OP5-249

Decided: November 5, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

FF 549 (Sub-1), filed October 29, 1982. Applicant: BONNEY FORWARDING, INC., 222 U.S. Hwy 1, Suite 210, P.O. Box 3393, Tequesta, FL 33458. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW, Suite 1200, Washington, DC 20036, (202) 785–0024. To operate as a *freight forwarder* in the transporation of *household goods* between points in the U.S.

MC 18459 (Sub-17), filed October 27, 1982. Applicant: BRITTON MOTOR SERVICE, INC., 740 Westminster St., St. Paul, MN 55101. Representative: Robert D. Gisvold, 1600 TCF Tower, Minneapolis, MN 55402, 612–333–1341. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 99648 (Sub-3), filed October 28, 1982. Applicant: TERMINAL TRUCKING COMPANY INC., P.O. Box 562 Zion Church Rd., Concord, NC 28025. Representative: Charles Eugene Isenhour, Jr. (same address as applicant), 704–786–0180. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in GA, TN and VA.

MC 110988 (Sub-440), filed October 21, 1982. Applicant: SCHNEIDER TANK LINES, INC., P.O. Box 117, Appleton, WI 54912. Representative: Thomas E. Vandenberg, P.O. Box 2298, Green Bay, WI 54306, (414) 498–7689. Transporting *commodities in bulk,* between points in the U.S. (except AK and HI), under continuing contract(s) with Foremost-McKesson, Inc., of San Francisco, CA.

MC 143289 (Sub-9), filed October 22, 1982. Applicant: FEDERATED TRANSPORT SYSTEMS, INC., 800 So. McGarry St., Los Angeles, CA 90021. Representative: Frank M. Cushman, 5 Carbrey Ave., Sharon, MA 02067, (617) 784–6041. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S.

MC 144678 (Sub-46), filed October 28, 1982. Applicant: AMERICAN FREIGHT SYSTEM, INC., 9393 West 110th St., Overland Park, KS 66210. Representative: Harold H. Clokey (same address as applicant), 913–648–5540. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Control Data Corporation of Minneapolis, MN.

MC 145288 (Sub-4), filed October 25, 1982. Applicant: SPECIALIZED HAULING CORPORATION, P.O. Box 488, Barre, VT 05641. Representative: John P. Monte, P.O. Box 686, Barre, VT 05641, (802) 476–6671. Transporting *telephone equipment, materials, and supplies* used in construction and maintenance of telephone systems, between points in the U.S., under continuing contract(s) with Western Elecric Co., Inc., of North Andover, MA.

MC 148279 (Sub-1), filed October 29, 1982. Applicant: PALLETIZED TRUCKING, INC., 2001 Collingsworth St., P.O. Box 8744, Houston, TX 77009. Representative: Charles E. Munson, 500 West Sixteenth, Austin, TX 78767, (512) 478–9808. Transporting *general commodities* (except commodities in bulk, household goods, and classes A and B explosives), between points in Orange, Jefferson, Chambers, Harris, Galveston, Brazoria, Calhoun, Arkansas, San Patricio, Cameron, and Nueces

Counties, TX, on the one hand, and, on the other, points in TX.

MC 148518 (Sub-9), filed October 29, 1982. Applicant: JUR CORPORATION, d.b.a. RAJOR, INC., 830 Columbia Ave., P.O. Box 756, Franklin, TN 37064. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609, (213) 945–2745. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Lincoln County, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 152208 (Sub-2), filed October 21, 1982. Applicant: GERALD J. GERIS, 1105 5th Ave. E., Alexandria, MN 56308. Representative: Robert P. Sack, P.O. Box 21–307, Eagan, MN 55121, (612) 452–8770. Transporting *metal products*, between points in Wasco County, OR, and Klickital County, WA, on the one hand, and, on the other, those points in the U.S. in and west of MI, IN, KY, TN, and MS, (except AK and HI).

MC 160279 (Sub-5), filed October 28, 1982. Applicant: MBPXL TRANSPORTATION, INC., P.O. Box 2519, Wichita, KS 67201. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Standard Liquor Corporation and Wichita Frozen Food Company, Inc., both of Wichita, KS, Campbell Soup Company of Camden, NJ, and Bar-S Foods Co., of Denver, CO.

MC 163278, filed October 29, 1982. Applicant: JOHN J. HEIDERSCHEIT, d.b.a. AL'S GARAGE, 3270 Dodge St., Dubuque, IA 52001. Representative: Carl E. Munson, 469 Fischer Bldg., P.O. Box 796, Dubuque, IA 52001, (319) 557–1320. Transporting (1) *disabled or repossessed motor vehicles*, and (2) *replacement motor vehicles* for those in (1), between points in IL, IA, and WI.

MC 163568, filed October 29, 1982. Applicant: MARTIN'S DELIVERY SERVICE, 2682 Brenner Drive, Dallas, TX 75220. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062, (214) 255–6279. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Eli Lilly and Company, of Indianapolis, IN.

MC 164288, filed October 19, 1982. Applicant: MARY E. ROWE, d.b.a. MARY'S CHARTER SERVICE, 254 East 107th St., Chicago, IL 60628. Representative: Mary E. Rowe (same address as applicant), (312) 660–1552. Transporting *passengers and their baggage*, in same vehicle with passengers, in charter and special operations, beginning and ending at points in IL, IN, and WI, and extending to points in the U.S. (except AK and HI).

MC 164468, filed October 29, 1982. Applicant: ELMER SANDERS, d.b.a. SANDERS WRECKER SERVICE, Route #6, Strawplains Pike, Knoxville, TN 37914. Representative: Jack W. Bowers, 712 Walnut St., Knoxville, TN 37902, (615) 546–9020. Transporting *disabled vehicles* between points in TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-31391 Filed 11-16-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier; Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–214

The following applications were filed in Region I. Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 134806 (Sub-1–46TA), filed: October 28, 1982. Applicant: B–D–R TRANSPORT, INC., Vernon Drive, P.O. Box 1277, Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East West Highway, Suite 404, Bethesda, MD 20814. *Contract carrier:* irregular routes: *Paper products*, from Holyoke, MA, to Denver, CO, Salt Lake City, UT, Portland, OR, Seattle, WA, and points in CA, under continuing contract(s) with Parsons Paper Division of N.V.F. Company, Holyoke, MA. Supporting shipper: Parsons Paper Division of N.V.F. Company, P.O. Box 309, 84 Sargent Street, Holyoke, MA 01041.

MC 164466 (Sub-1–1TA), filed: October 29, 1982. Applicant: ANDRE BOIRE TRANSPORT LTEE., 1359 Newton Blvd., Boucherville, Quebec, Canada. Representative: Robert D. Gunderman, Can-Am Building, 101 Niagara Street, Buffalo, NY 14202. *Contract carrier:* irregular routes: (1) Lumber and lumber products; (2) Paper and Paper products; (3) Plastics, plastic products, and urethane, between ports of entry on the International Boundary line between the U.S. and CD in MI, NY and VT, on the one hand, and on the other, points in AL, CT, GA, IL, KY, MD, MA, MI, MO, NH, NJ, NY, NC, OH, PA, RI, TN, VA, and VT, under continuing contract(s) with Emballages P. Proulx Ltee, of Beloeil, Quebec, CD; Les Papiers Perkins Ltee., of Victorin, Quebec, CD; and Isolation Leger Inc., of St-Leonard, Quebec, CD. Supporting shippers: Emballages P. Proulx Ltee, Box 6, Beloeil, Quebec, CD J3Y 4S8; Isolation Leger Inc., 8415 Pascal-Gagnon, St-Leonard, Quebec, CD; Les Papiers Perkins Ltee, 75 Marie Victorin, Quebec, CD.

MC 164208 (Sub-1–1TA), filed: October 22, 1982. Applicant: CANOGA TRANSPORTATION CO., INC., R.D. #2, Box 2453, Seneca Falls, NY 13148. Representative: Roy D. Pinsky, Esq., Pinsky and Pliskin, Suite 1020, State Tower Bldg., Syracuse, NY 13202. *Ground limestone, in bulk* between Litchfield County, CT, and Erie County, NY. Supporting shipper: Pfizer, Inc., 235 E. 42 Street, New York, NY 10017.

MC 164349 (Sub-1–1TA), filed: October 22, 1982. Applicant: CUSHMAN CARTAGE & FLOAT, INC., 36 Cushman Road, St. Catharines, Ontario, Canada. Representative: Robert D. Gunderman, Can-Am Building, 101 Niagara Street, Buffalo, NY 14202. *Contract carrier:* irregular routes: *Transformers, parts and attachments, and materials, supplies and equipment used in the manufacture, testing or repair of transformers, parts or attachments,* between ports of entry on the International Boundary Line between the U.S. and CD, on the one hand, and, on the other all points in the U.S. (except AK and HI) under continuing contract(s) with Ferranti Packard Transformers Limited, St. Catharines, Ontario, CD. Supporting shipper: Ferranti Packard Transformers Limited, P.O. Box 548, St. Catharines, Ontario, CD.

MC 148560 (Sub-1–11TA), filed: October 25, 1982. Applicant: GOLD STAR, INC., 130 Davidson Avenue, Somerset, NJ 08873. Representative: A. David Millner, 7 Becker Farm Road, P.O. Box Y, Roseland, NJ 07068. *Contract carrier:* irregular routes: *Such commodities as are dealt in by wholesale and chain grocery and food business houses, department stores and variety stores, and materials, supplies and equipment used in the conduct of such businesses,* between points in CT, MA, ME, NH, NJ, NY, RI and VT, under continuing contract(s) with First National Supermarkets, Inc. of Maple Heights, OH. Supporting shipper: First National Supermarkets, Inc., 1 Myrtle Street, Hartford, CT 06105.

MC 164347 (Sub-1–1TA), filed: October 22, 1982. Applicant: GRANITE STATE EXPRESS CO. INC., 5 Wellesley Pines, Weirs Blvd., Laconia, NH 03246. Representative: Linda M. Sheehan (same as applicant). *General commodities in packages weighing less than 100 pounds* from points in MA to points in NH. supporting shipper(s): There are 5 statements of support with this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 116858 (Sub-1–3TA), filed: October 29, 1982. Applicant: J & M CARRIERS CORP., Suite 118 West, North Shore Atrium, 6800 Jericho Turnpike, Syosset, NY 11791. Representative: Eugene M. Malkin, Suite 1831, Two World Trade Center, New York, NY 10048. *Contract carrier:* irregular routes: *Pulp, paper and related products, and business forms* between Westminster, MD, on the one hand, and, on the other, points in CT, MA, NJ, NY and PA, under continuing contract(s) with the McGregor Printing Corporation of New York, NY. Supporting shipper: McGregor Printing Corporation, 122 East 42nd Street, New York, NY 10168.

MC 144433 (Sub-1–2TA), filed: October 28, 1982. Applicant: DOUGLAS G. MARCHIONDA, d.b.a. DOUG MARCHIONDA TRUCKING, Champlin Avenue, Penn Yan, NY 14527. Representative: Douglas G. Marchionda (same as applicant). *Beer,* from Rochester, NY to Orlando, FL. Supporting shipper: Grantham distributing, 2685 Hansrob Road, Orlando, FL 32804.

MC 164339 (Sub-1–1TA), filed October 22, 1982. Applicant: NADBRO ENTERPRISES, INC., 99 Lincoln Blvd., Middlesex, NJ 06846. Representative: Raymond Talipski, 121 S. Main Street, Taylor, PA 18517. *General commodities (except Classes A and B explosives, household goods and bulk commodities),* Between New York, NY, New London, CT, Morris County, NJ, Lee and Brunswick Counties, NC, Vigo County, IN, and Jackson County, MO, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Pfizer, Inc., 235 E. 42nd St., New York, NY 10017.

MC 164427 (Sub-1–1TA), filed October 27, 1982. Applicant: STRAWCO CONSOLIDATION CORP., 360 W. 31st Street, New York, NY 10001. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. *Contract carrier:* irregular routes: *Wearing apparel, accessories and handbags,* from Jersey City, NJ to Philadelphia, PA, under continuing contract(s) with Strawbridge & Clothier, Philadelphia, PA. Supporting shipper: Strawbridge & Clothier, 801 Market Street, Philadelphia, PA 19105.

MC 148867 (Sub-1–4TA), filed October 27, 1982. Applicant: TRANS-ADVO, INC., 239 Service Road, West, Hartford, CT 06101. Representative: Frank M. Cushman, 36 South Main Street, Sharon, MA 02067. *Contract carrier:* irregular routes: *Printed matter* between all points in the 48 contiguous U.S. (except AK and HI). Supporting shipper: Wal-Mart Stores, Inc., 702 S. W. 8th Street, Bentonville, AR 72712.

MC 164373 (Sub-1–1TA), filed October 25, 1982. Applicant: UPSTATE DELIVERY, INC., 85 Rowland Pkwy., Rochester, NY 14610. Representative: Donald P. Goodrich (same as applicant). *Contract carrier:* irregular routes: *Vitamins, cosmetics, nutritional products and cleaning compounds* between points in Middlesex County, NJ, on the one hand, and, on the other, points in NY. Supporting shipper: Shaklee Corp., 444 Market St., San Francisco, CA 94111.

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 86690 (Sub-II–12TA), filed October 28, 1982. Applicant: BOND TRANSFER CO., INC. 1301 Towson Street, Baltimore, Md. 21230. Representative: Leonard W Smith III (same address as above). Contract, irregular: *Coffee; roasted, in cans and cartons.* From New York, NY to Baltimore, Frederick, Rockville and Salisbury, MD; Alexandria, Richmond, Norfolk, and Roanoke, VA; Harrisburg, Allentown, York and Lancaster, PA and Washington, DC for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Chock Full O'Nuts Corporation, 370 Lexington Ave., New Yok, NY 10017.

MC 156962 (Sub-II–1TA), filed October 27, 1982. Applicant: MOVE AMERICA, 8411 Old Marlboro Pike, Unit 2, Upper Marlboro, MD 20870. Representative: Thomas R. Kingsley, 10614 Amherst Avenue, Silver Spring, MD 20902. *Household goods,* as defined, between points in the United States (except AK and HI) for 270 days. An underlying ETA seeks 120 days authority. Applicant intends to interline with other carriers at Chicago, IL; Orlando, Jacksonville, Tampa, FL; Charleston, SC; New York, NY; Mystic, CT; Boston, MA; Fayetteville, NC; Norfolk, VA; Houston, Dallas, TX; Oklahoma City, OK; Kansas City, MO and San Diego, CA. Supporting shipper(s): US Army Legal Services Agency, 5611 Columbia Pike, Falls Church, VA 22041.

MC 107012 (Sub-II–243TA), filed October 27, 1982. Applicant: NORTH AMERICAN VAN LINES, INC., 5001, U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Contract irregular: *general commodities* (except classes A and B explosives and commodities in bulk) between points in the United States, under continuing contract(s) with GTE Service Corporation of Stamford, CT for 270 days. Supporting shipper: GTE Service Corporation, One Stamford Forum, Stamford, CT 06904.

MC 107012 (Sub-II–244TA), filed October 27, 1982. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Contract irregular: *Household goods* between points in the United States, under continuing contract(s) with Ford Motor

Company for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Ford Motor Company, The American Road, Room 279, Dearborn, MI 48121.

MC 107012 (Sub-II-245TA), filed November 2, 1982. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Margaret S. Vegeler (same as applicant). Contract, irregular: *General commodities* (except classes A and B explosives and commodities in bulk) between points in the United States under continuing contract(s) with Digicon Geophysical Corporation, of Houston, TX for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Digicon Geophysical Company, 3701 Kirby Drive, Houston, TX 77098.

MC 139243 (Sub-II-5TA), filed November 1, 1982. Applicant: RIVER BEND TRANSPORT COMPANY, Sunset Avenue, North Bend, OH 45052. Representative: David F. Boehm, 2208 Central Trust Tower, Cincinnati, OH 45202. *General commodities* in bags and in bulk between Cincinnati, OH commercial zone on the one hand, and, on the other, points in MD, NJ, NY and VA for 270 days. Supporting Shipper(s): Domtar Industries, Inc., 4825 N. Scott Street, Suite 419, Schiller Park, IL 60176.

The following applications were filed in Region 3. Send protests to: ICC, Regional Authority Center, Room 300, 1776 Peachtree Street, N.E., Atlanta, GA 30309.

MC 164507 (Sub-3-1TA), filed November 2, 1982. Applicant: VASSEY TRANSPORTATION, INC., Route 11, Box 183, Shelby, NC 28150. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *Contract carrier,* irregular routes: *Textile yarn,* from York County, SC; Greenville, SC; Blue Ridge and Rome, GA to Montebello, CA under continuing contract with Decorative Carpets, Inc. Supporting shipper: Decorative Carpets, Inc., 1550 So. Maple Ave., Montebello, CA 90640.

MC 128117 (Sub-3-14TA), filed November 2, 1982. Applicant: NORTON-RAMSEY MOTOR LINES, INC. P.O. Box 896, Hickory, NC 28601. Representative: Edward T. Love, 4401 East West Highway, Suite 404, Bethesda, MD 20814. *Sugar, except in bulk,* from Assumption Parish, LA to points in DC, FL, GA, KY, MD, PA, and TN. Supporting shipper: Supreme Sugar Company, Inc., 1 Shell Square, Suite 320, New Orleans, LA 70139.

MC 85621 (Sub-3-3TA), filed November 2, 1982. Applicant: VANN EXPRESS, INC., 620 Line Street, Attalla, AL 35954. Representative: Donald B. Sweeney, Jr., P.O. Box 2366, Birmingham, AL 35201. *Tobacco and tobacco products* between AL, GA, FL, TN and MS. Supporting shipper(s): United States Tobacco Company, P.O. Box 26070, Birmingham, AL 35226.

MC 141619 (Sub-3-3TA), filed November 2, 1982. Applicant: LOY E. SIGMON, SR. d.b.a. NEW WAY TRANSPORTATION, Route 1, Box 392, Statesville, NC 28677. Representative: Clayton R. Byrd, 2870 Briarglen Drive, Doraville, Ga 30340. *Furniture,* (1) from the facilities of Shaver Bros. Stool, Inc. in Iredell County, NC to points in AL, CT, DE, FL, GA, IL, KY, LA, MD, MA, MS, NJ, NY, OH, PA, SC, TN, VA, and DC, and (2) from the facilities of Southern Furniture Company of Conover in Catawba and Iredell Counties, NC to points in AZ, IL, IN, LA, MI, MO, NM, OH, OK, and TX. Supporting shippers: Shaver Bros. Stool, Inc., Route 2, Box 395, Statesville, NC 28677 and Southern Furniture Company of Conover, Route 6, Box 179, Statesville, NC 28677.

MC 109331 (Sub-3-1TA), filed November 2, 1982. Applicant: NILSON VAN & STORAGE, 6913 North Main Street, Columbia, SC 29230. Representative: David Earl Tinker, 1000 Connecticut Ave., NW., Suite 1112, Washington, DC 20036-5391. *Common,* irregular *household goods,* between points in the U.S. (excluding AK, HI, MT, ND and SD), restricted to the transportation of traffic handled for or on behalf of the U.S. Government. Support for this application is provided in a traffic exhibit, as authorized by Commission Order of September 13, 1982.

MC 148518 (Sub-3-2TA), filed October 29, 1982. Applicant: JUR CORPORATION d.b.a. RAJOR, INC., 830 Columbia Ave., P.O. Box 756, Franklin, TN 37064. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Heating and air conditioning equipment,* from Huntsville, AL, to Fayetteville, TN, for 270 days. Supporting shipper: Amana Refrigeration, Inc., Amana, IA 52204.

MC 144218 (Sub-3-2TA), filed October 29, 1982. Applicant: FELDSPAR TRUCKING COMPANY, INC., P.O. Box 858, Spruce Pine, NC 28777. Representative: Joseph L. Steinfeld, Jr., 915 Pennsylvania Building, 425 13th Street, NW., Washington, DC 20004. *Contract,* irregular: *such commodities as are dealt in or used by retail department stores and mail order merchandisers,* between points in GA, NC, KS, WI, OH, and CT, under continuing contract(s) with J.C. Penney Company, Inc., of New York, NY. Supporting shipper: J.C. Penney Company, Inc., 1301 Avenue of the Americas, New York, NY 10019.

MC 164467 (Sub-3-1TA), filed October 29, 1982. Applicant: CROMPTON TRANSPORTATION CORP., 200 Highland Avenue, Griffin, GA 30223. Representative: Frank D. Hall, Suite 202, 1750 Old Springhouse Lane, Atlanta, GA 30338. *Contract carrier:* irregular routes: *General commodities, (except commodities in bulk, Classes A and B explosives and household goods, as defined by the Commission,)* between all points in the U.S., (except AK and HI) under continuing contracts with Crompton Company, Inc. Supporting shipper: Crompton Company, Inc., 400 Race Street, P.O. Box 907, Waynesboro, VA 22980.

MC 107515, (Sub-3-116TA), filed November 3, 1982. Applicant: RTC TRANSPORTATION, INC., P.O. Box 308, Forest Park, GA 30050. Representative: Bruce E. Mitchell, Esq., 3390 Peachtree Rd., NE., Suite 520, Atlanta, GA 30326. *Contract:* Irregular: *Citrus Products, Beverages and Beverage Preparations* from the facilities of Lykes Pasco Crop. at Dade City, FL to points in the US, under continuing contract(s) with Lykes Pasco Corp., Dade City, FL. Supporting shipper: Lykes Pasco Corp., P.O. Box 97, Dade City, FL 33525.

MC 142501, (Sub-3-1TA), filed November 4, 1982. Applicant: HERBERT O. KINDRICK d.b.a. KINDRICK TRUCKING COMPANY, Route #8, Box 342, Harriman, TN 37748. Representative: Jess D. Campbell, 205 Clinch Avenue, SW., Knoxville, TN 37902. *Contract:* Irregular routes: *Ammonium Nitrate, in bulk,* from Louisiana, MO to Woodbine, KY, and from Savannah, GA to Woodbine, KY under continuing contract with Kentucky-Tennessee Powder Company, Inc. Woodbine, KY. Supporting shipper: Kentucky-Tennessee Powder Company, Inc., P.O. Box 120, Woodbine, KY 40771.

MC 134121, (Sub-3-1TA), filed November 4, 1982. Applicant: DEASON GRAIN COMPANY, P.O. Box 365, Lewisburg, TN 37091. Representative: Roland M. Lowell, Fifth Floor, 501 Union Street, Nashville, Tennessee 37210. *Corragated boxes and roll paper stock,* between Lewisburg, TN and its commercial zone, on the one hand, and, on the other, Tupelo, MS, Batesville, MS, Dalton, GA, Rome, GA (and points in the commercial zones of each) and points in AL on and North of US HWY 80. Supporting shipper: Mead Container

Corporation, 700 Garrett Parkway, Lewisburg, TN, 37091.

MC 164470, (Sub-3–1TA), filed October 29, 1982. Applicant: SOUTHERN MOBILE HOME SERVICE COMPANY, #4 Highway 17, North (P.O. Box 326), Midway, GA 31320. Representative: Frances S. White (same as above). *Mobile homes,* between points in Liberty, Bryan, Tattnall, Long, McIntosh, and Wayne Counties, GA, on the one hand, and, on the other, points in AL, SC, NC, FL, MS, LA, TN and VA. Supporting shipper(s): United States Army, Ft. Stewart, GA 31314.

MC 162237, (Sub-3–1TA), filed November 5, 1982. Applicant: SWIFT ENTERPRISES, INC., 7901 4th Street, North, Suite 308, St. Petersburg, FL 33704. Representative: Robert J. Gallahger, 1000 Connecticut Avenue, NW., Suite 1200, Washington, D.C. 20423. *Household Goods, as defined by the Commission, and General Commodities (except Class A & B Explosives and Commodities in Bulk),* restricted to transportation for the United States Government, Between points in AL, AZ, AR, CA, CO, CT, DE, DC, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, and WY. Supporting shippers: There are twelve statements in support of this application which may be examined at the I.C.C Reginal Office, Atlanta, Ga.

MC 128220 (Sub-3–5TA), filed November 8, 1982. Applicant: RALPH LATHAM, d.b.a. LATHAM TRUCKING COMPANY, P.O. Box 596, Burnside, KY 42519. Representative: Robert H. Kinker, 314 West Main Street, P.O. Box 464, Frankfort, KY 40602. *General commodities (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk),* between facilities used by Crane Company in the US and east of ND, SD, NE, CO, OK, and TX, on the one hand, and, on the other, points in CA and that part of the US in and east of ND, SD, NE, CO, OK, and TX. Supporting shipper: Crane Company, P.O. Box 252, Ferguson, KY 42533.

MC 164269 (Sub-3–1TA), filed November 4, 1982. Applicant: METRO TRANSPORTATION SERVICES, INC., 4874 Highway 78, Memphis, TN 38118. Representative: Thomas A. Stroud, 109 Madison Avenue, Memphis, TN 38103. *General commodities, except Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk,* between Memphis, TN, and points in its commercial zone, on the one hand, and, on the other, points in AR, AL, GA, FL, IL, KY, LA, MS, MO, NC, OK, SC, TN, TX and VA; restricted to traffic having a prior or subsequent movement by rail or water. Supporting shippers: Maritime Agencies, Inc. and Carneal Enterprises, Ltd., P.O. Box 155, Moscow, TN 38057; Intermodal Export, 1255 Lynnfield Rd., Memphis, TN 38119; and American Consolidators, Inc., P.O. Box 9486, Memphis, TN 38109.

MC 143712 (Sub-3–1TA), filed November 4, 1982. Applicant: A & D MOVING & STORAGE CO., INC., 250 Globe Street, P.O. Box 835, Radcliff, KY 40160. Representative: Robert J. Gallagher, 1000 Connecticut Avenue, NW., Suite 1200, Washington, DC 20036. *Household Goods, as defined by the Commission, and General Commodities (except Class A & B Explosives and commodities in Bulk),* restricted to transportation for the United States Government, between points in AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, and WY. Supporting shippers: There are seven statements in support of this application which may be examined at the I.C.C. Regional Office, Atlanta, GA.

The following applications were filed in Region 4: Send protests to: ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 52473 (Sub-4–7TA), filed October 29, 1982. Applicant: BEHNKE, INC., 77 South Monroe Street, Battle Creek, MI 49017. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. *Paper and paper products* between Allegan and Calhoun Counties, MI and Cook County, IL, on the one hand, and, on the other, points in MI, IN, IL, OH and WI. An underlying ETA seeks 120-days authority. Supporting shippers: Chippewa Paper Products, 50 S. Manheim Road, Hillside, IL 60162; Plainwell Paper Company, 200 Allegan Street Plainwell, MI 49080.

MC 59124 (Sub-4–3TA), filed October 29, 1982. Applicant: MAIERS MOTOR FREIGHT COMPANY, 875 East Huron Ave., Vassar, MI 48768. Representative: Ronald J. Mastej, 900 Guardian Building, Detroit, MI 48226. *Foodstuffs;* between points in the U.S. (except AK and HI). Supporting shipper: Chef Pierre, Inc., P.O. Box 1009, Traverse City, MI 49684.

MC 74681 (Sub-4–1TA), filed October 29, 1982. Applicant: STEVENS TRANSPORTATION CO., INC., 121 South Niagara St., Saginaw, MI 48602. Representative: Robert T. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, DC 20036. Household Goods, as defined by the Commission and General Commodities (except Class A & B Explosives and Commodities in Bulk) restricted to transportation for the United States Government, between points in AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, NE, NV, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VA, WA, WV, WI, and WY. Supporting shippers: There are (13) thirteen.

MC 136631 (Sub-4–1), filed October 28, 1982. Applicant: LEO THOMAS SWINEY, Box 207, Owaneco, IL 62555. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. *Contract,* irregular: *Plastic, material and supplies used in the manufacture and distribution of plastics, and lumber,* between Taylorville, IL on the one hand, and on the other, points in AR, MI, MO, TN and WI. Restricted to traffic moving under continuing contract(s) with Alma Plastics Company. An underlying ETA seeks 120 days authority. Supporting Shipper: Alma Plastics Company, Rt. 48 West, Taylorville, IL 62568.

MC 142000 (Sub-4–1TA), filed November 1, 1982. Applicant: LOWELL SAMPSON, INC., 400 E. Lundy Lane, Leland, IL 60531. Representative: Philip A. Lee., 120 W. Madison St., Chicago, IL 60602. *Contract,* irregular, *Foods and food products, and materials, equipment and supplies* between the Chicago, IL Commercial Zone on the one hand and all points in the States of IN, KY, MI, OH, NJ, NY, PA, DC, DE, MD, VA, WV, CT, MA, RI; on the other hand. Supporting shipper: Swift & Company, 115 W. Jackson Blvd., Chicago, IL 60604.

MC 146183 (Sub-4–1TA), filed November 1, 1982. Applicant NORTH STATE TRANSIT, INC., P.O. Box 40, Troy Grove, IL 61372. Representatives: Edward D. McNamara, Jr., Leslieann G. Maxey, 907 South Fourth St., P.O. Box 5039, Springfield, IL 62705. *Bituminous coal* from Tabor Dock, LaSalle, IL to Colt Industries, Beloit, WI. Supporting shipper: The C. Reiss Coal Company, Box 688, Sheboygan, WI 53081. There is a corresponding ETA being filed.

MC 151572 (Sub-4–2TA), filed October 29, 1982. Applicant: MICHAEL W. KAISER, d.b.a. MIKE KAISER, Box 65, Alexander, IL 62601, Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. *Contract,* irregular: *Steel,* from points in Trousdale County, TN to points in Fulton and De Kalb Counties, GA. Restricted to traffic moving under continuing contract(s) with Ambassador Steel Corporation. An underlying E/T/A seeks 120 days authority. Supporting shipper:

Ambassador Steel Corporation, 3415 So. LaFountain, Kokomo, IN 46901.

MC 154457 (Sub-4–3TA), filed November 1, 1982. Applicant: eLKAY TRANSFER, INC., Polifka Road, Box 187, Francis Creek, WI 54214. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Contract,* irregular; *antifreeze in bulk in tank vehicles and kerosene in bulk in tank vehicles* between points in IL on the one hand and, on the other hand, Green Bay, WI and Combined Locks, WI, restricted to transportation performed under continuing contract(s) with U.S. Oil Co., Inc. Supporting shipper: U.S. Oil Co., Inc., 425 S. Washington St., Combined Locks, WI 54113.

MC 160108 (Sub-4–1TA), filed November 1, 1982. Applicant: LUTHER E. MARTIN AND MINNIE MARTIN, d.b.a. MARTIN'S LEASING COMPANY, 3502 Evergreen Pkwy., Flint, MI 48503. Representative: Robert E. McFarland, 2855 Coolidge, Ste. 201A, Troy, MI 48084. *Automobile parts and materials, equipment and supplies used in the manufacture and production of motor vehicles,* between Parma, OH, and the commercial zone thereof, on the one hand, and, on the other, Flint, MI, and the commercial zone thereof. An underlying ETA seeks 120 days authority. Supporting shipper: Chevrolet Parma Plant, Parma, Ohio.

MC 161338 (Sub-4–2TA), filed November 1, 1982. Applicant: LARRY FRICK, d.b.a. L & S TRUCKING, 3303 East Wausau Ave., Wausau, WI 54401. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Foodstuffs* from Detroit, MI to New London, WI Supporting shipper: Consolidated Foods, Inc., Hillshire Farms Division, Route 4, Box 227, New London, WI 54961.

MC 162612 (Sub-4–2TA), filed November 1, 1982. Applicant: BRANDY TRUCKING COMPANY, 5529 Montclair, Detroit, MI 48213. Representative: Robert E. McFarland, 2855 Coolidge, Ste. 201A, Troy, MI 48084. *Conveyors, conveyor parts, automation equipment and installation materials and equipment therefore, and materials, equipment and supplies used in the manufacture and production of conveyors, conveyor parts, and automation equipment,* between Detroit, MI and the commercial zone thereof, on the one hand, and, on the other, points in KY, IL, IN, MO, OH, TN, and WI. An underlying ETA seeks 120 days authority. Supporting shipper: Anchor Conveyors, Inc., P.O. Box 650, 6906 Kingsley Ave, Dearborn, MI 48121; National Metal Fabricators, Inc., 6101 Cook, Detroit, MI 48210.

MC 164287 (Sub-4–1TA), filed November 1, 1982. Applicant: SUNRISE EXPRESS, INC., 4236 Reed Road, Ft. Wayne, Indiana 47815. Representative: Richard A. Huser, 2120 One Indiana Square, Indianapolis, Indiana. Contract: Irregular; *such commodities as are sold and dealt in by hardware businesses.* Between Cape Girardeau County, MO, on the one hand, and on the other, Alachua, Baker, Breyard, Charlotte, Citrus, Clay, Columbia, DeSoto, Dixie, Duvall, Flagler, Gilchrist, Glades, Hardee, Hernando, Highlands, Hills Borough, Indian River, Lafayette, Lake, Lee, Levy, Manatee, Marion, Okeechobee, Orange, Osceola, Pasco, Polk, Putman, St. Johns, St. Lucie, Sumter, Suwannee, Taylor, Union and Volusia Counties, FL. Restricted to service performed under continuing contract(s) with Hardware Wholesales, Inc. of Ft. Wayne, IN. Supporting shipper: Hardware Wholesalers, Inc., Nelson Road, P.O. Box 868, Ft. Wayne, IN 46801.

MC 164482 (Sub-4–1TA), filed November 1, 1982. Applicant: CONJO LEASING CORPORATION, 4195 Central Ave., Detroit, MI 48210. Representative: Eugene C. Ewald, 100 West Long Lake Road, Ste. 102, Bloomfield Hills, MI 48013. *General commodities (except household goods, Classes A and B explosives and commodities in bulk),* between points in IN, IL, OH and the Lower Peninsula of MI. An underlying ETA seeks 90 day authority. Supporting shipper: Hub City Detroit Terminals, Inc., 1695 Woodward Ave., Bloomfield Hills, MI 48013; Unistrut Division of GTE Products Corporation, 35005 Mihcigan Ave., Wayne, MI 48184.

MC 164501 (Sub-4–1TA), filed November 1, 1982. Applicant: L.C.I. FREIGHT, INC., 89 West Lake Drive, Troy, IL 62294. Representative: John D. Geldbach II (same address as applicant). *General commodities (except classes A and B explosives, household goods, and commodities in bulk),* between St. Louis, MO and points in St. Charles County, MO, on the one hand, and, on the other, points in the U.S. (except AK & HI). Supporting shipper(s): There are (8) eight supporting shippers.

The following applications were filed in Region 5. Send Protest to: Consumer Assistance Center, Interstate Commerce Commission, 411 West 7th Street, Suite 500, Fort Worth, TX 76102.

MC 67234 (Sub-5–33TA), filed October 28, 1982. Applicant: United Van Lines, Inc., One United Drive, Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105. Contract, irregular, *General Commodities (except Classes A and B explosives and commodities in bulk)* between points and places in the United States (including AK and HI) under continuing contract(s) with Johnson & Johnson, and its wholly owned subsidiaries as set forth in Attachment I. Supporting shipper: Johnson & Johnson, New Brunswick, NJ

MC 74169 (Sub-5–1TA), filed October 27, 1982. Applicant: CHIEFTAIN VAN LINES, INC., 7201 Main Street, Ralston, NE 68127. Representative: Robert J. Gallagher, Esq. 1000 Connecticut Avenue, NW, Suite 1200, Washington, DC 20036. *Household Goods and General Commodities (except Class A & B Explosives and Commodities in Bulk)* restricted to transportation for the United States Government, between points in AL, AZ, AR, CA, CO, CT, DE, DC, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VA, WA, WV, WI, and WY. Supporting shippers: (1) Clary Moving & Storage Co., Inc., Pensacola, FL (2) Trading Post, Forsyth, GA (3) Pilot Van Lines, Inc., Jacksonville, NC (4) Affiliated Forwarders, Inc., Lawton, OK (5) Offutt Air Force Base, Nebraska (6) McCarthy Transfer & Storage, 376 Coogan Way, El Cajon, CA (7) Pikes Peak Moving & Storage Company, Colorado Springs, CO (8) B & L Transfer & Storage Co., Inc., Newport News, VA (9) Nester Transfer, Inc., Norfolk, VA.

MC 79658 (Sub-5–6TA), filed October 27, 1982. Applicant: ATLAS VAN LINES, INC., Post Office Box 509, Evansville, IN 47711. Representative: Robert C. Mills, Michael L. Harvey (same as above), Evansville, IN 47711. Contract, irregular; *household goods* between all points in the U.S. (except AK and HI) under continuing contracts with Employee Transfer Corp., Chicago, IL. Supporting shipper: Employee Transfer Corp., Chicago, IL.

MC 128868 (Sub-5–2TA), filed October 29, 1982. Applicant: TEXAS CONSTRUCTION SERVICE, CO. OF AUSTIN, 2905 Howard Lane, Round Rock, TX 78664. Representative: Thomas F. Sedberry, P.O. Box 2023, Austin, TX 68668. *Lime, in bulk,* between points in AZ and NM. Supporting shipper: Round Rock Lime Co., Blum, TX.

MC 144982 (Sub-5–15TA), filed October 28, 1982. Applicant: OHIO PACIFIC EXPRESS, INC., P.O. Box 277, Benton, MO 63736. Representative: Harry F. Horak, Suite 115, 5001

Brentwood Stair Rd., Fort Worth, TX 76112. *Articles dealt in or used by food business houses and wholesale and retail grocery stores (except in bulk),* between points in the U.S. (except AK and HI) for the account of Giant Eagle Markets, Inc., its subsidiaries and divisions. Supporting shipper: Giant Eagle Markets, Inc., Pittsburgh, PA.

MC 151961 (Sub-5–2TA), filed October 29, 1982. Applicant: SIRCAP TRANSPORTATION, INC., Route 8, Box 568, Franklinton, LA 70438. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205. Contract, irregular; *lumber and wood products, paper and paper articles and waste paper* between points in AL, AR, FL, GA, LA, MS, TN and TX under continuing contract(s) with Crown-Zellerbach Corporation, Bogalusa, LA.

MC 157819 (Sub-5–3 TA), Filed October 29, 1982. Applicant: TRUK-TRAK TRANSPORTATION, INC., P.O. Box 28655, Dallas, TX 75288. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. Contract: Irregular, *General Commodities (except classes A and B explosives, household goods, or commodities in bulk)* between Atlanta, GA and points in its commercial zone on the one hand, and, on the other, points in GA. Restricted to shipments for the account of Trio Transportation, Inc. Supporting shipper: Trio Transportation, Inc., Conley, GA.

MC 163372 (Sub-5–6 TA), Filed October 29, 1982. Applicant: TRANS-CARRIERS, INC., 1013 Camelot Cove, Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103. *Glass and glass products and material and supplies* between facilities of Binswanger Mirror Co., Inc. at Grenada, MS, on the one hand, and, on the other, points in the US in and east of ND, SD, NE, KS, OK, and TX. Supporting shipper: Binswanger Mirror Co., Inc., Div. of National Gypsum Co., Grenada, MS.

MC 164465 (Sub-5–1 TA), Filed October 28, 1982. Applicant: JOSEPH J. ZAPUTILL, JR., d.b.a. Joe Zaputill Trucking, Route 1, Box 1A Mystic, IA 52574. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Lumber or wood products,* (1) from Mahaska County, IA, to points in IL, MN, NE, SD, and WI; and (2) from Chilton, Marion, Winston, and Clarke Counties, AL; Grenada, Hinds, Rankin, Perry, Calhoun, and Lauderdale Counties, MS; Texas and Howell Counties, MO, and points in AR, to points in IA. Supporting shipper: Indiana Wood Preserving, Inc., Highway 63 South, Box 319, Oskaloosa, IA.

MC 164474 (Sub-5–1 TA), Filed October 29, 1982. Applicant: B & S TRUCKING CO., INC., Route 3, Box 459A, Bogalusa, LA 70427 Representative: Fred W. Johnson, Jr. P.O. Box 1291. Jachson, MS 39205. Contract: Irregular; *lumber and wood products, paper and paper articles and waste paper* between points in AL, AR, FL, GA, LA, MS, TN and TX under continuing contract(s) with Crown-Zellerbach Corporation, Bogalusa, LA.

MC 164476 (Sub-5–1 TA), Filed October 29, 1982. Applicant: JAMES A. SEAL d.b.a. JIMMY SEAL TRUCKING, P.O. Box 673, Bogalusa, LA 70427. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205. Contract: Irregular *lumber and wood products, paper and paper articles and waste paper* between points in AR, FL, GA, LA, MS, TN and TX under continuing contract(s) with Crown-Zellerbach Corporation, Bogalusa, LA.

MC 164479 (Sub-5–1TA), filed October 29, 1982. Applicant: RAINBOW BUS CHARTER, INC., 104 Ocean Avenue, Gretna, Louisiana 70053. Representative: Gary Boulet, 3108 General Meyer Avenue, New Orleans, Louisiana 70114. *Passengers and their baggage,* in charter and special operations, between points in the U.S. except AK and HI.

MC 67234 (Sub-5–34TA), filed November 1, 1982. Applicant: UNITED VAN LINES, INC., One United Drive, Fenton, MO 63026, (314) 343–3900. Representative: B. W. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105. Contract, irregular; *General Commodities* (except Classes A and B explosives and commodities in bulk) between points and places in the U.S. (including AK and HI) under continuing contract(s) with American Airlines, Inc. Supporting shipper: American Airlines, Inc., Dallas, TX.

MC 67234 (Sub-5–35TA), filed November 1, 1982. Applicant: UNITED VAN LINES, INC., One United Drive, Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105. Contract, irregular; *General Commodities (except Classes A and B explosives and commodities in bulk)* between points and places in the U.S. (including AK and HI) under continuing contract(s) with Rockwell International. Supporting shipper: Rockwell International, Pittsburgh, PA.

MC 111413 (Sub-5–1TA), filed November 1, 1982. Applicant: EDWARD DIETIKER MOVING AND STORAGE CO., 918 La Beaume Street, St. Louis, MO 63102. Representative: Charles Ephraim, 406 World Center Building, 918 16th Street NW., Washington, D.C. 20006. *Transportation for the U.S. Government of used household goods* which transportation is incidental to a pack and crate service on behalf of the Department of Defense, between points in Bollinger, Cape Giradeau, Iron, Madison, Perry, Reynolds, Scott, Stoddard and Wayne Counties, MO and points in Alexander, Clay, Effingham, Fayette, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Saline, Union, Wayne, White and Williamson Counties, IL. Supporting shipper: U.S. Army Legal Services Agency, 5611 Columbia Pike, Falls Church, VA 22041.

MC 142390 (Sub-5–2TA), filed November 1, 1982. Applicant: TRANSIT MOVING INC., 2930 Industrial Park Road, Iowa City, IA 52240. Representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. Contract; Irregular. *(1) Chemicals, and (2) Plastics or rubber, in shipper-owned or shipper-leased trailers,* (1) From Brandenberg, KY, to Chicago, IL; (2) From Chicago, IL, to Evansville, IN; Bancroft, Iowa City and Milford, IA; Medford, MA; Detroit, Grand Rapids, Kalamazoo and Monroe, MI; Minneapolis-St. Paul, MN; St. Louis, MO; Omaha, NE; Binghampton, NY; Cincinnati and Rarden, OH; Philadelphia and Pittsburgh, PA; and Marshfield, WI, under continuing contracts with Crain Midwest, Inc., Chicago, IL. Supporting shipper: Crain Midwest, Inc., Chicago, IL.

MC 144510 (Sub-5–5TA), filed November 1, 1982. Applicant: JERRY J. KOBS, INC., 131 Bridge Court, Sergeant Bluff, IA 51054. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. *Meats and packinghouse products,* from points in SD, NE, KS, MO, IA, MN, WI, and IL, to Boston, MA. Supporting shipper: Sprague Bros. Company, Inc., Boston, MA.

MC 145168 (Sub-5–3TA), filed November 1, 1982. Applicant: BRACKEEN TRUCKING, INC., Route 2, Box 612, Scurry, TX 75158. Representative: Thomas L. Cook, 5801 Marvin D. Love Freeway, Suite 301, Dallas, TX 75237–2385. *Boats and accessories for boats,* between points in TX, on the one hand, and, on the other, points in OK, NM, and AL. Supporting Shipper: Water Buster, Inc., 2449 Glenda Lane, Dallas, TX 75229.

MC 151915 (Sub-3TA), filed November 1, 1982. Applicant: KELWORTH TRUCKING CO., INC., Hwy 59 South, Hodgen, OK 74939. Representative: Don A. Smith, P.O. Box 43, Fort Smith, AR

72902. *Clay, Concrete, Glass* and *Stone Products,* (1) Between points in AR, KS, LA, MS, MO, OK and TX, on the one hand, and, on the other, points in AL, GA and TN; and (2) between points in AL, GA and TN. Supporting shipper: The Bassichis Company, 2323 West Third Street, Cleveland, OH 44113.

MC 152157 (Sub-5–3TA) filed November 3, 1982. Applicant: CLARENCE R. MINKS, Route #2, Box 58D, Broseley, MO 63932. Representative: Clarence R. Minks (same address as applicant). *Beer in kegs, cans, or bottles,* between points in AL, AR, CA, IA, IL, IN, KS, KY, LA, MI, MN, MS, NE, OK, TN, TX, and WI. Supporting shipper: Ozark Beverage Company, Poplar Bluff, MO.

MC 157819, filed November 1, 1982. Applicant: TRUK-TRAK TRANSPORTATION, INC., P.O. Box 28655, Dallas, TX 75288. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. Contract: Irregular, *General Commodities (except classes A and B explosives, household goods, or commodities in bulk)* between Atlanta, GA and points in its commercial zone on the one hand, and, on the other, points in the U.S. Restricted to shipments for the account of Trio Transportation, Inc. Supporting shipper: Trio Transportation, Inc., 4424 Thurman Rd., Conley, GA 30027.

MC 164500 (Sub-5–1 TA), Filed November 1, 1982. Applicant: ACTION DELIVERY, INC., 1201 Cantrell Sansom Road, Fort Worth, TX. 76131. Representative: David McBride (same as above). Contract irregular: *Articles used by or dealt in by wholesale, retail, discount or variety stores,* between points in the United States, (except AK & HI) under a continuing contract with Wal-Mart Stores, Inc.

MC 133643 (Sub-5–1 TA), Filed November 4, 1982. Applicant: MOORE VAN & STORAGE, INC., 2565 NE 33rd Street at 135 W–N, Fort Worth, TX 76106. Representative: Thomas R. Kingsley, 10614 Amherst Avenue, Silver Spring, MD 20902. *Household goods,* as defined, between points in AL, AZ, AR, CA, CO, FL, GA, IL, IN, IA, KS, KY, LA, MD, MS, MO, NE, NV, NM, NC, OH, OK, SC, TN, TX, VA and the DC, Supporting shipper: the Department of Defense, as represented by the U.S. Army Legal Service Agency, Falls Church, VA 22041.

MC 152807 (Sub-5–4 TA) Filed November 5, 1982. Applicant: L. R. CONNELL, INC., Rt 4, Box 152, Arkadelphia, AR 71923. Representative: Sarah Lea Connell (same as above). Contract, Irregular; *General Commodities (ex HHG's, and Class A & B explosives)* between points in AR, on the one hand, and on the other points in the U.S. (ex AK and HI) under continuing contract with MEL-HART products, Inc., Conway, AR.

MC 156488 (Sub-5–4 TA) Filed November 5, 1982. Applicant: CONTRANS, INC., 6716 Berger, Kansas City, KS 66111. Representative: Donald J. Quinn, Commerce Bank Building, 8901 State Line-Suite 232, Kansas City, MO 64114. *Janitorial Supplies and related products* between points in the U.S. Supporting shipper: Saxton Warehouse Service, Lenexa, KS.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6, Motor Carrier Board, 211 Main St., Suite 501, San Francisco, CA 94105.

MC 164224 (Sub-6–1TA); filed: November 2, 1982. Applicant: SYLVESTER BURNLEY, P.O. Box 515, Concord, CA 94522. Representative: Sylvester Burnley (same as applicant) *Passengers and their baggage* in the same vehicle in special and charter operations from San Francisco and Alameda Counties, CA to Reno and Stateline, NV and return, for 180 days, An underlying ETA seeks 120 days authority. Supporting shipper: San Francisco Asian Association, 1156 Washington Street, San Francisco, CA.

MC 158644 (Sub-6–2TA); filed: November 2, 1982. Applicant: HIGH PLAINS TRANSPORTATION, INC., P.O. Box 26291, Lakewood, CO 80226. Representative: David E. Driggers, 1600 Lincoln Center, 1660 Lincoln St. Denver, CO 80264. *Food and related products* between Denver, La Junta, Ft. Collins, CO and Hutchinson, KS, on the one hand, and, on the other, points in AR, Mo, Memphis, TN and Hutchinson, KS, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Murray Brothers, 1505 W. 3rd, Denver, CO 80223 and Western Food Products, Inc., box 730, Second & Grant, La Junta, Co 81050.

MC 121197 (Sub-6–1TA); filed: November 2, 1982. Applicant: NAKANO WAREHOUSE AND TRANSPORTATION CORP., d.b.a. NAKANO EXPRESS SERVICE, 18924 S. Laurel Park Rd., Compton, CA 90220. Representative: Robert H. Payne (same as applicant). *General commodities* (except class A&B explosives, commodities in bulk) having a prior or subsequent movement by water within CA, for 270 days. Supporting shippers: American President Lines, Ltd., Los Angeles Harbor Berth 93A, San Pedro, CA 90733; S.S.T. International, Inc., 10415 S. La Cienega Blvd., Los Angeles, CA 90045; and James J. Boyle and Company, 311 S. Spring St., Los Angeles, CA 90013.

MC 164484 (Sub-6–1TA); filed: October 29, 1982. Applicant: REGIONAL EXPRESS CO., 3657 Rickenbacker St., Boise, ID 83705. Representative: Timothy R. Stivers. P.O.B. 1576, Boise, ID 83701. *Contract Carrier,* Irregular routes: *Commodities dealt in by photographic supply houses and equipment, materials and supplies used in the processing and distribution thereof,* Between points in Yellowstone County, MT, on the one hand, and, on the other, points in Big Horn, Sheridan, Washakie, Fremont, Natrona, Converse, Niobrara, Crook, Weston, Campbell, Johnson and Hot Springs Counties, WY, for the account of Trans America Film Service, Inc., for 270 days, An underlying ETA seeks 120 days authority. Supporting shipper(s): Trans America Film Service, Inc., P.O.B. 30333, Salt Lake City, UT 84130.

MC 164521 (Sub-6–1TA); filed: November 2, 1982. Applicant: DANIEL F. RING d.b.a. RING TRUCKING, 801 Caminito Del Mar, Carlsbad, CA 92008. Representative: Daniel F. Ring (same as applicant). *Sail boats and catamarans,* with or without power installed, and *their trailers,* between point in the United States (except AK, AR, HI, ID, ME, MT, NE, ND and SD), for 270 days. Supporting shipper: Coast Catamaran Corp., 4925 E. Oceanside Blvd., Oceanside, CA.

MC 162316 (Sub-6–1TA), filed November 2, 1982. Applicant: SOUTHERN CHARTERWAYS LTD., P.O. Box 1115, Swift Current, Saskatchewan, Canada S9H 3X3. Representative: Kenneth Donaldson (same address as applicant). *Passengers and their personal effects* on round trip charter operations between points of entry located in the States of WA, ID, MT, ND and AK at the U.S.-Canada international boundary line and points in AK, AR, AZ, CA, CO, FL, GA, IA, ID, IL, KS, KY, MI, MN, MT, ND, NE, NV, OK, SD, TN, TX, UT, WA and WY on traffic orginating in Saskatchewan, for 270 days. Supporting shipper: Frontier City Broadcasting Co. Ltd, 267 6th SE, Swift Current, Saskatchewan, CD.

MC 161974 (Sub-6–3TA), filed November 1, 1982. Applicant: TRIDENT TRUCK LINE, INC., P.O. Box 4030, Hayward, CA 94540. Representative: Eugene Q. Carmody, 15523 Sedgeman St., San Leandro, CA 94579. *Contract Carrier,* irregular routes, *airplane engines, containers or other shipping devices for aircraft engines or parts thereof, and Parts, materials & supplies use in servicing of aircraft,* between AZ, CA, NV, OR and WA, under continuing

contract with United Airlines and Transamerica Airlines, for 270 days. Supporting shippers: United Airlines, Inc., San Francisco Int'l. Airport, San Francisco, CA 94128. Transamerica Airlines, Oakland Airport—Hanger No. 9, Oakland, CA 94621.

MC 164575 (Sub-6–1TA), filed November 4, 1982. Applicant: JOHN CALHOUN TRUCKING, 2255 Loxwood, Salt Lake City, UT 84104. Representative: John N. Calhoun, P.O. Box 510872, Salt Lake City, UT 84151. (1) *Mercer commodities,* and (2) *mining and milling products and by-products, materials, equipment, and supplies* used in the manufacture of these products, between points in the U.S. (except AK & HI), for a period of 270 days, restricted to shipments originating at or destined to the facilities of REP, Inc., and its wholly owned subsidiaries, REP Chemicals and Western Briquette Co., all of Salt Lake City, UT. There is one (1) supporting shipper; REP, Inc., P.O. Box 8712, Salt Lake City, UT 84108. (An underlying ETA seeks authority for 120 days.)

MC 162971 (Sub-G–4TA), filed November 4, 1982. Applicant: D & N TRUCKING, 840 Hamilton Dr., Pleasant Hill, CA 94523. Representative: Ronald C. Chauvel, 100 Pine St., No. 2550, San Francisco, CA. *Alcoholic beverages and related materials,* between Vancouver, WA on the one hand, on the other, Irvine and Vacaville, CA, for 270 days. Supporting shipper: Lucky Lager, 312 West Eighth St., Vancouver, WA 98660.

MC 164561 (Sub-6–1TA), filed November 4, 1982. Applicant: GLENN HARVEY KEENAN, 232 Kennedy Rd., Onalaska, WA. 98570. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 239, Renton, WA. 98055. *Shakes, shingles, ridge trim, food and related articles, and paper and paper products,* between points in WA, on the one hand, and points in CA and OR on the other hand, for 270 days. Supporting shipper(s): Bank Check Supply Company, 1315 S. Tower, Centralia, WA., 98531; Phillips Shake, 1383 Highway 508, Chehalis, WA., 98532; Roy Stanley Shake Co., 2069 Highway 508, Onalaska, WA., 98570; Sterling Truck Brokerage, Inc., POB 176, Redmond, OR., 97756.

MC 149100 (Sub-6–15TA), filed Nov. 5, 1982. Applicant: JIM PALMER TRUCKING (a corporation), 9730 Derby Dr., Missoula, MT 59801. Representative: John T. Wirth, 717 17th St., Ste. 2600, Denver, CO 80202–3357. *Contract carrier,* irregular routes: *Lumber and wood products,* from points in WA, OR, CA, ID and TX to points in the U.S. (except AK and HI), under continuing contract(s) with Old Town Lumber & Millwork, Inc. of Folsam, CA, for 270 days. Supporting shipper: Old Town Lumber & Millwork, Inc., P.O. Box 763, Folsom, CA 95630.

MC 159831 (Sub-6–2TA), filed Nov. 4, 1982. Applicant: ROLAND I. NISEWANDER, JR., d.b.a. R & E TRUCKING, 1906 W. Oak, POB 2214, Fullerton,CA 92633. Representative: Donald R. Hedrick, POB 4334, Santa Ana, CA 92702. *Contract Carrier,* Irregular routes: *Paper and related products;* and, *printed matter,* between points in Los Angeles and Orange County, CA, on the one hand, and, on the other, points in CA, AZ, NV, OR, WA, UT, ID, CO, NM and TX, for the account of Georgia Pacific Corporation, International Paper Company and S.C.M. Walton Printing, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Georgia Pacific Corporation, 6300 Regio Ave., Buena Park, CA, 90620,; International Paper Company, 1350 E. 223rd St., Carson, CA, 90745; and, S.C.M. Walton Printing, Inc., 6400 Artesia Blvd., Buena Park, CA, 90620.

MC 152393 (Sub-6–6TA), filed Nov. 4, 1982. Applicant: SCOTT B. WARN, d.b.a. OVERNITE EXPRESS, 555 143rd Avenue, San Leandro, CA 94577. Representative: Armand Karp, 743 San Simeon Drive, Concord, CA 94518. *Contract carrier,* irregular routes; *Plastic Film and Sheeting,* from points in Contra Costa County, CA to points in IA, IL, KY, MD, MN, and MO for the account of Sigmadyne Corp, for 270 days. Supporting shipper: Sigmadyne Corp., 1060 Hensley St., Richmond, CA 94804.

MC 164578 (Sub-1TA), filed Nov. 4, 1982. Applicant: TRUCK CONTROL SERVICE, INC., 7017 N. 56th Avenue, Glendale, AZ 85301. Representative: Phil B. Hammond, 3003 N. Central, Suite 2201, Phoenix, AZ 85012. *Contract Carrier:* Irregular routes: *wire, cable, paint, spools and rubber and plastic products* between Phoenix, AZ; Wallingford, CT; and Chatham, VA, on the one, hand and, on the other, points in AZ, LA, CA, IL, IA, WI, CO, TX, IN, NY, NJ, WA, OH, NM, CT, OR, MO MA, MI, TN, NV, RI, OK, VA, UT, PA, MD, FL, MN, NH and ND, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Times Wire and Cable Co., 358 Hall Avenue, Wallingford, CT 06492.

MC 123602 (Sub-6–1TA), filed Nov. 5, 1982. Applicant: FASTEST WAY MOTOR FREIGHT, INC., East 3417 Springfield, Spokane, WA 99202. Representative: James E. Wallingford, P.O. Box 2647, Spokane, WA 99220. *General commodities (excluding household goods)* which have had prior or subsequent movement in interstate commerce to and from Spokane, WA, and State of WA counties of Chelan, Douglas, Ferry, Grant, Okanogan, Spokane and Stevens; for a period of 270 days: Supporting Shippers—Best Way Motor Freight, 6440 So. 143rd St., Seattle, WA 98168; Nabisco, Inc., E. 4000 Broadway, Spokane, WA 99202; Amfac Electric Supply Co., E. 3420 Ferry, Spokane, WA 99202; Prudential Distributors, Inc., E. 3304 Ferry, Spokane, WA 99202.

MC 152785 (Sub-6–2TA), filed Nov. 4, 1982. Applicant WILLIAM H. CHAMBERS AND WILLIAM J. CHAMBERS, a partnership, d.b.a. WESTWAY TRANSPORTATION CO., 153 Valencia Dr., Camarillo, CA 93010. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306. *Such commodities as are dealt in or used by distributors of meat, frozen foods, hotel supplies, and bakery goods,* from Vancouver, WA, on the one hand, and, to Scottsdale, AZ and San Jose, CA, on the other, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: M & P Meat Supply, Inc., 4011 Main St., Vancouver, WA 98663.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–31392 Filed 11–16–82; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–3 (Sub-No. 33)]

Rail Carriers; Missouri Pacific Railroad Co.—Abandonment—Louisville Subdivision, Cass County, NE; 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 Missouri Pacific Railroad Company to abandon its rail line known as the Louisville Subdivision extending from railroad milepost 454.0 at Lowline Junction, near Weeping Water to milepost 449.1 near Avoca, a distance of 4.9 miles, in Cass County, NE, subject to certain conditions. Since no investigation was instituted, the requirement of § 1152.27 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 (§ 1152.35 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, Rom 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 § 1152.27 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. 82-31387 Filed 11-16-82; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731-TA-110 (Preliminary) and 731-TA-111 (Preliminary)]

Bicycles from the Republic of Korea and Taiwan

Determinations

On the basis of the record [1] developed in investigations Nos. 731-TA-110 (Preliminary) and 731-TA-111 (Preliminary), the Commission determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is no reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, by reason of imports from the Republic of Korea of bicycles, provided for in items 732.02 through 732.26, inclusive, of the Tariff Schedules of the United States (TSUS), which are allegedly being sold in the United States at less than fair value (LTFV). The Commission further determines that there is a reasonable indication that an industry in the United States is being materially injured, or is threatened with material injury,[2] by reason of imports from Taiwan of bicycles, as provided for in the TSUS items shown above, which are allegedly being sold in the United States at LTFV.

Background

On September 24, 1982, petitions were filed with the United States International Trade Commission and the U.S. Department of Commerce by counsel on behalf of AMF Wheel Goods Division, Columbia Manufacturing Company, Huffy Corporation, and Murray Ohio Manufacturing Company, individually and as members of the Bicycles Manufacturers Association, Inc., alleging that an industry in the United States is materially injured, or threatened with material injury, by reason of imports from the Republic of Korea and Taiwan of bicycles which are allegedly being sold at less than fair value. Accordingly, the Commission instituted preliminary investigations under section 733(a) of the Tariff Act of 1930, to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or that the establishment of an industry is materially retarded,[3] by reason of the importation of such merchandise into the United States.

Notice of the institution of the Commission investigations and the conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on October 6, 1982 (47 FR 44171). The conference was held in Washington, D.C. on October 18, 1982, and all persons who requested the opportunity were permitted to appear in person or by counsel. The Commission voted on these cases in public session on November 2, 1982.

By order of the Commission.

Issued: November 8, 1982.

Kenneth R. Mason,

Secretary.

Views of the Commission

We determine that there is no reasonable indication that an industry in the United States is materially injured, or threatened with material injury, by reason of imports of bicycles from the Republic of Korea (Korea), which are allegedly being sold in the United States at less than fair value (LTFV). Further, we determine that there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury,[4] by reason of alleged LTFV bicycle imports from Taiwan.[5]

Domestic Industry

Section 771(4)(A) of the Tariff Act of 1930, 19 U.S.C. 1677(4)(A), defines the term "industry" as the "domestic producers as a whole of a like product or those producers whose collective output of the like product constitutes a major proportion of the total domestic production of that product." "Like product" is defined in section 771(10) of the Tariff Act of 1930, 19 U.S.C. 1677(10), as "a product which is like, or in the absence of like, most similar in characterisics and uses with, the article under investigation."

Bicycles are two-wheel vehicles propelled by a rider. Both domestic and imported bicycles have a frame, seat post, saddle, handlebar stem, handlebars, forks, wheels (consisting of hubs, spokes, rims, and nipples), pedals, crank, chain, chainwheel, and brakes. Typical options include multiple speeds (which require front and rear derailleurs, gear shift lever, and cables), caliber brakes instead of coaster brakes, 3-piece cotterless crank instead of single piece crank, reflectors, fenders, grips, and taped handle bars.[6]

Bicycles are distinguishable [7] from each other by their wheel size, weight, and number of gears. There are a variety of models including; 10-speed bicycles with wheels 26 or 27 inches in diameter and weight of less than 36 pounds; three-speed bicycles with wheels 26 inches in diameter and weight of less than 36 pounds; and single-speed bicycles with 20-inch wheels, including "BMX" bicycles.[8]

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[1] The "record" is defined in sec. 207.2(i) of the Commission's Rules of Practice and Procedure (47 FR 6190, Feb. 10, 1982).

[2] Commissioner Haggart finds a reasonable indication of present material injury only.

[3] Material retardation of the establishment of an industry was not raised as an issue in these investigations.

[4] Commissioner Haggart determines only that there is a reasonable indication of material injury, and therefore does not rech the issue of reasonable indication of threat of material injury.

[5] Reasonable indication that the establishment of an industry in the United States is materially retarded is not an issue in these investigations.

[6] Report at A-2.

[7] Petitioners argue that the domestic industry is comprised of U.S. producers of bicycles, as a whole, undifferentiated by type, price, or class of purchaser. *See* Brief in support of Petition filed October 20, 1982 at 1. On the other hand, importers, Taiwan Vehicle Manufacturing Association, the American Association of Bicycle Importers, Inc., and Kent International, argue that the domestic industry should be analyzed according to product lines. *See* their Post-Conference Brief at 6. Importers, Schwinn Bicycle Co. and Giant Manufacturing Co. argue that since the domestic industry should be defined according to bicycle type and distribution channel, there are four distinct industries (lightweight and BMX bicycles in each of the two channels). *See* Schwinn Bicycle's Co. Statement in Opposition to Petition for Relief Under the United States Antidumping Law with respect to Bicycles imported from Taiwan filed October 20, 1982 at 2 and Post-Conference Brief of Giant Manufacturing Co. filed October 20, 1982 at 3.

[8] Report at A-4 and A-5.

Bicycles are sold through two channels of distribution: mass merchandisers and independent bicycle dealers (IBDs).[9] Imports from Korea are sold primarily through the mass merchandiser market while imports from Taiwan are sold predominantly through IBDs. Domestically produced bicycles are sold through both channels of distribution.[10]

Bicycles compete most directly with the same models sold through the same distribution channel. However, information developed in this preliminary investigation indicates that there is competition between distribution channels and across model types.[11] Furthermore, although certain bicycle models may require additional or higher quality components, better grades of steel for tubing, or special care in welding and finishing operations, manufacturers produce substantially all bicycles with the same workers, on the same machinery, using the same production methods.[12]

Differences in size, weight, accessories and accompanying service are an insufficient basis for a finding of more than one like product.[13] Furthermore, no significant distinctions are evident between the characteristics and uses of the products sold in the IBD and the mass merchandiser markets. Therefore, we conclude that the like product in these investigations is bicycles. Since we have found that the like product is bicycles, the domestic industry consists of the domestic producers of bicycles.[14]

Reasonable Indication of Material Injury or Threat Thereof by Reason of LTFV Imports

Section 771(7) of the Tariff Act of 1930, 19 U.S.C. 1677(7), directs the Commission to consider in making its injury determination, among other factors: (1) The volume of imports of the merchandise under investigation; (2) their impact on price; and (3) the consequent impact of the imports on the domestic industry. In assessing the impact on the domestic industry, we are further directed by section 771(7)(c)(iii), 19 U.S.C. 1677(7)(c)(iii), to evaluate all relevant economic factors which have a bearing on the state of the industry, including, but not limited to: production, sales, market share, profits, productivity, return on investments, capacity utilization, cash flow, inventories, employment, wages, growth, ability to raise capital, and investment.

In making a determination as to whether there is threat of material injury the Commission considers, among other factors: (1) The rate of increases of subsidized or dumped imports into the U.S. market; (2) the capacity in the exporting country to generate exports; and (3) the availability of other export markets.[15] Findings of a reasonable indication of threat of material injury must be based on a showing that the likelihood of harm is real and imminent, and not based on mere supposition, speculation, or conjecture.[16]

Condition of the Domestic Industry

A number of important indicators show that the condition of the domestic bicycle industry has deteriorated since 1979.[17] Data on production, capacity utilization, shipments, employment, and financial performance reflect the declining trends and the industry's present unprofitable position. Five firms accounting for the major portion of domestic production responded to the Commission's producer's questionnaire. Production by these firms declined by 21 percent between 1979 and 1981, and further declined by 31 percent in January–August of 1982 as compared with the same period of 1981.[18] Although capacity increased somewhat during the period of this investigation, capacity utilization declined more than can be explained by capacity increases.[19]

Producers' shipments of domestically produced bicycles declined by 25 percent between 1979 and 1980, and then increased slightly, by 1 percent, in 1981. Shipments in January–August 1982 declined by 30 percent from the corresponding period of 1981.[20] U.S. producers' inventories increased annually, nearly doubling between 1979 and 1981. The ratio of inventories to producers' shipments increased annually from 4.2 percent in 1979 to 10.5 percent in 1981.[21]

The number of production and related workers has declined annually since 1979. In 1981, employment was down 21 percent from 1979 and in January–August 1982 dropped 28 percent from the corresponding 1981 period.[22]

Data supplied to the Commission show that the responding firms' aggregate bicycle operations were profitable in 1979 and 1980 and unprofitable in full year 1981 and the period from January–August 1982.[23] [24]

Imports From Korea

We do not find a causal connection between imports from Korea and the difficulties being experienced by the domestic industry. Imports from Korea are currently at low levels. They declined from 178,000 units in 1979 to 131,000 units in 1981, or by 26 percent,[25] and although they increased by 18 percent in the period January–August 1982 as compared with the same period in 1981, from 66,000 to 78,000 units, it is expected that imports for the full year of 1982 will be well below the 1981 level.[26] The market share held by imports from Korea dropped from 1.6 to 1.5 percent of apparent domestic consumption from 1979 to 1981 and amounted to 1.8 percent for the period January–August 1982 as compared to 1.0 percent in the same period in 1981.[27]

Data gathered during the investigation shows that in those instances where price comparisons could be made, Korean prices were often substantially above domestic prices.[28] Specifically, in the mass merchandiser market where a major portion of the Korean product is

[9] In general, the mass merchandising channel includes large chain and discount stores which sell products other than bicycles. The IBD channel is comprised of over seven thousand individually owned shops that specialize in sales of bicycles. While bicycles sold by mass merchandisers require some assembly by the consumer, IBD's both assemble and service the bicycles that they sell. *See* Report at A–3 and A–4.

[10] Report at A–14.

[11] Hearing Transcript at p. 180.

[12] Report at A–3 and A–4.

[13] In defining the "like product" Congress cautioned that "minor differences in physical characteristics or uses" should not be the basis for a determination that products are not "like" each other. S. Rep. No. 249, 96th Cong., 1st Sess. 90 (1979).

[14] U.S. Producers of bicycles include: the four petitioners in these investigations (Huffy Corp., Murray Ohio Manufacturing Co., AMF Wheel goods Division, and Columbia Manufacturing Co.); Chain Bike; BMX Products; Schwinn Bicycle Co. and Scorpion. *See* Report at A–8 and A–9. In addition to producing bicycles in the United States, both Schwinn and Huffy import bicycles from Taiwan. *See* Report at A–12. From the information presently available to us, we do not find it appropriate to exclude either Huffy or Schwinn pursuant to section 771(4)(B), 19 U.S.C. 1677(4)(B), from our definition of the domestic industry.

[15] 19 CFR 207.26(d).

[16] S. Rep. No. 96–249, 96th Cong., 1st Sess. 88–89 (1979); S. Rep. No. 1298, 93d Cong., 2d Sess. 180 (1974); Alberta Gas Chemicals, Inc. v. United States, 515, F. Supp. 780, 790 (Ct. Int'l Trade (1981).

[17] It should be noted that in 1979 domestic producer shipments and apparent domestic consumption were at their highest levels since 1974. (*See* table C–1, Report at A–54.)

[18] Report at A–15 and A–16.

[19] Report at A–17.

[20] Report at A–18.

[21] Report at A–21.

[22] Report at A–21.

[23] Report at At–23.

[24] The need to protect business confidential information precludes discussion of the financial performance of U.S. producers in anything other than the most general terms.

[25] Report at A–29.

[26] Transcript at p. 171–172.

[27] Report at A–36.

[28] Report at A–38.

sold, prices of Korean bicycles were greater than those of domestic bicycles in 37 out of 46 quarters where comparisons were possible. Thus, Korean imports have not suppressed or depressed domestic prices. Moreover, lost sales information corroborates the lack of a causal nexus between imports from Korea and any injury. For the period January 1980–September 1982, the alleged lost sales which accounted for 78 percent of Korean imports, were reported by purchasers to be lost for reasons other than price.[29]

Additionally, we do not find a reasonable indication of a threat of injury by imports from Korea. Existing capacity is now nearly fully utilized at the 93.7 percent in 1981 and there are strong sales in the Korean home market.[30]

In conclusion, we do not find a reasonable indication of material injury or threat thereof by reason of alleged LTFV Korean imports.

Imports From Taiwan

The information presently available indicates that imports from Taiwan are causing, or threatening to cause, material injury to the domestic industry.[31] Imports fro Taiwan increased from 1.0 million in 1979 to 1.2 million in 1981, or by 18 percent, before dipping from 811,000 units to 688,000 units, or by 15 percent, in the period January–August 1982 as compared with the same period in 1981.[32] In spite of this drop in imports, Taiwan's share of the U.S. market increased 22 percent in January–August 1982 in comparison to the same period in 1981. This increase follows a 43 percent increase in Taiwan's market share from 1979 to 1981.[33]

In contrast to the situation with Korea previously described, imports from Taiwan frequently were priced below the domestic product, sometimes by margins as large as 45 percent. Prices for imports from Taiwan followed those of domestic bicycles, but in some instances their upward trend stopped a quarter earlier than the upward trend in domestic prices, indicating potential price suppression.[34] Lost sales allegations covered a small portion of the imports from Taiwan.[35] In some instances, price was found to be a factor in the decision to purchase the imports from Taiwan.[36]

Therefore, we conclude that a reasonable indication of material injury or threat thereof by reason of alleged LTFV imports from Taiwan has been shown.[37] [38]

[FR Doc. 82-31458 Filed 11-16-82; 8:45 am]

BILLING CODE 7020-02-M

[29] Report at A-44. Based on the pricing and lost sales data, we did not cumulate the impact of imports from Korea with those from Taiwan since we did not find imports from Korea to be a contributing cause of material injury. Cumulation would only be considered if imports from Korea were a contributing cause of material injury.

[30] Report at A-26.

[31] *See* note 2 *supra*.

[32] Report at A-28 and A-29.

[33] Report at A-36.

[34] Report at A-38.

[35] Commissioner Stern notes that, as with Korea, some sales appear to be lost for reasons other than price.

[36] Report at A-43–A-44.

[37] Chairman Eckes and Commissioner Stern note that information on threat is limited at this stage. Their affirmative preliminary determination is based on the above information and our expectation that we will have more information on capacity utilization in Taiwan should the case return for a final investigation.

[38] *See* note 2 *supra*.

[Investigations Nos. 701-TA-148 and 150 (Final)]

Carbon Steel Wire Rod From Belgium and France; Termination of Investigation

AGENCY: International Trade Commission.

ACTION: Termination of investigations.

EFFECTIVE DATE: November 3, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Miller (202–523–0305), Office of Investigations, U.S. International Trade Commission.

SUMMARY: On July 14, 1982, the Commission instituted final countervailing duty investigations under section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of subsidized imports from Belgium and France of carbon steel wire rod provided for in item 607.17 of the Tariff Schedules of the United States.

On November 3, 1982, the Commission was notified by Atlantic Steel Co.; Continental Steel Co. (formerly Penn-Dixie Steel Corp.); Georgetown Steel Corp.; Georgetown Texas Steel Corp.; Keystone Consolidated Industries, Inc.; Korf Industries, Inc.; and Raritan River Steel Co., the petitioners in these investigations, that they wished to withdraw their petitions as to all of the above-mentioned investigations pursuant to section 704(a) of the Act (19 U.S.C. 1671c(a)). The Commission has granted these requests.

This notice is published pursuant to 207.40 of the Commission's Rules of Practice and Procedure (19 CFR 207.40).

By Order of the Commission.

Issued: November 10, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-31456 Filed 11-16-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-88 (Final)]

Carbon Steel Wire Rod From Venezuela; Continuation of Final Antidumping Investigation

AGENCY: International Trade Commission.

ACTION: Continuation of final antidumping investigation.

EFFECTIVE DATE: October 27, 1982.

SUMMARY: On October 7, 1982, the United States Department of Commerce suspended its antidumping investigation concerning carbon steel wire rod from Venezuela (47 FR 44362, October 7, 1982). The basis for the suspension was an agreement by CVG-Siderurgica del Orinoco C.A. (Sidor), the only known Venezuelan producer and exporter of carbon steel wire rod, to discontinue all exports of the subject merchandise to the United States. Accordingly, pursuant to section 734(f)(1)(B) of the Tariff Act of 1930 (19 U.S.C. 1673c(f)(1)(B)), the United States International Trade Commission suspended its antidumping investigation on carbon steel wire rod from Venezuela (47 FR 49907, November 3, 1982). On October 27, 1982, however, a request to continue the investigation was filed by counsel for Sidor pursuant to section 734(g)(1) of the Tariff Act (19 U.S.C. 1673c(g)(1)). Accordingly, the Commission hereby gives notice of the continuation of investigation No. 731–TA–88 (final), Carbon Steel Wire Rod from Venezuela. The Commission will make its determination in this investigation within 45 days of the date on which Commerce publishes its final antidumping determination.This notice is published pursuant to § 207.42 of the Commission's Rules of Practice and Procedure (19 CFR 207.42).

By order of the Commission.

Issued: November 12, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-31455 Filed 11-16-8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-121]

Certain Plastic-Capped Decorative Emblems

Notice is hereby given that a prehearing conference scheduled for November 29, 1982 and the hearing scheduled to commence immediately thereafter (47 F.R. 44169, October 6, 1982) are cancelled.

The Secretary shall publish this notice in the **Federal Register.**

Issued: November 8, 1982.

Janet D. Saxon,

Administrative Law Judge.

[FR Doc. 82-31454 Filed 11-16-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-133]

Certain Vertical Milling Machines and Parts, Attachments and Accessories Thereto; Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on October 14, 1982, under section 337 of the Tariff Act of 1930, as amended, (19 U.S.C. 1337), on behalf of Textron, Inc., 40 Westminster Street, Providence, Rhode Island 02903. Bridgeport Machines Division of Textron manufactures, distributes and sells vertical milling machines in the United States. The complaint alleges unfair methods of competition and unfair acts in the importation into the United States of certain vertical milling machines and parts, attachments and accessories thereto or in their sale, by reason of (a) violation of section 43 of the Lanham Act (15 U.S.C. 1125(a)); (b) infringement of Bridgeport's and Textron's federally registered trademarks in violation of section 32(1) of the Lanham Act (15 U.S.C. 1114(1)); (c) infringment of Bridgeport's common-law trademark rights; (d) trademark dilution; (e) misappropriation, simulation or adoption of the shape, design, and trade dress of Bridgeport's SERIES I vertical milling machine; (f) passing off; (g) false advertisting; (h) violation of the Uniform Deceptive Trade Practices Act; and (i) unfair competition. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests the Commission to institute an investigation and conduct an expedited hearing on permanent relief and, after a full investigation, to issue both a permanent exclusion order and a permanent cease and desist order.

Authority

The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure (19 CFR 210.12).

Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on November 10, 1982, Ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unauthorized importation of certain vertical milling machines and parts, attachments and accessories thereto into the United States, or in their sale, by reason of the alleged (a) violation of section 43 of the Lanham Act, 15 U.S.C. 1125(a); (b) infringement of federally registered trademarks in violation of section 32(1) of the Lanham Act, 15 U.S.C. 1114(1); (c) infringement of common-law trademark rights; (d) trademark dilution; (e) misappropriation, simulation or adoption of shape, design and trade dress; (f) passing off; (g) false advertisting; (h) unfair competition, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: Textron, Inc., 40 Westminster Street, Providence, Rhode Island 02903.

(b) The respondents are the following companies, alleged to be in violation of section 337, by having committed one or more of the unfair acts and unfair methods of competition set forth in paragraph (1), and are the parties upon which the complaint is to be served:

	This letter indicates which of the acts or methods listed in paragrapn (1) applies
Lilian Machinery Industrial Co., Ltd., 34, Lane 46, Ti-Hwa Street, Sec. 1, Taipei, Taiwan, 101.	a, e, g, h
Poncho Enterprise Co., Ltd., P.O. Box 26-262, Taipei, Taiwan.	a, e, g, h
Hong Yeong Machinery Industrial Co., Ltd., No. 4-5, Ta Fu Road, Onli Village, Sheng Kang Hsiang Taichung Hsien, Taiwan.	a, b, h
Pal-Up Enterprises Co., Ltd., P.O. Box 275, Feng Yuan, Taiwan.	c, b, h
She Hong Industrial Company, Ltd., 398 Sec. 1, Shi Twen Road, Taichung, Taiwan.	a, b, e, h
Yeong Chin Machinery Industries Co., Ltd., 79 San Feng Road, Yeng Yuan, Tai-Chung, Taiwan.	a, b, e, f, h
Yun Fu Machinery Co., Ltd., No. 6, Lane 58, Sec. 2, Ta Ching Street, Taichung, Taiwan.	a, b, e, f, h
Chanun Machine Tool Co., Ltd., No. 20, Lane 76, Lung Chiang Street, Taipei (104), Taiwan.	a, c, h
Fu Shanlong Industry Co., Ltd., No. 954 Chung San Road, Shen Kang Hsiang, Taichung, Taiwan.	a, h
Jenq Shing Enterprises Co., Ltd., No. 4 Lane 223, Sec. 3, Chung Ching N. Road, Taipei, Taiwan.	a, h
M.I.T. Machinery & Tool Co., Ltd., Evergreen Island Mansion, Room No. 7, 5th Floor, No. 7, Ching Tao East Road, Taipei, Taiwan.	a, e, g, h
Lio Ho Machine Works, Ltd., No. 334, Hsin Sheng Road, Sec. 2, Chung Li City (320) Taiwan.	a, h
Long Chang Machinery Co., Ltd., No. 13-27, Jen-Sing Road, Taiping Shiang, Taichung, Taiwan.	a, h
Maw Chang Machinery Co., Ltd., No. 26-1 Hsiao Tien Road, Wu Jih, Taichung, Taiwan.	a, h
Nahson Machinery Co., Ltd., No. 109, Ren Her Road, Taichung, Taiwan.	a, h
Hsu Pen Machinery Co., No. 18-2, Lane 68, Shui Yuan Road, Feng Yuan, Taichung, Taiwan.	1, h
Kiheung Machinery Works, 2-3 Block, 2nd Industrial District, Daejeon, Republic of Korea.	a, h
Shye Shing Machinery Mfg., Co., Ltd., No. 17, Ta Ching Street, Sec. 1, S. District, Taiching, Taiwan.	a, h
Kingtex Corporation, 3rd Floor, No. 346, Nanking E. Road, Sec. 3, Palace Bldg, Taipei, Taiwan.	a, b, c, h
Great International Corporation, 477 Tung Hwa S. Road, Taipei, Taiwan.	a, h
King Machinery Inc., 2510 East Del Amo Boulevard, Compton, California 90221.	a, c, h
Warner Tool & Machinery Sales, Inc., 8236 Lankershim Boulevard, North Hollywood, California 91605.	a, h
Big-Joe Industrial Tool Corp., 2821 W. 11th Street & 2702 Telephone Road, Houston, Texas.	a, g, h
ABC Industrial Machine Tool Co., 4151 Bandini Boulevard, Los Angeles, California 90058.	a, e, g, h
Kanamatsu-Gosho, U.S.A., Inc., 543 West Algonquin Road, Arlington Heights, Illinois 60005.	a, h

	This letter indicates which of the acts or methods listed in paragrapn (1) applies
Rutland Tool & Supply Co., Inc., 16700 Gale Avenue, City of Industry, California 91745.	a, b, e, f, h
Haerr Machinery Inc., 3431 E. LaPalma Avenue, Anaheim, California 92806.	a, b, e, f, h
Cadillac Machines Inc., 1175 N. Knollwood Circle, Anaheim, California 92801.	a, b, e, f, h
Kabaco Tools, Inc., 6300 Eighteen Mile Road, Sterling Heights, Michigan 48078.	a, b, e, f, h
Webb Machinery Corporation, 3011 Lomita Boulevard, Torrance, California 90505.	a, b, e, f, h
Select Machine Tool Co., 8671 Hayden Place, Culver City, California 90230.	a, b, e, f, h
Delta Machine & Tool Company, Inc., 1750 N. Fifth Street, Philadelphia, Pennsylvania.	a, h
Jet Equipment & Tools Inc., 1901 Jefferson Avenue, Tacoma, Washington 98402.	a, h
Pilgrim Industries Inc., , P.O. Box 17412, Nashville, Tennessee 37217.	a, h
Republic Machinery Company, Inc., 3620 South Santa Fe Avenue, Los Angeles, California 90058.	a, c, h
South Bend Lathe, Inc., 400 West Sample Street, South Bend, Indiana 46625.	a, h
Luson International Distributors, Inc., P.O. Box 462, Ravenwood, West Virginia 26164.	a, b, e, f, h
Intermark-Hartford Corp., 510A Industrial Avenue, Teterboro, New Jersey 07608.	a, b, e, f, h
Enco Manufacturing Co., 5000 Bloomingdale Avenue, Chicago, Illinois 60639.*	a
Y.C.I. USA Inc., 1515 Kona Drive, Compton, California 90220.	a, b, c, e, f, h
Yamazen U.S.A., Inc., 1130 E. Dominquez Street, Carson, California 90746.	a, b, e, f, h
Doall Company, 254 N. Laurel Avenue, Des Plaines, Illinois 60016.	a, h
Deka Machine Sales Corp., 320 Riverdale Avenue, Yonkers, New York 10705.	a, h

(c) Oreste Russ Pirfo, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Room 124, Washington, D.C. 20436, shall be the Commission investigative attorney, a party to this investigation; and

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, 701 E. Street NW., Washington, D.C. 20436, shall designate the presiding officer.

Responses must be submitted by the named respondents in accordance with section 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 1021). Pursuant to § 201.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, D.C. 20436, Phone: 202–523–0471.

FOR FURTHER INFORMATION CONTACT: Oreste Russ Pirfo, Esq., Unfair Import Investigations Division, Room 122, U.S. International Trade Commission, telephone 202–523–4693.

By order of the Commission.

Issued: November 12, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-31457 Filed 11-16-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 731-TA-108 and 109 (Preliminary)]

Portland Hydraulic Cement From Australia and Japan

Determinations

Based on the record [1] developed in investigations Nos. 731–TA–108 and 109 (Preliminary), the Commission determines,[2] pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury [3] by reason of imports of Portland hydraulic cement (other than white, nonstaining Portland cement) from Australia and Japan, provided for under item 511.14 of the Tariff Schedules of the United States, which are alleged to be sold in the United States at less than fair value (LTFV).

Background

On September 23, 1982, counsel for Kaiser Cement Corp. filed petitions with the U.S. International Trade Commission and the U.S. Department of Commerce alleging that an industry in the United States is being materially injured and threatened with material injury by reason of LTFV imports of Portland hydraulic cement from Australia and Japan. Accordingly, on September 27, 1982, the Commission instituted preliminary antidumping investigations (Nos. 731–TA–108 and 109) under section 733(a) of the Tariff Act of 1930. Notice of the institution of the investigations and conference therefor was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission and by publishing the notice in the **Federal Register** on October 6, 1982 (47 FR 44170). A public conference was held in Washington, D.C. on October 15, 1982, at which all interested parties were afforded the opportunity to present information for consideration by the Commission.

VIEWS OF CHAIRMAN ALFRED E. ECKES AND COMMISSIONER VERONICA A. HAGGART

Introduction

After considering the record in these investigations, we determine, pursuant to section 703(a) of the Tariff Act of 1930, that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of imports of portland hydraulic cement from Australia and Japan which are allegedly being sold in the United States at less than fair value (LTFV).[4]

Standards for Determinations

In a preliminary antidumping investigation, the Commission is directed by Title VII of the Tariff Act of 1930 to determine, based upon the best information available to it at the time of the determination, whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of the merchandise that is the subject of the investigation.[5]

[1] The "record" is defined in sec. 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] Commissioner Stern dissenting.

[3] Commissioner Haggart determines that there is a reasonable indication of material injury and therefore does not reach the issue of threat of material injury.

[4] Commissioner Haggart determines that there is a reasonable indication that an industry in the United

"Material injury" is defined as "harm which is not inconsequential, immaterial, or unimportant." [6] In making its terminations the Commission is required to consider, among other factors, (1) the volume of imports of the merchandise which is the subject of the investigation, (2) the effect of imports of that merchandise on prices in the United States for like products, and (3) the impact of imports of such merchandise on domestic producers of like products.[7]

In making a determination as to whether there is a threat of material injury the Commission considers, among other factors, (1) the rate of increase of subsidized or dumped imports into the U.S. market, (2) the capacity in the exporting country to generate exports, and (3) the availability of other export markets.[8] Findings of a reasonable indication of threat of material injury must be based on a showing that the likelihood of harm is real and imminent, and not based on mere supposition, speculation, or conjecture.[9]

Domestic Industry

Regional industry. If most investigations under Title VII of the Tariff Act of 1930, we assess the impact of imports on a national industry, as defined in section 771(4)(A) of the Act. 19 U.S.C. 1677(4)(A). In appropriate circumstances, however, there is a statutory basis for assessing the impact of imports on a regional industry. 19 U.S.C. 1677(4)(C). This section of the Act reflects legislative recognition that the economic impact of imports on an isolated market may be such as to warrant the imposition of countervailing or antidumping duties on a nationwide basis. This modification from the general industry definition is stated in section 771(4)(C) of the Act as follows:

> In appropriate circumstances, the United States, for a particular product market, may be divided into 2 or more markets and the producers within each market may be treated as if they were a separate industry if—
>
> (i) the producers within such markets sell all or almost all of their production of the like product in question in that market, and
>
> (ii) the demand in that market is not supplied, to any substantial degree, by producers of the product in question located elsewhere in the United States.

These first two statutory tests set forth the criteria for determining whether production and consumption patterns reflect a market which is isolated from a national market and whether these activities are localized. The third statutory requirement for finding that a regional industry exists is that the alleged LTFV imports must be "concentrated" within the region.[10] Fourth, the statue provides that designation of an industry as a regional industry is within the Commission's discretion.[11] In addition, section 771(4)(A) imposed a more rigorous standard for determining material injury or threat thereof on a regional industry basis than for domestic producers as a whole. Whereas a finding of material injury or threat thereof to a national domestic industry can be based on a finding that domestic producers accounting for a "major proportion" of production of the product under investigation are injured or threatened with material injury,[12] in a regional industry analysis we must make this finding with respect to the domestic producers of "all or almost all of the domestic production" within the region.[13]

In these investigations, petitioners have argued that a regional industry analysis is appropriate, and that the appropriate region is that composed of the states of California and Nevada. Respondents contend that the appropriate region is that composed of the States of California, Nevada, Oregon and Arizona.[14] For the reasons set forth below we conclude that the appropriate region consists of the States of California and Nevada.

Our regional industry analysis must be made in the context of the facts of each investigation. There are no absolute percentages which can be automatically and uniformly applied in all investigations for determining whether "all or almost all" of the production within the region is consumed within the region, whether demand is supplied from outside the region "to any substantial degree," or whether alleged LTFV imports are "concentrated" within the region. This is particularly so when the figures in question appear to test the outer limits of a "plain meaning" analysis.[15] In such cases, factors regarding the particular character of the region which shed light on the fundamental issue of insularity bear upon the Commission's determination of whether these statutory tests are satisfied.

In the cement industry, the primary factors which tend to create a collection of regional industries are the low value-to-weight ratio and the fungible character of the product. The low value-to-weight ratio results in transportation costs which represent an average of 20 to 25 percent of the total cost to the buyer in 1980.[16] Therefore,

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States is materially injured, and therefore does not reach the issue of threat of material injury.

[5] 19 U.S.C. 1673(b).

[6] 19 U.S.C. 1677(7)(a).

[7] 19 U.S.C. 1677(7)(B).

[8] 19 CFR 207.26(d).

[9] S. Rep. No. 249, 96th Cong., 1st Sess. 88–89 (1979); S. Rep. No. 1298, 93d Cong., 2d Sess. 180 (1974); Alberta Gas Chemicals, Inc. v. United States, 515 F. Supp. 780, 790 (Ct. Int'l Trade 1981).

[10] 19 U.S.C. 1677(4)(C).

[11] *Id.*

[12] 19 U.S.C. 1677(4)(A).

[13] 19 U.S.C. 1677(4)(C). The Court in Atlantic Sugar, Ltd v. United States, *supra*, construed this language to mean that we must first evaluate whether every individual producer within the region is injured within the meaning of the statue. Only if an individual producer is found to be injured, may it be aggregated with other producers which have been found individually to be injured to determine whether the injured group produce "all or almost all" of the production within the region. *Id.* at 10.

It is our position that the statute is concerned with whether a regional industry is being materially injured, not whether particular producers are injured. Specifically, the statue does not refer to all or almost all of the producers but refers to the producers of all or almost all of the production within the region. Thus we believe that the Commission must consider aggregate data on regional industry, providing that such data reflects all or almost all of the production within the region. (*See* Sugars and Sirups from Canada, Inv. No. 731–TA–3 (USITC Pub. No. 1243) 10–16 (May, 1982)

In these investigations, our aggregate data on the relevant economic factors are based on the responses of producers representing 100 percent of the production within the region. Our aggregate data on the financial condition of the regional industry are based on the responses of producers representing 90 percent of the production within the region. Therefore, we find that there is a reasonable indication that the statutory test is satisfied. Nevertheless, we also note that all of the reporting producers within the region have experienced material injury on an individual basis as well. *See* discussion at 13–14 *infra*, Report at A–16 through A–38.

[14] Respondent Melwire Trading Co., apparently concedes that a regional analysis is appropriate, but argues in favor of this definition of regional industry. Respondents Sumitomo Cement Co. and Nihon Cement Co., Ltd., do not concede that a regional analysis is appropriate, but make this argument in the alternative. Respondent Pacific Cement Corp. did not directly address this issue.

[15] We note that in Atlantic Sugar, Ltd. v. United States, Slip Op. 81–119 (USCIT Dec. 28, 1981), the Court, emphasizing a "plain meaning" analysis, construed the language "any substantial degree" as provided in subsection (i) to "forbid any degree of supply which could be characterized as substantial." The Court noted that this "prohibition" is consistent with the objective of finding a separate industry in an isolated market and insures that the basic justification exists for ignoring the remainder of the domestic industry." Although we agree with the Court's concern that the statutory criterion should not be interpreted overly broadly, we note that an exceedingly narrow "plain meaning" interpretation of the statutory language is also not necessarily consistent with the statutory purpose of determining whether the region is an isolated market if a single statistic *per se* is emphasized to the exclusion of other offsetting factors. The Court itself recognized this in holding that the "significance" of the figure in issue in that case was "reduced" by the fact that the figure was to some extent overstated due to the inherent imprecision of the data upon which it was based. In addition, the Court noted: "When it is considered that much of the remaining outside supply is limited to the periphery of the region, the significance of the degree of supply from elsewhere is further diminished." *Id.* at 6.

transportation costs are a significant factor in the delivered cost, and thus an important limitation on the marketing of cement. For this reason, more than 95 percent of the cement produced in the United States, and more than 90 percent of the cement produced in the California-Nevada region is shipped no more than 300 miles from its production site.[17] A 300-mile radius constructed around each of the producers located in the California-Nevada region would include all of California and Nevada, a portion of Arizona west of Phoenix, a large portion of Oregon, and miniscule areas of Idaho and Utah.[18] This area would therefore constitute the outer limits, from an economic standpoint, of the domestic cement market which is centered in the California-Nevada region.

The actual market of domestic producers in the California-Nevada area, as reflected by data gathered in these investigations, is significantly smaller than these theoretical limits would indicate. In fact, an average of 93 percent of cement shipments by domestic producers located within the California-Nevada region are consumed within the region.[19] Of the remainder, an average of 3 percent is shipped into Arizona and 2 percent is shipped into Oregon.[20] While not all regional production remains within the region, the significance of shipments by producers within the region to outside the region is reduced by the combination of high transportation costs and the great distances that separate producers within the California-Nevada area from major urban centers of consumption which are located outside of the two-State area.[21] Therefore, given the facts of this case, the first prong of the statutory test is satisfied: That the producers within the region sell "all or almost all" of their production within the region.

The second statutory test requires a finding that demand in the regional market is not supplied "to any substantial degree" by domestic producers from outside the region. Less than 10 percent of demand within the region is satisfied by shipments by domestic producers located outside the region.[22] The significance of this figure is lessened by other factors, such as the distance between producers outside the two-State region and major urban centers in the California-Nevada region and high transportation costs.[23] Shipments of cement from domestic producers outside the region therefore are restricted to the periphery, and do not penetrate into the core of the region. Given the facts of this case, we find that the second statutory test is also satisfied.

With regard to the issue of concentration, we note that the imports under investigation are heavily concentrated in the California-Nevada region. The California-Nevada region accounted for an average of 11 percent of total United States consumption of portland hydraulic cement during the 1979–1981 period.[24] The California-Nevada region accounts for 100 percent of cement from Australia and for the vast majority of the cement from Japan that was imported into the United States during the period under investigation.[25] In addition, importers located in California shipped over 98 percent of their cement within the two-State area during the January 1980–August 1982 period.[26] Thus, the imports under investigation are clearly concentrated in the California-Nevada region, thereby satisfying the third statutory test. Therefore, we determine that designation of the producers in the California-Nevada region as a separate industry satisfies the threshold statutory requirements.

Based on a similar analysis, we determine that the four-State region also satisfies these requirements. The ratio of regional production to regional consumption within the four-State region is 98 percent. The ratio of domestic shipments from outside the region to consumption within the four-State region is 11 percent, almost the same as in the California-Nevada region.[27] Imports from Japan and Australia that were imported into the four-State area also accounted for a substantial amount of total U.S. imports of cement from these respective countries during this period.[28]

While the ratio of shipments to consumption within the region is larger for the four-State area, the particular character of the region does not support consideration of it as the more appropriate region. Rather, it more strongly supports the conclusion that the California-Nevada region is the more appropriate region.[29] First, demand for cement is concentrated in the California-Nevada region. Consumption of portland hydraulic cement in the two-State area dominates consumption in the four-State region, accounting for an average of 78 percent of the aggregate consumption in the four-State region during the period under consideration.[30] Similarly, production of cement in the two-State area dominates production in the four-State region, accounting for an average of 82 percent of the production in the four-State region during the period under consideration.[31] In addition, 98 percent of the imports under investigation are marketed within the California-Nevada region.[32] Therefore, we determine that the appropriate industry under consideration in this case consists of the domestic producers located in California and Nevada.[33]

Like Product

Section 771(4)(A) of the Tafiff Act of 1930 defines the term "industry" as the "domestic producers as a whole of a like product, or those producers whose production represents a major proportion of the total domestic production of that product."[34] The

[16] *See* Summary of Trade and Tariff Information: Hydraulic Cement, USITC Pub. No. 841 (October 1981). Petitioners assert that today approximately one-third of the price of cement shipped more than 200 miles reflects transportation costs.

[17] *Id.* at A–7. This is based on 1981 data.

[18] *See* map, *id.* at A–13.

[19] *Id.* at A–7.

[20] Based on computations provided by staff. We will discuss below the appropriateness of excluding Arizona and Oregon from the regional industry under consideration. *See* pp. 10–12 *infra.*

[21] Specifically, these factors result in the isolation of the northernmost producers in California and Nevada from Portland, Oreg., the state's major area of consumption, which is at least 300 miles away. Similarly, the easternmost domestic producers in the California-Nevada region are 300 miles more from Phoenix, Ariz., the major area of consumption in Arizona. *See* map, *id.* at A–13.

[22] *Id.* at A–8.

[23] The two domestic producers in Oregon are at least 200 miles from the California border. The two domestic producers in Arizona, which are located near Phoenix, are more than 100 miles from the California border and appoximately 300 miles from major California centers of consumption such as Los Angeles and San Diego.

[24] *Id.* at A–10.

[25] *Id.* at A–40. According to Department of Commerce figures, in 1981 and during the January–August 1982 period, cement imports from Japan that were imported into the California-Nevada region accounted for 100 percent of the total cement from Japan imported into the United States. In 1980, cement imports from Japan that were imported into the California-Nevada region accounted for 78 percent of the total cement from Japan imported into the United States. In 1979, the ratio was very small. Nevertheless, the average for the period was 70 percent. We have reason to doubt the accuracy of the 1979 figure. *Id.* at A–39. We anticipate developing better information in any final investigation.

[26] *Id.* at A–7.

[27] *Id.* at A–10.

[28] *Id.* at A–40.

[29] We also note that, based upon the information presently available, that further subdivision of the California-Nevada region into two or more separate regions would not appear to be appropriate because some producers that are located closer to central California apparently are able to ship to both northern and southern California. Transcript of preliminary conference at 99–100.

[30] *Id.* at A–10.

[31] *Id.* at A–16.

[32] *Id.* at A–7.

[33] This factual pattern is an example, we believe, of how an overemphasis on the statistical nature of the inquiry could result in an "artificial sculpting" of

definition of "regional industry" in Section 771(4)(C) also provides that the industry is defined in terms of the producers of a "like product."[35] Section 771(10) defines "like product" as "a product which is like, or in the absence of like, most similar in characteristics and uses" with the article under investigation.[36]

The imported article under investigation is portland hydraulic cement, other than white, nonstaining portland cement. Hydraulic cement is a highly standardized, fungible product that is made from a mixture of limestone, clay and silica.[37] When mixed with water, sand, gravel, and other materials, it chemically reacts to form concrete. Concrete is used almost entirely for construction purposes.[38] Hydraulic cement is distinguished from non-hydraulic cement in that hydraulic cement will set or harden under water while non-hydraulic cement will not.[39] Portland hydraulic cement is the most important of the four major categories of hydraulic cement, and accounts for 95 percent of domestic cement production and for almost all imports of cement.[40] Both domestic and imported portland hydraulic cement comply with the above definitions. There are no characteristics or uses upon which significant distinctions between the imported and domestic products can be based. Accordingly, we determine that the imported portland hydraulic cement which is the subject of these investigations is "like" the portand hydraulic cement which is produced by domestic producers.[41] Therefore, we determine that the domestic industry consists of the producers within the California-Nevada region of portland hydraulic cement.[42]

Conditions of the Domestic Industry

The condition of the California-Nevada cement industry has deteriorated substantially during the period under investigation, particularly during the January–August 1982 period. Consumption of cement within the region declined by 23 percent from 10 million short tons[43] in 1979 to 8 million tons in 1981.[44] During January–June August 1982, consumption again dropped to 4 million tons compared with 5 million tons during the corresponding period in 1981, a decline of 19 percent.[45]

Production within the region declined by 19 percent between 1979 and 1981, and by 16 percent during January–August 1982 relative to the corresponding period of 1981.[46] Shipments also declined between 1979 and 1981, by 19 percent. During the January–August 1982 period, shipments declined by an additional 19 percent over the corresponding period of 1981.[47]

Inventories increased both in absolute and relative terms during the period. End-of-year inventories increased by 8 percent between 1980 and 1981. End-of-year inventories also increased by 6 percent in the January–August 1982 period as compared with the corresponding period of 1981.[48] The ratio of inventories to shipments increased from 4.0 percent in 1979 to 6.1 percent in 1981.[49] Furthermore, the annualized ratio of end-of-period inventories increased from 5.5 percent in January–August 1981 to 7.2 percent in corresponding period of 1982.[50]

Capacity utilization in the region declined from 89 percent in 1979 to 69 percent in 1981.[51] In January–August 1982, capacity utilization declined again to 54 percent compared with 71 percent in the corresponding period of 1981.[52] Part of the decline in capacity utilization is attributable to increased capacity. The capacity of the producers located in the California-Nevada region increased by 5 percent between 1979 and 1981, and increased by an additional 6 percent in January–August 1982.[53] However, the decline in production appears to be a more significant cause of the decline in capacity utilization.

Employment patterns also evidence a nagative trend. The employment of production and related workers in cement plants located in California and Nevada increased by 11 percent between 1979 and 1980, but declined by 9 percent in 1981, and by an additional 12 percent in January–August 1982 relative to the corresponding period of 1981.[54] Similarly, the hours worked by production and related workers increased between 1979 and 1980, but declined by 5 percent in 1981, and by an additional 12 percent in January–August 1982 compared to the corresponding period of 1981.[55]

The financial experience of domestic producers in the region declined slightly during the 1979–1981 period, and deteriorated substantially during the interim accounting period ending in July 1982.[56] Net sales declined by 6 percent between 1979–1981, but fell by 28 percent in January–August 1982 compared to the corresponding period of 1981.[57] At the same time, manufacturing costs and administrative expenses increased steadily.[58] The ratio of cost of goods sold to net sales increased by 9.8 percentage points between 1979 and 1981, and by 16 percentage points in the interim accounting period ending in July 1982 compared with the corresponding period in 1981.[59]

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the regional market much the same as would an arguably over-broad interpretation of the statutory language. Faced with two markets, the figures for either of which would, in an empirical sense, satisfy the statutory criteria, we have, in our judgment, evaluated the two markets in terms of other economic criteria, such as the degree of outside supply to the perimeter of the region, to arrive at what in our judgment is the most meaningful definition of a regional market.

[34] 19 U.S.C. 1677(4)(A).

[35] 19 U.S.C. 1677(4)(C).

[36] 19 U.S.C. 1477(10).

[37] Report at A–2 and A–5.

[38] *Id* at A–3.

[39] *Id* at A–2, n. 5.

[40] *Id.*

[41] Portland hydraulic cement is classified into five types. Types I and II, which are the most common, are for general use. They differ in that Type II is suitable for certain uses for which Type I is not. Type II, however, may be used in lieu of Type I. The vast majority of the portland cement imported from Japan and Australia during the period under investigation is Type II. *Id.* at A–3. In 1981, Type II cement accounted for approximately 93 percent of cement production in the California-Nevada region. *Id.* at A–5. Therefore, we do not find that the distinctions by types are necessary in these investigations.

[42] Section 771(4)(B) provides that "the term industry may be applied in appropriate circumstances by excluding" producers that are themselves importers of the allegedly dumped merchandise. We have determined that two domestic producers are "related parties" for certain parts of the periods under investigation because they imported a significant amount of the cement under investigation during these periods. *Id.* at A–14 and A–43 (table 16). However, the data on these two producers does not significantly affect the aggregate data or trends discussed *infra*. Therefore, we do not find it necessary for the purpose of the present investigation, to exclude these producers from the definition of "domestic industry" for the periods during which they imported the merchandise under investigation.

[43] Hereinafter, the term "ton" shall be used to refer to "short ton."

[44] *Id.* at A–10.

[45] *Id.*

[46] *Id.* at A–16.

[47] *Id.* at A–19.

[48] *Id.* at A–25. We chose the 1980–1981 period because inventories in 1979 were apparently unusually low. *See Id.*

[49] *Id.* at A–25.

[50] *Id.*

[51] *Id.* at A–19.

[52] *Id.*

[53] *Id.* This is in contrast to the capacity of U.S. producers in the entire United States which declined by slightly more than 1 percent during the 1979–1981 period. However, this increase in capacity was apparently the result of the efforts of domestic producers to modernize and to lower rising energy costs by introducing more energy-efficient processing technologies and energy systems. *See* Tr. at 12; Report at A–19.

[54] *Id.* at A–29.

[55] *Id.*

[56] The firms in the California-Nevada region that reported the financial data upon which our analysis is based accounted for approximately 90 percent of production within the region during the period under investigation. The exact figures are confidential information.

[57] *Id.* A–34.

[58] *Id.*

Operating income and net income declined sharply and consistently in the 1979–1981 period, with one firm reporting a net loss for 1981.[60] During the interim accounting period ending in July 1982, domestic producers in the region suffered a substantial aggregate operating loss and net loss.[61] Moreover, on an individual basis, most of the reporting firms, accounting for a substantial share of production within the region, reported operating losses for the interim accounting period ending in July 1982.[62] The other firms also experienced very substantial declines in operating profits.[63] In addition, all of the producers reported net losses or significant declines in net income during this period.[64]

The aggregate ratio of operating income to net sales also dropped substanially between 1979 and 1981.[65] In the interim accounting period ending in July 1982, it declined even further to a substantial negative figure.[66] Moreover, this ratio was negative for most of the reporting producers in this period, and the ratio for the others declined substantially.[67]

Similarly, the ratio of operating profit to investment in productive facilities, whether valued at cost or book value, generally followed the same trend, declining substantially in the interim accounting period ending in July 1982.[68] Capital expenditures, which increased between 1979 and 1981, also began to decline in the January–August 1982 period as compared with the corresponding period of 1981. The foregoing discussion of economic and financial indicators illustrates that the domestic producers within the region are currently experiencing material injury.

Material Injury or Threat of Material Injury[69]

Imports from Japan. Imports from Japan declined slightly between 1979 and 1980, but increased sharply between 1980 and 1981.[70] The ratio of imports from Japan to apparent consumption in the California-Nevada region also increased significantly between 1979 and 1981.[71] During the January–August 1982 period, imports from Japan decreased compared to the corresponding period in 1981. However, in January–August 1982, the ratio of imports from Japan to apparent consumption increased compared to the corresponding period of 1981.[72]

The end-of-period inventories of cement from Japan have also increased during the period under investigation. Importers reported no inventories of cement from Japan in 1979 and 1980. However, by December 31, 1981, an amount representing a substantial percentage of 1981 shipments was held in inventory.[73] In the January–August 1982 period, inventories of imports from Japan increased substantially in absolute terms over those for the corresponding period of 1981.

Given the fungible character of the product, and thus the commodity nature of the market, as well as the decline in demand, price competition among domestic producers and the importers is intense.[74] Further, purchasers typically use one seller's price quote to "bid down" another seller.[75] Therefore, the identity of a price leader in the market is difficult to ascertain.[76] U.S. producers' prices generally increased between January–March 1980 and July–September 1981, but decreased from July–September 1981 to July–August 1982.[77] Since July 1981, the prices of imports from Japan declined along with those of U.S. producers, but generally by slightly greater magnitudes.[78] We note in this regard, as discussed above, that even relatively small margins of underselling in a highly competitive commodity market may be significant. In addition, there are indications that cement imported from Japan has undersold the domestic product in the San Diego area since April 1981 by significant margins.[79]

There are also indications that domestic producers have lost sales to cement imported from Japan. Of nine customers that purchased cement imported from Japan during the period under investigation, three confirmed that they did so because of price.[80] Another customer that had not purchased Japanese cement stated that it had used a lower price offered by an importer to negotiate a lower price from a domestic producer.[81] In addition, one of the domestic producers submitted evidence indicating that it lowered its price several times during late 1981–August 1982 because of lower prices offered by an importer of Japanese cement.[82]

We note that the statute does not limit the material injury analysis to the issues of lost sales and underselling. For example, the volume of alleged LTFV sales can in and of itself exert a downward pressure on price, particularly during a period of falling demand, causing price suppression even without any underselling.

Therefore we determined that there is a reasonable indication that a domestic industry is materially injured or threatened with material injury by reason of alleged LTFV sales of portland hydraulic cement from Japan.[83]

Imports from Australia

Cement from Australia was first imported into the United States in late 1981, as demand was declining. Nevertheless, the amount of imports constituted a significant share of total imports into the California-Nevada region in that year.[84] By January–August 1982, imports from Australia had captured a relatively significant share of apparent consumption.[85] In addition, inventories of cement from Australia for the end of August 1982, represented a

[59] *Id.* at A–35.
[60] *Id.* at A–35.
[61] *Id.*
[62] *Id.* at A–37 (Table 13). The exact figures are confidential.
[63] *Id.*
[64] *Id.*
[65] *Id.* at A–35 (Table 12).
[66] *Id.* The exact figure is confidential information.
[67] *Id.* at A–37 (Table 13).
[68] *Id.* at A–35 (Table 12).
[69] *See* footnote 1 at 1.
[70] *Id.* at A–39. The specific figures regarding the absolute and relative volumes of imports from Japan are confidential.
[71] *Id.* at A–45.
[72] *Id.*
[73] *Id.* at A–47 (Table 18).
[74] *Id.* at A–46, A–49.
[75] *Id.* at A–46.
[76] *Id.* at A–51.
[77] *Id.* at A–49.
[78] *Id.*
[79] *Id.* at A–50. Additional price data should be developed to enable more complete analyses of margins of underselling, price suppression/depression, and price leadership in the market. In these preliminary investigations, price data were collected for three areas, Los Angeles, San Diego, and San Francisco. However, price comparisons between U.S. produced and imported cement in each of these areas were subject to many qualifications. In particular, the report stated: "A portion of any quarterly price differential between domestic and imported cement may reflect sales to customers located in different delivery zones within the above market areas, sales of different quantities to different sized customers, or sales at different times within each quarter." *Id.* at A–49. We therefore recommend that in any final investigation price data that would enable a more accurate comparison between prices of domestically produced cement and cement imported from Japan and Australia be developed.

Although the issues of price suppression/depression, price leadership, and lost sales were investigated through telephone conversations with a sample of cement purchasers, we anticipate that more comprehensive information on these issues will be developed for any final investigations.
[80] *Id.* at A–51.
[81] *Id.*
[82] *Id.*
[83] We recognize that the decline in demand is one reason for the regional industry's difficulties. However, the statute specifically instructs us not to weigh the injury caused by alleged LTFV imports against the injury caused by other factors. *See* H. Rep. No. 317 (96th Cong., 1st Sess.) 47 (1979).
[84] *Id.* at 44 (Table 16). The exact figures regarding imports are confidential.

substantial percentage of the importers' shipments.[86]

The average price of cement imported from Australia has declined along with that of U.S. producers, but generally by slightly greater magnitudes.[87] During some of the period under investigation, cement from Australia has had an average price higher than that of the domestic product.[88] However, the average price of cement from Australis has recently decreased by a significant amount.[89] As was discussed regarding imports from Japan, we note that, given the great price sensitivity of the product, even relatively small margins of underselling in a highly competitive commodity market may be significant.

In addition, there are indications that domestic producers have lost sales to cement imported from Australia. One purchaser reported that it had bought cement from Australia because of lower price, and that cement from Australia is presently its primary source.[90] Another purchaser also confirmed lost sales due to the lower price of Australian cement.[91] Furthermore, some purchasers reported that they had used a lower price offered by the importer of cement from Australia to negotiate a more favorable price from their domestic suppliers.[92]

As was discussed with respect to imports from Japan, we recognize that the decline in demand is one reason for the regional industry's difficulties. However, the statute instructs us not to weigh the injury caused by the imports under investigation against the injury caused other factors. Therefore, we determine that there is a reasonable indication that a domestic industry is materially injured or threatened with material injury by reason of alleged LTFV sales of portland hydraulic cement from Australia.[93]

Views of Commissioner Paula Stern

On the basis of the record established in these investigations, I determine that there is no reasonable indication that an industry in the United States is being materially injured or threatened with material injury by reason of imports of Portland hydraulic cement from Australia or Japan which are allegedly being sold in the United States at less than fair value.[94]

Introduction

In preliminary antidumping investigations, the Commission is directed by Title VII of the Tariff Act of 1930 to determine, based upon the best information available to it at the time of the determination, whether there is a reasonable indication that an industry in the United States is materially injured or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of the merchandise that is the subject of the investigation.[95] In the present cases, the information available to the Commission is reasonably complete and is unlikely to be *significantly* different in a final investigation. Specifically, all producers and importers in the Western Pacific States of Arizona, California, Nevada, and Oregon reported data on their production, imports, shipments, and inventories. Data on employment and the profit-and-loss experience of their operations producting Portland hydraulic cement were available from producers accounting for more than 90 percent of production in the 4-State region. The Commission also received pricing data from all importers and all but one domestic producer in the area.

This information demonstrates that although the industry producing Portland cement, both nationwide and in the California Nevada region, is being injured, this injury is the result of the current recession in the construction industry and the resulting decline in demand for cement. There is no reasonable indication that imports from Australia or Japan have caused *material* injury to the domestic industry.

"Material injury" is defined as "harm which is not inconsequential, immaterial, or unimportant."[96] In making its determinations, the Commission is required to consider, among other factors, (1) the volume of imports of the merchandise which are the subject of the investigation, (2) the effect of imports of that merchandise on prices in the United States for the like product, and (3) the impact of imports of such merchandise on domestic producers of the like product.[97]

Condition of the Domestic Industry

In defining the domestic industry in these investigations, there appears to be sufficient information to support, at least at the preliminary stage, the petitioners' argument that a regional industry analysis is appropriate.[98] Therefore, I will discuss only those conditions in the California-Nevada region. U.S. producers operating in this 2-State region have been greatly affected by the decline in regional consumption. Apparent consumption in California and Nevada dropped from a peak of 10.2 million short tons in 1979 to 7.8 million short tons in 1981, or by 23 percent. Consumption continued to decline in 1982, falling by 19 percent in January–August 1982 relative to that for the corresponding period in 1982.[99]

Closely following the trend in consumption, the cement industry's production, capacity utilization, and commercial shipments declined throughout the period under consideration. Regional production of Portland hydraulic cement declined by 19 percent from 1979 to 1981 and then fell by an additional 16 percent in January–August 1982 relative to that reported for the corresponding period of 1981.[100] Capacity utilization of domestic producers in the region declined from 89 percent in 1979 to 69 percent in 1981 and then fell from 71 percent in January–August 1981 to 54 percent for the corresponding period of 1981.[101] The quantity of domestic producers' commercial shipments declined by 19 percent from 1979 to 1981 and then fell by an additional 19 percent in January–August 1982 relative to those reported for the corresponding period of 1981.[102]

Employment data show a delayed response to the declines in consumption. Total employment in the cement producing plants in the California-Nevada region increased by 3 percent from 1979 to 1981, but then fell by 11 percent in January–August 1982 relative to that reported for the corresponding period of 1981.[103] The employment of production and related workers increased by 11 percent from 1979 to 1980, but then declined by 9 percent in 1981 and fell by an additional 12 percent in January–August 1982 relative to that reported for the corresponding period in 1981.[104]

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[85] *Id.* at A–45.
[86] *ID.* at A–47 (table 18).
[87] *Id.* at A–49.
[88] *Id.* at A–50.
[89] *Id.*
[90] *Id.* at A–53.
[91] *Id.*
[92] *Id.* at A–52.
[93] *See* n. 1 *supra.*
[94] Material retardation of the establishment of an industry was not an issue in these investigations.

[95] 19 U.S.C. 1673b.
[96] 19 U.S.C. 1677(7)(A).
[97] 19 U.S.C. 1677(7)(B).

[98] Although I concur with my colleagues, findings on the regional industry for purposes of these preliminary investigations, I am interested in further exploring the possible existence of distinct subregions within the region and their effect on regional competition.
[99] See Report at p. A–10.
[100] Ibid., p. A–16.
[101] Ibid., p. A–19. The declining capacity utilization was also exacerbated by increases in domestic producers' capacity during the period under consideration. See discussion of U.S. producers' capacity, Report, pp. A–17–19.
[102] Ibid., p. A–19.
[103] Ibid., p. A–28.
[104] Ibid.

The price and financial data available to the Commission indicate that producers in the California-Nevada region not only maintained the highest prices in the country throughout the investigation,[105] but also, until very recently, showed the highest level of profitability. These high returns enabled the industry to modernize their aging facilities and increase their capacity. Thus, when declines in demand brought on severe underutilization of capacity, the high fixed costs and capitalization expenditures of the industry resulted in a sharp decline in profitability. This would have occurred regardless of the presence of imports. Moreover, as discussed below, there is no reasonable indication that the alleged LTFV imports exacerbated this situation to any material degree.

Volume of Imports

There were significant problems with the data published by the Department of Commerce on imports. Thus, the Commission has chosen to rely on the data supplied by U.S. importers. However, since the number of importers in any one period has been small, much of the data must remain confidential, and thus, my discussion must be somewhat abbreviated.

There are currently three principal importers of cement from Japan and Australia in the California-Nevada region:[106] Melwire Trading Co. (Melwire), Stinnes Enterprises Co., Inc. (Stinnes), and Pacific Coast Cement Corp. (PCC). Melwire imports cement from Japan through a storage terminal located in San Diego, Calif. This terminal was opened in 1979 in response to requests from cement purchasers in the immediate area, which had no domestic suppliers within 125 miles. These purchasers had suffered supply problems in the past.[107] Stinnes has imported cement from Japan through a leased import terminal at Stockton, Calif., which is in the San Francisco area. According to company officials, the firm will close its cement operations at the end of 1982.[108] PCC imports Australian cement through a terminal located in Long Beach, Calif., in the Los Angeles area.

I find that cumulation of the imports from Australia and Japan is inappropriate in these cases primarily because these imports are marketed in three distinct subregions with relatively little overlap.[109] Thus, little direct price competition has occurred between imports, and there exists no reliable evidence of a "hammering effect" due to the simultaneous or successive impact of imports from more than one source on the domestic industry.

Even though I chose not to cumulate, I note that the total level of imports from Australia and Japan has been extremely low, both in absolute terms and as a percentage of regional consumption. Together, imports from Japan and Australia reached their highest level in the January–August 1982 period, but even then, the increase in imports amounted to less than 5 percent of the *decline* in regional demand for cement that occurred in January–August 1982 relative to the corresponding period of 1981. While the law does not contemplate the weighing of the effects of LTFV imports against the effects of other factors, the Commission must consider information which indicates that the harm to the industry is caused by factors other than LTFV sales.[110] Thus I find that the volume of imports on this industry has had no material impact on the decline in the domestic industry's shipments.

Moreover, Australian imports, which began only late in 1981, have entered only through the port of Long Beach. Because the vast majority of these imports have remained within 100 miles of the port, there is no evidence of a "ripple effect" throughout the region.[111] Imports from Japan have been present in the market for many years. However, these imports declined sharply in January–August 1982 relative to the corresponding period of 1981. It is only in this most recent period of declining imports from Japan that the domestic industry's problems have become manifest in its lower prices and profitability.

In addition, overall import penetration in the region has actually declined since 1979. In fact, imports from Australia and Japan have merely displaced imports from other sources, particularly Canada and the United Kingdom. For example, Melwire began importing cement from the United Kingdom in 1979 when it began its operations at the San Diego terminal. It was not until June 1981 that the firm began importing cement from Japan. Melwire began importing from Japan in response to a request from a domestic producer, one of the firm's major customers, that needed a different type of cement than was being supplied by the United Kingdom.[112]

Prices

The Commission investigated allegations of underselling, price suppression, price depression, and lost sales with regard to imports from Australia and Japan. The results were somewhat limited and mixed. However, there emerged no pattern of price leadership by importers of cement from either Japan or Australia. The price data available to the Commission did not present any *significant* pattern of underselling price suppression, or price depression.[113] In addition, although the price data could be somewhat refined in a final investigation by collection on a subzonal basis [114] and by attempting to zero in on actual delivery charges, industry sources have conceded [115] and the staff expects that no evidence of significant underselling will emerge.[116] Because of the commodity nature of the market, prices in any given area adjust very quickly. In general, prices have declined due to the drop in demand for cement and the intense competition among domestic producers. Occasional sales by an importer at a lower price simply reflect the fact that any competitor can be shown to have offered the lowest price in any given isolated instance, particularly in a market where the price is declining.[117]

The staff's contacts with cement purchasers identified by domestic producers to determine who the price leader in the market was and to confirm instances of lost sales again provided no pattern of price cutting by the importers. None of the eight customers contacted that purchased Australian cement cited Pacific Coast as the price leader. In only one instance out of 15 calls, did a purchaser identify an importer of cement from Japan as the price leader. In 1 of the 3 instances where a customer purchased material from Japan because of price, the refusal of domestic

[105] Ibid., p. A–22.

[106] Two domestic producers have ceased importing cement from Japan during the period covered by these investigations.

[107] See post-conference brief of Melwire Trading Co., at p. 4. Today there is still no domestic producers located in the San Diego area.

[108] Report, p. A–14.

[109] See post-conference brief of Pacific Coast Cement Corp., at pp. 31–32 and post-conference brief of Melwire Trading Co., at p. 15.

[110] Sen. Rep. No. 96–249, 96th Cong., 1st Sess., pp. 74–75.

[111] See Report, p. A–10.

[112] See post-conference brief filed on behalf of Melwire Trading Co., pp. 4–5.

[113] 19 U.S.C. 1677(7)(C)(ii) requires the Commission to consider whether the imported merchandise has *significantly* undercut domestic producers prices or *significantly* depressed or suppressed prices.

[114] The Commission has already collected pricing data within a single municipal zone as established by the Public Utilities Commission in two of the three import areas.

[115] Transcript of conference, pp. 65–67.

[116] Transcript of briefing and vote p. 13.

[117] See "Views of Chairman Bill Alberger, Vice Chairman Michael J. Calhoun, and Commissioner Paula Stern," *Asphalt Roofing Shingles From Canada*, Inv. No. 731–TA–29 (Preliminary), USITC Pub. No. 1100, October 1980, pp. 13–14.

producers to offer the customer a quantity discount comparable to that offered to other customers was cited as the reason.[118] The other two purchasers were customers of Stinnes. One of these suggested that cement prices from Stinnes, the major importer of cement from Japan in the Northern California area, may be lower because Stinnes may close all its cement operations in California at the end of 1982.[119]

These purchaser contacts by the staff also revealed several nonprice considerations which, for some customers, favored purchasing cement from importers. For some customers, particularly those in the San Diego area,[120] it was easier and quicker to pick up the cement from the importer. In addition, many smaller customers had been unable to obtain a sufficient supply of cement from domestic producers during the cement shortage in 1978–79. These customers considered it particularly important to maintain an alternative source of supply.

In sum, the best information available to the Commission fails to show any significant injurious pricing practices on the part of the importers of cement from Australia and Japan.

Threat of Material Injury

I find no reasonable indication of threat of material injury from Japan or Australia. Specifically, I find no suppot for petitioners' argument that the mere existence of the three import terminals consititutes a threat to domestic producers in the region. A finding of threat of material injury must be based on substantial evidence that the likelihood of such injury is real and imminent, not on mere supposition, speculation, or conjectue.[121] Three of the four firms which imported cement from Japan during the period under consideration have stopped importing and there is no indication that they will resume. There is currently no indication that Stinnes' facility at Stockton, Calif. will be used to import cement from Japan or Australia in the future. Although imports from Australia have begun to enter the region within the last year, there is no reasonable indication that they will ever reach significant quantities. Adelaide Brighton, the Australian supplier of Pacific Coast Cement Corp., reportedly has a limited ability to supply exports and has no plans to increase its capacity.[122]

The remaining importer of cement from Japan and the single importer of cement from Australia have not been able to import even their own minimum targeted quantities of cement for 1981 and 1982.[123] There is no reason to believe that the importers will be under greater pressure now or in the near future to meet these targets. These importers have likely suffered just as much as U.S. producers because of the depressed demand and reduced prices in the area. If and when the market recovers, there is no reason to believe that these importers will capture an increasing share of the market.

Conclusion

The domestic industry in the California-Nevada region is clearly suffering from the decline in demand for Portland hydraulic cement caused by the severe recession in the construction industry. There is no reason to believe, based on the information presently available to the Commission or likely to be obtained in a final investigation, that the minimal quantity of imports from Australia or Japan have materially contributed to this situation. Nor is there any reasonable indication that such imports pose a real and imminent threat of future material injury.

By order of the Commission.

Issued: November 8, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-31450 Filed 11-16-82; 8:45 am]

BILLING CODE 7020-02-M

[118] See Report, p. A–51.

[119] Ibid. As discussed on page 5 of this opinion, it is now virtually certain that Stinnes will cease its importation of cement from Japan at the end of 1982.

[120] There is no domestic producer within 125 miles of San Diego.

[121] See Alberta Gas Chemicals, Inc., v. United States, 515 F. Supp. 780, 790–91 (C.I.T. 1981).

[122] See post-conference brief of Pacific Coast Cement Corp., pp. 28–29.

[123] The exact nature of the alleged minimum quantity obligations, if any, between the importers and their foreign suppliers is not known at this time. Nevertheless, all importers have orally informed the Commission's staff that they are under no financial obligation if the targeted quantities are not met. See Report, p. A–46.

DEPARTMENT OF JUSTICE

Agency Forms Under Review

November 10, 1982.

OMB has been sent for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. The list has all the entries grouped into new forms, revisions, extensions, or revisions. Each entry contains the following information:

(1) The name and telephone number of the Agency Clearance Officer (from whom a copy of the form and supporting documents is available); (2) The office of the agency issuing this form; (3) The title of the form; (4) The agency form number, if applicable; (5) How often the form must be filled out; (6) Who will be required or asked to report; (7) An estimate of the number of responses; (8) An estimate of the total number of hours needed to fill out the form; (9) An indication of whether Section 3504(H) of Pub. L. 96–511 applies; (10) The name and telephone number of the person or office responsible for OMB review.

Copies of the proposed forms and supporting documents may be obtained from the Agency Clearance officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the reviewer listed at the end of each entry and to the Agency Clearance Officer. If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer and the Agency Clearance Officer of your intent as early as possible.

DEPARTMENT OF JUSTICE

Agency Clearance Officer Larry E. Miesse—202–633–4312.

Revision

• Bureau of Justice Statistics,
Department of Justice
NPR–1, National Probation Reports (Summary State-based Data)
Annually
State or local governments
State probation authorities; state departments of corrections: 100 responses; 200 hours; not applicable under 3504(h)
Andy Uscher, 395–4814

• Bureau of Justice Statistics,
Department of Justice
UPR–1, Uniform Parole Reports (Summary State-based Data)
Annually
State or local governments
State parole authorities; state departments of corrections: 53 responses; 80 hours; not applicable under 3504(h)
Andy Uscher, 395–4814

• Immigration and Naturalization Service,
Department of Justice
Petition to Classify Orphan as an Immediate Relative (I–600, I–600A)
Nonrecurring
Individuals or households
Alien orphan petitioners: 6,100 responses; 3,050 hours; not applicable under 3504(h)

Andy Uscher, 395–4814

Extension (No change)

- Immigration and Naturalization Service

Department of Justice
Passenger List/Crew List (I–418)
On occasion
Business or other institutions (except farms)
Masters or agents of vessels: 95,000 responses; 95,000 hours; not applicable under 3504(h)
Andy Uscher, 395–4814

Larry E. Miesse,

Department Clearance Officer, Systems Policy Staff, Office of Information Technology, Justice Management Division, Department of Justice.

[FR Doc. 82–31378 Filed 11–16–82; 8:45 am]
BILLING CODE 4410–01–M

Proposed Consent Decree in Action To Obtain Injunctive Relief To Prohibit Use of a Major Source of Air Pollution Until Compliance is Demonstrated and To Obtain Imposition of Penalties

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on October 8, 1982, a proposed consent decree in *United States* v. *Harry Keith & Sons, Inc.* (Civil No. 82–4242) was lodged with the United States District Court for the District of Kansas. The proposed decree prohibits further use of a major source of air pollution, an asphalt plant, until compliance with applicable discharge limits is demonstrated, provides for the imposition of stipulated penalties for failure to test the source or to operate it prior to demonstration of compliance, and provides for payment of a civil penalty of $1,500 for past violations associated with the start-up and use of the source.

The Department of Justice will receive for thirty (30) days from the date of publication of this notice, written comments relating to the proposed judgment. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States* v. *Harry Keith & Sons, Inc.*, D.J. 90–5–2–1–538.

The proposed consent decree may be examined at the office of the United States Attorney, 444 Quincy, Topeka, Kansas 66683, at the Region VII office of the Environmental Protection Agency, Office of Regional Counsel, 324 East 11th Street, Kansas City, Missouri 64106, and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice (Room 1252), Tenth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 82–31444 Filed 11–16–82; 8:45 am]
BILLING CODE 4410–01–M

Drug Enforcement Administration

[Docket No. 80–34]

Big-T Pharmacy, Inc.; Revocation of Registration

This proceeding before the Drug Enforcement Administration [DEA] was initiated by issuance of an Order to Show Cause proposing to revoke the DEA Certificate of Registration, AB6792825, of Big-T Pharmacy, Inc. [Respondent], of Newport, Tennessee. The proposed action was predicated upon the felony convictions of the pharmacy and two of its officers and employees. The Respondent requested a hearing on the issues raised by the Order to Show Cause and this matter was placed on the docket of Administrative Law Judge Francis L. Young.

Following an evidentiary hearing held in Knoxville, Tennessee, the Administrative Law Judge issued his Opinion and Recommended Ruling, Findings of Fact, Conclusions of Law and Decision. Neither the Government nor the Respondent filed exceptions and the entire record of this matter was transmitted to the Acting Administrator pursuant to the provisions of 21 CFR 1316.65. The Acting Administrator has considered this matter and, pursuant to 21 CFR 1316.67, hereby publishes his Final Order based upon findings of fact and conclusions of law as set forth below.

The Administrative Law Judge found that in or around June of 1979, DEA compliance investigators in Nashville, Tennessee, were notified that DEA agents, and agents of the States of Tennessee and North Carolina, were purchasing quantities of controlled substances in the Newport, Tennessee area. The Nashville office was requested to identify possible sources of these drugs. Due to the quantities involved, it was thought that the drugs were being diverted from a wholesale distributor. About one month later, a Tennessee Board of Pharmacy investigator notified DEA investigators in Nashville that State personnel had conducted an inspection of Big-T Pharmacy in Newport and that a review of the pharmacy's records had revealed large purchases of certain controlled substances which seemingly could not be justified by the number of prescriptions on file. The drugs purchased turned out to be Didrex, Fastin, Ionamin and Placidyl, the same drugs that the Federal and state agents had been obtaining from individuals in Newport, Tennessee. Some time thereafter, DEA personnel conducted an accountability audit of the Respondent's inventory and controlled substance records. The audit revealed shortages of controlled substances totalling 864,045 dosage units. The Respondent could not account for over 97 percent of the drugs audited.

The pharmacy and its then President, William M. Osborne, were indicted by a grand jury in the Eastern District of Tennessee and were charged with knowingly refusing and failing to keep on a current basis a complete and accurate record of the pharmacy's controlled substance transactions as required by law. This charge was based upon the aforementioned audit. On July 28, 1980, the Respondent pharmacy and Mr. Osborne were convicted of violating Title 21, United States Code, sections 843(a)(4) and 827(a)(3), a felony offense relating to controlled substances. On April 8, 1981, in a brief memorandum opinion, the United States Court of Appeals for the Sixth Circuit affirmed the convictions of both Mr. Osborne and the Respondent pharmacy.

During the course of the investigation, Mr. Osborne attempted to explain that the missing drugs may have been taken during a break-in. He gave investigators the names of persons whom he said he believed responsible for these thefts. Further inquiry with state and local law enforcement authorities revealed that the individuals named by Mr. Osborne were in the state penitentiary at the time Mr. Osborne claimed the break-in occurred. Furthermore, the reason that these people were in prison was that they had been convicted of burlarizing Big-T Pharmacy some two years earlier, well before the audit period covered by the DEA investigation. Furthermore, the investigators determined that no thefts of controlled substances had been reported to law enforcement authorities during the audit period and no other valid explanations of the shortages were provided by Mr. Osborne or anyone else on behalf of Big-T Pharmacy. Judge Young concluded that it is reasonable to infer that the 864,000 dosage units of controlled substances for which the Respondent could not account had been diverted by pharmacy personnel into the

illicit marketplace, and that these diverted controlled substances were at least some of those encountered by the agents in Newport, Tennessee, in June 1979.

In addition to having been convicted of failure to account for controlled substances, Mr. Osborne was at the same time convicted of unlawfully distributing dextropropoxyphene, a Schedule IV controlled substance, in violation of Title 21, United States Code, section 841(a)(1), again a felony offense relating to controlled substances. This offense arose from Mr. Osborne's sale of the drug to an undercover state agent. The agent had no prescription for the drug at the time Mr. Osborne sold it to him.

In a related but separate criminal case, Mr. Otis Mills, then Vice President and Treasurer of the Respondent firm, was convicted of unlawfully distributing meprobamate, a Schedule IV controlled substance, a felony offense under section 841 (a) (1). In addition to being an officer and stockholder of the corporation, Mr. Mills was a nonpharmacist employee of the Respondent at the time he sold the controlled substance involved in his conviction.

At the time of the hearing in this matter, Mr. Charles Beach was the principal stockholder of the Respondent corporation. He had purchased the interests of Mr. Osborne and Mr. Mills and was making payment in installments. Mr. Beach was one of the original incorporators of Big-T Pharmacy, Inc., when the corporation was established in 1976. At various times he held the offices of Vice President and Secretary of the corporation. At the time of the DEA inspection which led to the Respondent's conviction, Mr. Beach worked at Big-T as a relief pharmacist. He was present in the pharmacy and confirmed or verified the closing inventory taken as part of the audit. Mr. Beach was previously associated with both Mr. Osborne and Mr. Mills when all three of them worked at Thornton Drug Store in Newport, Tennessee. That pharmacy too, had difficulties with the Federal Government leading to the payment of civil penalities.

The Administrative Law Judge concluded that the Respondent corporation, its former president and its former vice president have been convicted of felony offenses relating to controlled substances, and that the convictions arose from acts occurring in connection with the operation of the pharmacy whose registration is under consideration. Judge Young further concluded that there is a lawful basis for revocation of the Respondent's DEA registration and, after some discussion, recommended that the Acting Administrator order the revocation of that registration.

The Acting Administrator adopts the findings of fact and conclusions of law recommended by the Administrative Law Judge in their entirety. Title 21, United States Code, section 824 (a) provides, in pertinent part, that a registration under section 823 to dispense controlled substances may be revoked upon a finding that the registrant has been convicted of a felony relating to controlled substances. Since this corporate registrant has been convicted of such a felony offense, there is without question a statutory basis for the revocation of its DEA registration.

In this case, there are further grounds for revocation. While DEA, pursuant to Title 21, United States Code, Section 823, registers pharmacies as opposed to individual pharmacists, the prosecution of pharmacies, or the corporations which own them, is the exception rather than the rule. Pharmacies must operate through the agency of natural persons, owners or stockholders, pharmacists or other key employees. When such persons misuse the pharmacy's registration by diverting controlled substances obtained thereunder, and when those individuals are convicted as a result of that diversion, the pharmacy's registration becomes subject to revocation under section 824, just as if the pharmacy itself had been convicted. Congress did not intend to exempt pharmacies from the reach of the law, merely because they happen to be organized along corporate lines as opposed to being sole proprietorships. The law will not be read so as to permit corporate registrants to evade a congressionally mandated sanction by permitting convicted felons to shed their various interests and offices and thus leaving the pharmacy to escape its responsibility. Following a well-established principle, long followed by this agency, the Respondent's registration may be revoked as a result of the convictions of this President and Vice President. See, for example, *Leonard S. Cohen, t/a Senate Drug Store*, Docket No. 72–5, 38 FR 9533 (1973); *River Forest Pharmacy, Inc.*, Docket No. 73–6, 38 FR 27417 (1973); *Norman Bridge Drug Company, Inc.*, Docket No. 74–22, 41 FR 3108 (1976); *Lynnfield Drug, Inc.*, Docket No. 76–6, 42 FR 8435 (1977); *AG PHARMACY, INC., dba Berson Pharmacy*, Docket No. 79–12, 45 FR 6868 (1980); and *S&S Pharmacy, Inc.*, [no docket number], 46 FR 13052 (1981).

The Administrative Law Judge recommended that the Respondent's registration be revoked. The Acting Administrator, after considering the record in this matter, agrees with that determination. Accordingly, under the authority vested in the Attorney General by section 304 of the Controlled Substances Act, as redelegated to the Acting Administrator of the Drug Enforcement Administration, the Acting Administrator hereby orders that DEA Certificate of Registration AB6792825, previously issued to Big-T Pharmacy, Inc., be, and it hereby is, revoked.

Dated: November 8, 1982.

John C. Lawn,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 82–31442 Filed 11–16–82; 8:45 am]

BILLING CODE 4410–09–M

[Docket No. 79–23]

Floyd A. Santner, M.D.; Revocation of Registration

This proceeding before the Drug Enforcement Administration [DEA] was initiated by issuance of an Order to Show Cause proposing to revoke the DEA Certificate of Registration, AS 7711612, of Floyd A. Santner, M.D., of Upper Darby, Pennsylvania. The Order to Show Cause also suspended Dr. Santner's DEA registration during the pendency of these proceedings. The proposed action was based upon Dr. Santner's conviction of a controlled substance-related felony in a Pennsylvania state court. Dr. Santner requested a hearing on the issues raised by the Order to Show Cause and this matter was placed on the docket of Administrative Law Judge Francis L. Young.

Following the completion of prehearing procedures, the Administrative Law Judge established a date and place for a hearing. However, prior to commencement of the hearing, Dr. Santner and the Government entered into a stipulation whereby further proceedings in this matter would be held in abeyance pending the outcome of post-trial motions and appellate proceedings arising out of the underlying criminal case. Pursuant to the stipulation, Dr. Santner's DEA registration would remain suspended for such period of time as was necessary to obtain a judicial resolution of the criminal case. A joint motion to stay

these proceedings was granted by the Administrative Law Judge.

The Pennsylvania courts moved very slowly, in part due to an automobile accident in which Dr. Santner reportedly suffered serious and disabling injuries. This caused a delay of his sentencing in the trial court. Eventually, postconviction activity there was concluded and the case reached a Pennsylvania appellate court. After briefing and argument, it appears that one judge on the three-judge panel disqualified himself and the case had to be re-argued. Whether the appeals process has yet to be completed does not appear in the record of this matter.

Meanwhile, the Pennsylvania Board of Medical Education and Licensure initiated its own proceeding against Dr. Santner's medical license. On April 11, 1982, DEA received certification confirming that Santner's license to practice in Pennsylvania had been revoked. Thereafter, Judge Young entertained and ultimately granted the Government's motion for summary disposition. Dr. Santner was given an opportunity to oppose the motion but did not do so.

This agency has consistently held that when a registrant or an applicant is without authority to handle controlled substances under the laws of the state in which he practices, or proposes to practice, DEA is without lawful authority to issue or maintain a registration. In such cases, motions for summary disposition are properly granted. See *David Sachs, M.D.*, Docket No. 77–2, 42 FR 29112 (1977); *Joseph A. Greco, M.D.*, Docket No. 77–9, 42 FR 56647 (1977); *John W. Whitenight, D.O.*, Docket No. 77–30, 43 FR 28259 (1978); *Alfred Tennyson Smurthwaite, N.D.*, Docket No. 77–29, 43 FR 11873 (1978); *James Waymon Mitchell, M.D.*, Docket No. 79–16, 44 FR 71466 (1979); *Marshall S. Tuck, M.D.*, Docket No. 80–28, 45 FR 85845 (1980); and *Thomas E. Woodson, D.O.*, Docket No. 81–4, 47 FR 1353 (1982). In cases such as this, there is no need for a plenary evidentiary hearing since there are no questions of fact to be resolved by such a hearing. See *United States* v. *Consolidated Mines and Smelting Co., Ltd.*, 455 F.2d 432, 453 (9th Cir. 1971); *NLRB* v. *International Association of Bridge, Structural and Ornamental Ironworkers, AFL–CIO*, 549 F.2d 634 (9th Cir. 1977).

There is no lawful basis to continue to register Dr. Santner since he is no longer licensed to practice as a practitioner and is no longer authorized to dispense, administer, or other wise handle controlled substances in Pennsylvania. Accordingly, pursuant to the authority vested in the Attorney General by Section 304 of the Controlled Substances Act, 21 U.S.C. 824, and redelegated to the Acting Administrator of the Drug Enforcement Administration, the Acting Administrator hereby orders that DEA Certificate of Registration AS7711612 be, and it hereby is, revoked.

Dated: November 8, 1982.

John C. Lawn,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 82–31472 Filed 11–16–82; 8:45 am]

BILLING CODE 4410–09–M

Importation of Controlled Substances

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Diphenoxylate with Atropine Sulfate-Cancellation of Temporary Authorization for its Importation.

SUMMARY: On Tuesday, March 30, 1982, a notice was published in the **Federal Register**, Volume 47, No. 61, page 13430, regarding the temporary authorization for the importation of diphenoxylate with atropine sulfate. The purpose of the notice was to remedy the temporary inadequate domestic supply of diphenoxylate with atropine sulfate powder and insure its uninterrupted supply to meet the medical, scientific or other legitimate needs of the United States.

The Drug Enforcement Administration has closely monitored the temporary importation of this substance and its domestic production and has now determined that adequate supplies of idihenoxylate with atropine sulfate are now available from domestic sources to meet the legitimate needs of the United States. Therefore, the temporary authorization for the importation of diphenoxylate with atropine sulfate is hereby rescinded.

FOR FURTHER INFORMATION CONTACT: Ronald W. Buzzeo, Chief, Diversion Operations Section, Office of Diversion Control, Drug Enforcement Administration, 1405 I Street, Northwest, Washington, D.C. 20537, telephone number (202) 633–1321.

EFFECTIVE DATE: This notice becomes effective upon publication.

Dated: November, 9, 1982.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control.

[FR Doc. 82–31443 Filed 11–16–82; 8:45 am]

BILLING CODE 4410–09–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Proposed Meetings

In order to provide advance information regarding proposed meetings of the ACRS Subcommittees and of the full Committee, the following preliminary schedule is published to reflect the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published October 21, 1982 (47 FR 46912). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the **Federal Register** approximately 15 days (or more) prior to the meeting. Those Subcommittee meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 a.m. and Subcommittee meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the December 1982 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634–3267, ATTN: Barbara Jo White) between 8:15 a.m. and 5:00 p.m., Eastern Time.

ACRS Subcommittee Meetings

**Reactor Radiological Effects and Site Evaluation*, November 18 and 19, 1982, Washington, DC. The Subcommittees will (1) review NRC's proposed fiscal year 1984–1985 research programs on radiation safety and waste management; (2) be briefed by the Department of Energy (DOE) on DOE's radiation safety research programs; and (3) review and comment on DOE's Dose Reduction Working Group draft recommendations (established in response to Pub. L. 96–567). Notice of this meeting was published November 2.

**Clinch River Breeder Reactor (CRBR)*, November 19, 1982, Washington, DC. The Subcommittee will continue the review of the Hypothetical Core Disruptive Accident (HCDA)

energetics for CRBR. Notice of this meeting was published October 26.

**Systematic Evaluation Program for Millstone 1 and Dresden 2,* November 30, 1982, Washington, DC. The Subcommittee will continue the review of Systematic Evaluation for Millstone 1 and Dresden 2.

**Clinch River Breeder Reactor (CRBR) Structures and Materials,* December 1, 1982, Washington, D.C. The Working Group will continue its review of the CRBR structures and materials to include "leak before break", inservice inspection, weldments, and structural seismic margins.

**Metal Components,* December 2, 1982, Washington, DC. The Subcommittee will review the NRC Research Program on Non-Destructive Examination (NDE) and Steam Generators for fiscal year 1984 and 1985. In addition, NDE capability to detect near surface flaws in pressure vessels and NDE of stainless steel piping will be discussed.

**Emergency Core Cooling Systems (ECCS),* December 2 and 3, 1982, San Jose, CA. The Subcommittee will discuss the General Electric's SAFER/GESTER codes, the status of General Electric's plans for proposed revisions to Appendix K of 10 CFR Part 50, and discussion of the use of electric. vs. nuclear heater rod simulators in LOCA tests.

**Regulatory Policy and Procedures,* December 7, 1982, Washington, DC. The Subcommittee will review matters related to nuclear regulatory reform.

**Sequoyah,* December 7, 1982, Washington, DC. The Subcommittee will review the status of the development of a hydrogen control system for Sequoyah.

**Generic Items,* December 8, 1982, Washington, DC. The Subcommittee will discuss the Office of Nuclear Reactor Regulation's prioritization of safety-related generic issues.

**Safety Research Program,* December 8, 1982, Washington, DC. The Subcommittee will dicuss the NRC Safety Research Program for fiscal year 1984 and 1985 and also Draft 1 of the ACRS Report to the Congress on this matter.

**Advanced Reactors,* December 8, 1982, Washington, DC. The Subcommittee will discuss the NRC Safety Research Program for fiscal year 1984 and 1985.

**Class 9 Accidents,* December 21, 1982, Washington, DC. The Subcommittee will meet with the NRC Staff to discuss the NRC Safety Research Program for fiscal year 1984 and 1985.

**Safety Research Program,* January 5, 1983, Washington, DC. The Subcommittee will discuss the NRC Safety Research Program for fiscal year 1984 and 1985 and also Draft 2 of the ACRS Report to the Congress on this matter.

**Skagit,* January 12 and 13, 1983, Richland, WA. The Subcommittee will review the application of the Puget Sound Power and Light Company for a construction permit.

GE Water Realtors/Westinghouse Water Reactors/Safeguards and Security, January 19 and 20, 1983, Washington, DC. The Subcommittee will discuss applications for Final Design Approvals (FDA) by General Electric and Westinghouse.

**Seabrook 1,* January 21 and 22, 1983, Location to be determined. The Subcommittee will review the application of the Public Service Company of New Hampshire for an operating license.

**Metal Components and Three Mile Island (TMI) Unit 1,* January 28, 1983, Washington, DC. The Subcommittee will review the Steam Generator Generic Recommendation Report and the TMI–1 steam generator problems and fixes.

**Reactor Radiological Effects,* Date to be determined (January, Tentative), Washington, DC. The Subcommittee will review the Shippingport decommissioning.

**Class 9 Accidents,* Date to be determined (January, Tentative), Location to be determined. The Subcommittee will review the severe fuel damage research program.

**Decay Heat Removal,* Date to be determined (January or February), Washington, DC. The Subcommittee will discuss the merits and problems associated with primary system depressurization (feed and bleed) and secondary system depressurization for decay heat removal.

**Safety Research Program,* February 9, 1983, Washington, DC. The Subcommittee will discuss the final draft of the ACRS Report to the Congress and the OMB Final Budget Mark on the NRC Safety Research Program for FY 1984 and 1985.

**Combination of Dynamic Loads,* Date to be determined (February, Tentative), Washington, DC. The Subcommittee will discuss the status report on work being done on the combination of dynamic loads.

**Metal Components,* Date to be determined (February, Tentative), Washington, DC. The Subcommittee will review the elimination of the double-ended pipe break criteria for the design of pipe whip supports.

**Metal Components,* Date to be determined (February, Tentative), Washington, DC. The Subcommittee will review the NRC action plan on integrity of steel bolts.

**Class 9 Accidents and Reactor Radiological Effects,* Date to be determined (February, Tentative), Washington, DC. The Subcommittee will discuss the research program being proposed and conducted to confirm and verify the existing or a new radiation source term for severe accidents.

**Reactor Operations,* Date to be determined, Washington, DC. The Subcommittee will review generic PWR procedures used to prevent a Pressurized Thermal Shock (PTS) transient and to review proposed rule, 10 CFR 50.54, "Applicability of License Conditions and Technical Specifications in an Emergency."

**Catawba,* Date to be determined, Rock Hill, SC. The Subcommittee will review the application of the Duke Power Company for an operating license.

**Clinch River Breeder Reactor (CRBR) Working Group on Thermal Hydraulic Design,* Date to be determined, Washington, DC. The Subcommittee will continue the review of the CRBR thermal hydraulic design.

ACRS Full Committee Meeting

December 9–11, 1982: Items are *tentatively* scheduled.

*A. *Millstone Nuclear Power Station Unit 1*—Systematic Evaluation Program (SEP) review.

*B. *Dresden Nuclear Power Station Unit 2*—Systematic Evaluation Program (SEP) review.

*C. *Clinch River Breeder Reactors*—Pre-review of plant design features.

*D. *Seismic Design of Nuclear Power Plant*—Briefing regarding current procedures/practices used for seismic design of nuclear facilities.

*E. *Hydraulic Control Unit (HCU) Line Vulnerability*—Briefing regarding impact of a LOCA on HCU control lines.

*F. *Unresolved Safety Issues*—Briefing regarding prioritization of unresolved safety issues.

*G. *Staffing Requirements for Nuclear Power Plants*—Complete ACRS report to NRC regarding proposed rule (10 CFR 50.54) regarding Staffing Requirements for Nuclear Power Plants.

*H. *Sequoyah Nuclear Power Plant Units 1 and 2*—Review proposed final design of hydrogen control system for this plant.

*I. *ACRS Subcommittee Activities*—Hear and discuss reports of designated ACRS Subcommittee regarding current activities on safety-related matters including the Waterford Nuclear Plant operator staffing and training program, proposed changes in criteria for

radiobiological limits, design features of the CRBR, NRC regulatory policies and practices, and ACRS participation in NRC rulemaking.

*J. *Future ACRS Activities*—Discuss anticipated/proposed Committee and Subcommittee activities. Select Committee Officers for CY 1983.

January 6–8, 1983—Agenda to be announced.

February 10–12, 1983—Agenda to be announced.

Dated: November 12, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82-31485 Filed 11-16-82; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Emergency Core Cooling Systems; Meeting

The ACRS Subcommittee on Emergency Core Cooling Systems will hold a meeting on December 2 and 3, 1982, at the Holiday Inn Park Center Plaza, 282 Almaden Blvd., San Jose, CA. The Subcommittee will discuss the General Electric SAFER/GESTER ECCS codes, the status of General Electric's plans for proposed revisions to Appendix K of 10 CFR Part 50, and discussion of the use of electric vs. nuclear heater rod simulators in LOCA research tests.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1982 (47 FR 43474), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions which will be closed to protect proprietary information (Sunshine Act Exemption 4). One or more closed sessions may be necessary to discuss such information. To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Thursday, December 2, 1982—8:30 a.m. until the conclusion of business

Friday, December 3, 1982—8:30 a.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding the topics to be discussed.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Paul Boehnert (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close sessions of this meeting to public attendance to protect proprietary information. The authority for such closure in Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: November 10, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82-31486 Filed 11-16-82; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Metal Components; Meeting

The ACRS Subcommittee on Metal Components will hold a meeting on December 2, 1982, Room 1046, 1717 H Street, NW., Washington, DC. The Subcommittee will review the NRC Research Program on Non-Destructive Examination and Steam Generators for FY 1984 and 1985. In addition, NDE capability to detect near surface flaws in pressure vessels and NDE of stainless steel piping will be discussed.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1982 (47 FR 43474), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary, and industrial security and/or Unclassified Safeguards information. One or more closed sessions may be necessary to discuss such information. (SUNSHINE ACT EXEMPTIONS 3 and 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Thursday, December 2, 1982—8:30 a.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Elpidio Igne (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary, and industrial security and/or Unclassified Safeguards information. The authority for such closure is Exemptions (3) and (4) to the Sunshine Act, 5 U.S.C. 552b(c)(3), (4).

Dated: November 10, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82-31487 Filed 11-16-82; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards Subcommittee on Regulatory Policy and Procedures; Meeting

The ACRS Subcommittee on Regulatory Policy and Procedures will hold a meeting on December 7, 1982, Room 1167, 1717 H Street, NW.,

Washington, DC. The Subcommittee will review matters related to nuclear regulatory reform.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1982 (47 FR 43474), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Cognizant Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. It is anticipated that the entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Tuesday, December 7, 1982—8:30 a.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittee members may exchange preliminary views regarding matters to be considered during the balance of the meeting. The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff and others regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Marvin C. Gaske (telephone 202/634–3265) between 8:15 a.m. and 5:00 p.m., EST.

Dated: November 10, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82–31488 Filed 11–16–82; 8:45 am]

BILLING CODE 7590–01–M

Application for a License To Import Nuclear Material

Pursuant to 10 CFR 110.70(b) "Public notice of receipt of an application", please take notice that the Nuclear Regulatory Commission has received the following application for an import license. A copy of the application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C.

A request for a hearing or a petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register.** Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission and the Executive Secretary, Department of State, Washington, D.C. 20520.

The table below lists the new major import application.

Dated this 9th day of November at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

James V. Zimmerman,

Assistant Director, Export/Import and International Safeguards, Office of International Programs.

FEDERAL REGISTER (IMPORT)

Name of applicant, date of application, date received, application number	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
Transnuclear, Inc., Nov. 2, 1982, ISNM82025.	90 percent enriched uranium	5.841	5.257, 29.21 gm Pu	Irradiated fuel elements to be reprocessed by U.S. DOE Idaho.	From Turkey.

[FR Doc. 82–31483 Filed 11–16–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–416 and 50–417]

Mississippi Power and Light Company, et al. (Grand Gulf Nuclear Station, Units 1 and 2); Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this operating license proceeding: Stephen F. Eilperin, Chairman, Gary J. Edles, Howard A. Wilber.

Dated: November 9, 1982.

C. Jean Shoemaker,

Secretary to the Appeal Board.

[FR Doc. 82–31484 Filed 11–16–82; 8:45 am]

BILLING CODE 7590–01–M

PENSION BENEFIT GUARANTY CORPORATION

Pendency of Request for Exemption From Bond Escrow Requirement Relating to Sale of Assets by an Employer That Contributes to a Multiemployer Plan: Avnet, Inc. et al.

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of pendency of request.

SUMMARY: This notice advises interested persons that the Pension Benefit Guaranty Corporation has received a joint request from Avnet, Inc. and Carol Cable Company, Inc. for an exemption from the bond/escrow requirement of section 4204(a)(1)(B) of the Employee Retirement Income Security Act of 1974. Section 4204(a)(1) provides that the sale of assets by an employer that contributes to a multiemployer pension plan will not constitute a complete or partial withdrawal from the plan if certain conditions are met. One of these conditions is that the purchaser post a bond or deposit money in escrow for a five plan year period beginning after the sale. The PBGC is authorized to grant individual and class exemptions from this requirement. Prior to granting an exemption, the PBGC is required to give interested persons an opportunity to comment on the exemption request. The effect of this notice is to advise interested persons of this exemption request and to solicit their views on it.

DATES: Comments must be submitted on or before January 3, 1983.

ADDRESSES: All written comments (at least three copies) should be addressed to: Assistant Executive Director for Policy and Planning (140), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006. The request for exemption and the comments received will be available for public inspection at the PBGC Public

Affairs Office, Suite 7100, at the above address, between the hours of 9:00 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: James M. Graham, Office of the Executive Director, Policy and Planning (140), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006; (202) 254–4862. [This is not a toll-free number.]

SUPPLEMENTARY INFORMATION:

Background

Section 4204 of the Employee Retirement Income Security Act of 1974, as amended by the Multiemployer Pension Plan Amendments Act of 1980, (ERISA) provides that a bona fide arm's-length sale of assets of a contributing employer to an unrelated party will not be considered a withdrawal if three conditions are met. These conditions, enumerated in section 4204(a)(1)(A)–(C), are that—

(A) The purchaser has an obligation to contribute to the plan for substantially the same number of contribution base units for which the seller was obligated to contribute;

(B) The purchaser obtains a bond or places an amount in escrow, for a period of five plan years after the sale, in an amount equal to the greater of the seller's average required annual contribution to the plan for the three plan years preceding the year in which the sale occurred or the seller's required annual contribution for the plan year preceding the year in which the sale occurred; and

(C) The contract of sale provides that if the purchaser withdraws from the plan within the first five plan years beginning after the sale and fails to pay any of its liability to the plan, the seller shall be secondarily liable for the liability it (the seller) would have had but for section 4204.

The bond or escrow described above would be paid to the plan if the purchaser withdraws from the plan or fails to make any required contributions to the plan within the first five plan years beginning after the sale.

Additionally, section 4204(b)(1) provides that if a sale of assets is covered by section 4204, the purchaser assumes by operation of law the contribution record of the seller for the plan year in which the sale occurred and the preceding four plan years.

Secton 4204(c) of ERISA authorizes the Pension Benefit Guaranty Corporation ("PBGC") to grant individual or class variances or exemptions from the purchaser's bond/escrow requirement of section 4204(a)(1)(B) when warranted. The legislative history of secton 4204 indicates a Congressional intent that the sales rules be administered in a manner that assures protection of the plan with the least practicable intrusion into normal business transactions. The granting of an exemption or variance from the requirements of section 4204(a)(1)(B) does not constitute a finding by PBGC that a particular transaction satisfies the other requirements of section 4204(a)(1).

Under § 2643.3(a) of the PBGC's regulation on procedures for variances for sales of assets (46 FR 46127 (1981)), the PBGC shall approve a request for a variance or exemption if it determines that approval of the request is warranted, in that it——

(1) Would more effectively or equitably carry out the purposes of Title IV of the Act; and

(2) Would not significantly increase the risk of financial loss to the plan.

Section 4204(c) of ERISA and § 2643.3(b) of the regulation require the PBGC to publish a notice of the pendency of a request for a variance or exemption in the **Federal Register**, and to provide interested parties with an opportunity to comment on the proposed variance or exemption.

The Request

The PBGC has received a joint request from the seller, Avnet, Inc. ("Avnet"), and the purchaser, Carol Cable Company, Inc. ("New Carol Cable"), (collectively referred to as the "Parties") for an exemption from the requirement of ERISA section 4204(a)(1)(B). In the request, the Parties represent, among other things, that:

1. On October 5, 1981, Avnet sold certain of its assets including one of its divisions, Carol Cable Company, to New Carol Cable.

2. New Carol Cable has assured the responsibilities of Carol Cable Company, a division of Avnet, under a collective bargaining agreement with the Warehouse and Mail Order Employees Union Local #743, which required contributions to the Central States, Southeast and Southwest Areas Pension Fund (the "Fund"). Avnet's potential withdrawal liability to the Fund has been estimated to be $25,085.

3. The amount of the bond or escrow required under ERISA section 4204(a)(1)(B) is $47,500 (the annual contribution required to be made by Avnet for the 1980 plan year, the plan year preceding the sale).

4. In the sale contract, Avnet agreed that, if the purchaser withdraws and fails to pay withdrawal liability within five years of the date of the sale, it would be secondarily liable for any withdrawal liability the seller would have had to the Fund but for the operation of ERISA section 4204. Although not required to do so under the regulation, Avnet has provided audited financial statements on its operations. According to that information, Avnet had a net worth of $427 million as of June 30, 1981, and its average, after tax, net income for the years 1979–1980 was $64.7 million. The financial information submitted also indicated that Carol Cable Company, a division of Avnet, was a very profitable concern in the three years preceding the sale. The corporate group of which Carol Cable Company was a member had, in 1981, total sales of $258 million and a net income of $10 million. Carol Cable Company represented substantially all of the sales and earnings in the group.

5. New Carol Cable was not incorporated until September 23, 1981, and no financial statements on the company are available. However, New Carol Cable is a wholly-owned subsidiary of Noranda, Inc. a Delaware corporation. Audited consolidated financial statements of Noranda, Inc. have been submitted for the years 1979 and 1980. (No audited financial statement is available for 1978.) Noranda, Inc. has asserted that the financial information is exempt from disclosure under the Freedom of Information Act, 5 U.S.C. 522(b)(4), and PBGC regulations, 29 CFR 2603.18.

6. The Parties assert that the request for a variance should be granted on a *de minimis* basis. Based on information provided by the Fund, $585,213,904 was the average total annual contributions made by all employers that had an obligation to contribute to the Fund for the three plan years preceding the plan year in which the sale occurred. The amount of the bond/escrow ($47,500), which would be required in the absence of a variance, is approximately .008% of that average total.

7. A copy of this request has been sent by the Parties to the Plan and the collective bargaining representative of the seller's former employees.

Issue Under Consideration

The Parties assert that relief is warranted under section 4204(c) because of the *de minimis* nature of the amount of the purchaser's bond/escrow in comparison to the average total annual contributions made by all employers that had an obligation to contribute to the Fund for the three plan years preceding the plan year in which the sale occurred. According to the information submitted, the amount of the bond is less than $50,000 and less

than one-tenth of one percent of the average of the total employer contributions to the Fund over the three year period preceding the sale. Therefore, the Parties assert that the departure of the seller from the Fund would not have a significant impact on the Fund, and thus an exemption should be provided for the purchaser's bond/escrow requirement. Accordingly, on the basis of the instant request, PBGC is considering granting this request for a variance on a *de minimis* basis.

Comment

All interested persons are invited to submit written comments on the pending class exemption to the above address, on or before January 3, 1983. All comments will be made a part of the record. Comments received, as well as the relevant information submitted in support of the application for exemption, will be available for public inspection at the address set forth above.

Issued at Washington, D.C. on this 12th day of November 1982.

Edwin M. Jones,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 82-31476 Filed 11-16-82; 8:45 am]

BILLING CODE 7708-01-M

POSTAL RATE COMMISSION

[Docket No. MC83-1]

Mail Classification Schedule, 1983 Uniform Parcel Size and Weight Limitations; United States Postal Service's Filing of a Request for a Recommended Decision To Provide Uniform Parcel Size and Weight Limitations

November 12, 1982.

Notice is hereby given that on November 8, 1982, the United States Postal Service ("Postal Service"), pursuant to Chapter 36 of Title 39, United States Code, filed a request with the Postal Rate Commission for a recommended decision on a proposal to establish uniform parcel size and weight limitations. This filing has been assigned Docket No. MC83-1.

The Postal Service states that its request contains the necessary information to explain the nature, scope, significance and impact of the proposed changes.[1] The Postal Service proposes two changes in parcel size and weight limitations. The first is establishment of uniform size and weight limitation for parcel post. Currently the parcel post size and weight limitations vary according to the size of the post office which dispatches or delivers the parcel. At the larger post offices, those serving the 6,000 largest cities, parcel post is limited to 40 pounds and 84 inches in length and girth combined; these limits would be repealed. At the smaller post offices, the parcel post limitations are 70 pounds and 100 inches in length and girth combined. The Postal Service says its proposed change will eliminate unfairness, inconvenience and confusion. The difference in parcel post size and weight limitations was enacted by Congress to protect the business of the former Railway Express Agency. Recently, the law was changed so that parcel post size and weight limitations may be changed using the same procedure as with other classification changes. Pub. L. 97-242 (August 24, 1982), *see also* S. Rep. No. 97-477, June 18, 1982, p. 1.

The second change proposed by the Postal Service is to increase from 100 inches to 108 inches the length and girth combined for all of the Postal Service's parcel services; that is, parcel post, special rate fourth-class, library rate, priority mail and Express mail. The Postal Service says that the 108-inch limitation is used by some of its largest competitors, and the enlargement would bring more standardization to parcel delivery service, reducing confusion and inefficiency. The Postal Service also states that package designers and manufacturers often produce cartons larger than 100 inches in length and girth combined.

The statute requires that an opportunity for a hearing on the record must be provided in this case. Any person desiring to be heard with reference thereto and to become a party to the proceeding, or to participate as a party in any hearing thereon, should file a petition for leave to intervene. Petitions for leave to intervene must be filed with the Secretary, Postal Rate Commission, Washington, D.C. 20268 on or before November 26, 1982, and must be in accordance with section 20 of the Commission's rules of practice (39 CFR 3001.20). We direct specific attention to section 20(b) which provides that petitions for leave to intervene shall affirmatively state whether or not the petitioner requests a hearing or, in lieu thereof, a conference; and further, whether or not the petitioner intends to participate actively in the hearing.[2] Alternatively, persons seeking limited participation, but who do not wish to become parties may, on or before November 26, 1982, file a written request for leave to be heard as a "limited participator," pursuant to section 19a of the Commission's rule of practice (39 CFR 3001.19a). In addition, persons wishing to express their views informally, and not desiring to become a party or limited participant, may file comments pursuant to section 19b of the Commission's rules, 39 CFR 3001.19b.

At the same time as it filed its Proposal, the Postal Service, pursuant to Commission rules 22 and 64(h)(3), filed a motion for waiver of rule 64(h), except for rule 64(h)(2)(i) insofar as it requests the statement required by rule 54(q), and rule 64(d).

The Postal Service says it is requesting waiver of rule 64(h) because its request will not significantly change the relationship of attributed or assigned costs to revenues for parcel post or any other parcel delivery service provided by the Postal Service. The Postal Service says the proposed changes are expected to result in very small volume increases.

The Postal Service says rule 64(d), requiring development of costs, revenues, and volumes, should be waived because the Postal Service is not requesting any change in rates or fees and the effect of the proposed changes were expected to be insignificant. Additionally, the Postal Service says that a demand analysis in this proceeding is unnecessary and would be unduly expensive.

The Postal Service says that, if the waiver is granted, no party will be unduly prejudiced and such action is consistent with the public interest.

Parties who wish to address the Postal Service's motion should file their answers by November 26, 1982.

The request of the Postal Service for a recommended decision on changes to provide uniform parcel size and weight limitations and the motion for waiver of certain filing provisions of the Commission's rules of practice and procedure are on file with the Commission and are available for public inspection during regular business hours.

The Officer of the Commission (OOC) designated to represent the interest of the general public in this proceeding will

[1] The specific changes in the Domestic Mail Classification Schedule are set out in legislative format in Attachment A of the Postal Service's Request.

[2] In this regard, parties who intend to participate actively in this proceeding are encouraged to inform the Postal Service informally and promptly of desired preliminary clarification of the Postal Service's presentation wherever the participant believes such clarification will expedite this proceeding.

be Stephen A. Gold. During this proceeding, the OOC will direct the activities of Commission personnel assigned to assist him, and neither he nor such personnel will participate in or advise as to any Commission decision in this case. *See* 39 CFR 3001.8. The OOC will supply, for the record, at the appropriate time the names of all Commission personnel assigned to assist him in this case. In this proceeding, the OOC shall be separately served with three copies of all filings in addition to, and simultaneously with, service on the Commission of the 25 copies required by section 10(c) of the rules of practice. 39 CFR 3001.10(c)

David F. Harris,

Secretary.

[FR Doc. 82-31489 Filed 11-16-82; 8:45 am]

BILLING CODE 7715-01-M

PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS

Extension of Application Deadline Date

The deadline for application for a White House Fellowship has been extended from December 1 to December 7, 1982. Please call or write the President's Commission on White House Fellowships, 712 Jackson Place, NW., Washington, D.C. 20503, (202) 395-4522, for application materials and information.

James C. Roberts,

Director, President's Commission on White House Fellowships.

[FR Doc. 82-31474 Filed 11-16-82; 8:45 am]

BILLING CODE 6325-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan #2069]

California; Declaration of Disaster Loan Area

Los Angeles County and the adjacent County of Orange in the State of California constitute a disaster area because of damage from a fire which occured on October 8-13, 1982. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on January 6, 1983, and for economic injury until the close of business on May 5, 1983, at: U.S. Small Business Administration, 350 S. Figueroa Stree, 6th Floor, Los Angeles, California 90071, or other locally announced locations.

Interest rates for applicants filing for assistance under this declaration are as follows:

	Percent
Homeowners with credit available elsewhere	13%
Homeowners without credit available elsewhere	6%
Businesses with credit available elsewhere	13
Businesses without credit available elsewhere	8
Businesses (EIDL) without credit available elsewhere	8
Other (non-profit organizations including charitable and religious organizations)	11%

It should be noted that assistance for agriculture enterprises is the primary responsibility of the Farmers Home Administration as specified in Pub. L. 96-302.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008).

Dated: November 4, 1982.

James C. Sanders,

Administrator.

[FR Doc. 82-31481 Filed 11-16-82; 8:45 am]

BILLING CODE 8025-01-M

Senior Executive Service Performance Review Board; List of Members

AGENCY: Small Business Administration.

ACTION: Listing of Personnel Serving as Members of this Agency's Senior Executive Service Performance Review Boards.

SUMMARY: Pub. L. 95-454 dated October 13, 1978, (Civil Service Reform Act of 1978) requires that Federal agencies publish notification of the appointment of individuals who serve as members of that agency's Performance Review Board (PRB). The following is a listing of those individuals currently serving as members on this Agency's Boards:

1. Charles Hertzberg, Deputy Associate Administrator for Financial Assistance
2. Edwin T. Holloway, Associate Administrator for Finance and Investment
3. Joe Maas, Assistant Administrator for Administration
4. Robert F. McDermott, Associate Administrator for Procurement & Technical Assistance
5. Richard L. Osbourn, Director of Personnel (Nonvoting Member)
6. Marshall J. Parker, Associate Deputy Administrator for Special Programs
7. Albert J. Prendergast, Director of Field Review
8. George H. Robinson, Director of Equal Employment Opportunity and Compliance (Nonvoting Member)
9. Carlos Suarez, Regional Administrator (Denver)
10. Robert B. Webber, General Counsel
11. Robert L. Wright, Jr., Associate Administrator for Minority Small Business & Capital Ownership Development
12. Donald P. Young, Deputy General Counsel
13. Donald Dougherty, Assistant Inspector General for Investigations, NASA
14. Robert Hudak, Assistant Inspector General for Management and Fraud Control, HUD
15. Donald Kirkendall, Assistant Inspector General for Audit, HUD
16. John Czpanka, Assistant Inspector General for Planning and Evaluation, Dept. of Commerce

For further information contact Ms. Frances H. Mendez, Director, Office of Executive Services, on (202) 653-6516.

Robert A. Turnbull,

Acting Administrator.

[FR Doc. 82-31482 Filed 11-16-82; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan No. 2068]

Utah; Declaration of Disaster Loan Area

Salt Lake County and the adjacent county of Utah in the State of Utah constitute a disaster area as a result of torrential rains and flooding which occurred on September 24-30, 1982. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on January 3, 1983, and for economic injury until the close of business on August 4, 1983, at the address below: U.S. Small Business Administration, 125 South State Street, Room 2237, Salt Lake City, Utah 84138, or other locally announced locations.

Interest rates for applicants filing for assistance under this declaration are as follows:

	Percent
Homeowners with credit available elsewhere	14%
Homeowners without credit available elsewhere	7%
Businesses with credit available elsewhere	13%
Businesses without credit available elsewhere	8
Businesses (EIDL) without credit available elsewhere	8
Other (non-profit organizations including charitable and religious organizations)	11%

It should be noted that assistance for agriculture enterprises is the primary responsibility of the Farmers Home Administration as specified in Pub. L. 96-302.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008).

Dated: November 5, 1982.

James C. Sanders,

Administrator.

[FR Doc. 82-31480 Filed 11-16-82; 8:45 am]

BILLING CODE 8025-01-M

PRESIDENT'S TASK FORCE ON PRIVATE SECTOR INITIATIVES

Final Meeting

November 9, 1982.

The President's Task Force on Private Sector Initiatives will hold its final meeting on December 8, 1982 in the Conference Room of the American Red Cross National Headquarters Building located on 17th Street, NW., Washington, D.C. 20006.

The meeting will convene at 10:00 a.m. and end at 11:30 a.m. This meeting is open to the public. However, due to fire regulations, the attendance will be limited.

Those persons wishing to attend should call Tish Manes at the Task Force at (202) 395-7366 to make a reservation. Calls should be placed between the hours of 9:00 a.m. and 3:00 p.m. only on December 2, 1982.

Michael P. Castine,

Deputy Director, Private Sector Initiatives.

[FR Doc. 82-31438 Filed 11-16-82; 8:45 am]

BILLING CODE 3510-CW-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

During the period November 5 through November 11, 1982, the Department of Treasury submitted the following public information collection requirements to OMB, for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 634-2179. Comments regarding these information collections should be addressed to the Treasury Reports Management Officer, Information Resources Management Division, Room 309, 1625 I St., NW., Washington, D.C. 20220; *and* to the OMB reviewer listed at the end of entry.

Date Submitted: November 8, 1982
Submitting Bureau: Internal Revenue Service
OMB Number: 1545-0126
Form Number: 1120F
Type of Submission: Revision
Title: U.S. Income Tax Return of a Foreign Corporation
Purpose: Form 1120F is filed by foreign corporations that are engaged in a trade or business in the U.S. or have U.S. investment income. The IRS uses Form 1120F to determine whether the foreign corporation has correctly reported its income and computed its tax.
OMB Reviewer: Michael Abrahams (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

* * * * *

Date Submitted: November 8, 1982
Submitting Bureau: Internal Revenue Service
OMB Number: N/A (new submission)
Form Number: 6868
Type of Submission: New
Title: Qualified Appraisers Application
Purpose: IRS has a steady need of independent appraisers of a wide variety of valuable items in consideration of tax claims and disputes. Such requirements may not be advertised due to privacy implications of taxpapers whose property is in question. No other sources of information is available.
OMB Reviewer: Michael Abrahams (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

* * * * *

Date Submitted: November 8, 1982
Submitting Bureau: Internal Revenue Service
OMB Number: 1545-0635
Form Number: 6789
Type of Submission: Extension
Title: Performance Appraisal (Non-IRS Candidates Only)
Purpose: A performance appraisal is required to consider status applicants employed by other Treasury Bureaus, other agencies, or by private industry (if candidates have reinstatement eligibility). Both FPM 335, Federal promotion regulations, and IRM 0335, IRS promotion regulations, required systematic ranking procedures with the appraisal as a required method of consideration.
OMB Reviewer: Michael Abrahams (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

* * * * *

Date Submitted: November 8, 1982
Submitting Bureau: Bureau of Government Financial Operations
OMB Number: 1510-0005
Form Number: TFS-6309
Type of Submission: Revision
Title: Quarterly Financial Report
Purpose: This report is used by insurance companies to report their financial condition as of the end of each quarter.
OMB Reviewer: Suzann Evinger (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

* * * * *

Date Submitted: November 9, 1982
Submitting Bureau: Internal Revenue Service
OMB Number: 1545-0052
Form Number: 990-PF and 4720
Type of Submission: Revision
Title: Returns for Private Foundation, Non-Exempt Charitable Trusts and Related Persons
Purpose: IRC section 6033 requires the filing of an annual information return by all private foundations (taxable or tax exempt) and section 4947(a)(1) trusts treated as private foundations. Section 4940 imposes a tax on net investment income and § 53.4940-1(a) of the Regulations requires reporting it on the return filed under section 6033. Section 6011 requires a return for taxes on prohibited acts.
OMB Reviewer: Michael Abrahams (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

* * * * *

Date Submitted: November 9, 1982
Submitting Bureau: Alcohol, Tobacco and Firearms
OMB Number: 1512-0122
Form Number: ATF F 133 (5150.29)
Type of Submission: Extension
Title: Manufacturing Record of Products Containing Specially Denatured Alcohol
Purpose: AFT collects this information in order to determine if specially denatured spirits are produced, withdrawn, sold, transported or used in accordance with statutes and regulations. Such a determination is made through post audits at the site of manufacture or use.
OMB Reviewer: Suzann Evinger (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

* * * * *

Date Submitted: November 10, 1982
Submitting Bureau: Internal Revenue Service
OMB Number: 1545-0090
Form Number: 1040SS and 1040PR
Type of Submission: Revision
Title: U.S. Self-Employment Tax Return and Planilla Para La Declaracion De LA Contribucion Federal Sobre El Trabajo Por Cuenta Propia-Puerto Rico
Purpose: Forms 1040SS and 1040PR are used to figure self-employment tax in accordance with IRC chapter 2 of Subtitle A, and provide proper credit to taxpayer's Social Security account. The data is used to determine whether the proper amount of self-employment tax is reported.
OMB Reviewer: Michael Abrahams (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Dated: November 12, 1982.

Joy Tucker,

Departmental Reports Management Officer.

[FR Doc. 82-31440 Filed 11-16-82; 8:45 am]

BILLING CODE 4810-25-M

VETERANS ADMINISTRATION

Guidelines Pertaining to Treatment of Veterans Exposed to Agent Orange

AGENCY: Veterans Administration.

ACTION: Publication of Guidelines.

SUMMARY: The Veterans' Health Care, Training, and Small Business Loan Act of 1981, Pub. L. 97–72, authorizes the Veterans Administration (VA) to treat veterans for disabilities which may have been caused by exposure to dioxins or toxic substances in a herbicide or defoliant used for military purposes. On December 2, 1981, the VA published for public comment, two Department of Medicine & Surgery (DM & S) Circulars containing interim guidelines for use by VA physicians to assist them in making determinations in individual cases as to whether a disability may have been caused by such exposure (46 FR 58636 through 58637). Because of the public interest on this subject, the VA is publishing a summation of the comments received, and the new DM&S Circular 10–82–185 containing guidelines on treatment of veterans exposed to agent orange.

EFFECTIVE DATE: The effective date of DM&S Circular 10–82–185 is September 16, 1982.

FOR FURTHER INFORMATION CONTACT: Dr. Barclay M. Shepard, Special Assistant to the Chief Medical Director for Environmental Medicine (102), Department of Medicine & Surgery, Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 389–5412.

SUPPLEMENTARY INFORMATION: The VA received comments from nine organizations or individuals. They addressed both DM&S Circular 10–81–249 relating to herbicide and defoliant exposure, and DM&S Circular 10–81–250 relating to ionizing radiation exposure. This notice discusses only comments received concerning DM&S Circular 10–81–249.

One commentator suggested that DM&S Circular 10–81–249 be amended to provide a presumption of exposure. Such a presumption would be consistent with the longstanding VA policy of presuming exposure to herbicides in the absence of evidence clearly establishing nonexposure. The VA adopted this policy because it is usually impossible to determine with any degree of certainty, whether a specific individual was exposed to herbicides used in Vietnam. Rather than impose a burden on the veteran to demonstrate exposure for purposes of determining eligibility for compensation, it is presumed to have occurred A similar approach is appropriate to determine eligibility for medical treatment under the authority of Pub. L. 97–72. Accordingly, the circular is modified to provide a presumption of exposure.

Another comment called attention to the documentation required in the medical record when treatment is authorized for a condition not ordinarily considered to be due to exposure. The suggestion was made that similar documentation be required when a veteran is found not to be eligible for treatment under the authority of Pub. L. 97–72. The suggestion is found to have merit and has been adopted.

One commentator noted that guidelines leave the decision on whether a veteran qualifies for care under this authority with the responsible staff physician. Consultation with the Chief of Staff is required only when the physican finds a veteran requires care for a condition not ordinarily considered to be due to exposure. The commentator recommended that there should be consultation with the Environmental Physician who should have the authority to decide whether the veteran's condition qualified for care. This suggestion has some merit. The Environmental Physician is charged with the responsibility of being fully knowledgeable in the area of the health effects of exposure to herbicides. As such he/she can make a valuable contribution in the decision and should be consulted in cases which involve conditions not ordinarily considered to be due to exposure. The decision whether to admit the veteran under this authority should remain, however, with the responsible staff physician who is ultimately accountable for the actions taken. This policy is consistent with the practice and procedures concerning the admission of veterans gernerally to VA medical facilities.

One commentator suggested that the guidelines should be expanded to provide treatment for the mutagenicity of herbicides. Specifically, it was recommended that the VA provide genetic counseling, prenatal care and testing, pregnancy termination and counseling, and postnatal care. The VA does not have the general statutory authorization to provide these services to the spouses of veterans. Therefore, this recommendation was not adopted.

A suggestion was made that the guidelines contain a listing of the conditions for which treatment will be provided. The approach taken by the VA is designed to encompass the greatest number of medical conditions that may be associated with exposure. Further, the guidelines are intended to be liberally construed. A listing of conditions that may be treated would have reduced the number of veterans who may be provided care. As currently worded, the responsible staff physician has greater flexibility than would be the case were a comprehensive listing attempted.

DM&S Circular 10–81–249, Guidelines for Implementation of Legislation Related to the Provision of Health Care Services to Veterans Exposed to Dioxins, is rescinded and replaced by DM&S Circular 10–82–185, dated September 16, 1982, and is set forth below.

Dated: November 9, 1982.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

Circular 10–82–185

Veterans Administration,
Department of Medicine and Surgery, Washington, D.C.
September 16, 1982.

To: Directors, Medical Centers, Medical and Regional Office Centers, Regional Offices, Regional Offices with Outpatient Clinics, Domiciliary, and Outpatient Clinics

Subject: Guidelines for Implementation of Legislation Related to the Provision of Health Care Services to Veterans Exposed to Dioxins

1. The "Veterans' Health Care, Training, and Small Business Loan Act of 1981" was signed into law on November 3, 1981. The Act, Public Law 97–72, authorizes the Veterans Administration to provide certain health care services, as described in paragraph 3, to any veteran of the Vietnam era (August 5, 1964–May 7, 1975) who while serving in Vietnam may have been exposed to dioxin or was exposed to a toxic substance in a herbicide or defoliant used for military purposes. Verification of service in Vietnam during the Vietnam era (August 5, 1964–May 7, 1975) will be required. In the absence of affirmative evidence to the contrary, a Vietnam veteran's contention of exposure will be accepted.

2. Health care services may not be provided under this law, for the care of conditions which are found to have resulted from a cause other than the specified exposures.

3. Health care services authorized under this provision are limited to hospital and nursing home care in VA facilities and outpatient care in VA facilities on a pre- or post-hospitalization basis or to obviate a need for hospitalization. Such health care services will be provided without regard to the veteran's age, service-connected status or the inability of the veteran to defray the expenses of such care. Veterans furnished outpatient care under this authority will be accorded priority ahead of other nonservice-connected veterans and equal to former Prisoners of War who are receiving care

for nonservice-connected conditions. Congress made it clear that this law provides for health care only, and that a determination that the veteran is eligible for such care does not constitute a basis for service-connection or in any way affect determinations regarding service-connection.

4. Each veteran who served in the Republic of Vietnam and who requests VA medical care will be provided a physical examination and appropriate diagnostic studies as prescribed by DM&S circular 10–81–54, "Possible Exposure of Veterans to Herbicides During the Vietnam War." The examination and studies with a complete medical history will be documented in the medical record. If such an examination has been completed within the prior six months, only those procedures which are medically indicated by the current circumstances need be repeated. Where the findings reveal a condition requiring treatment, the responsible staff physician shall make a determination as to whether the condition resulted from a cause other than the specified exposure. In making this determination, the physician should consider that the following types of conditions are not ordinarily considered to be due to such exposure:

a. Congenital or developmental conditions, e.g., spina bifida; scoliosis.

b. Conditions which are known to have pre-existed military service.

c. Conditions resulting from trauma, e.g., deformity or limitation of motion of an extremity.

d. Conditions having a specific and well established etiology, e.g., tuberculosis; gout.

e. Common conditions having a well recognized clinical course, e.g., inguinal hernia; acute appendicitis.

5. On occasion, the responsible staff physician may find that a veteran requires care for one or more of the conditions listed in paragraph 4, but that the case presents complicating circumstances that make the provisions of care under this authority appropriate. In such instances, the physician should seek guidance from the Chief of Staff and the Environmental Physician regarding authorization for treatment. If treatment is so authoirzed, the reasons will be clearly documented in the medical record. Veterans who are not provided needed medical care under this circular may be furnished care if they are eligible under any other statutory authority.

6. In the event the responsible staff physician finds that a veteran has a condition not ordinarily considered to be due to the specified exposure and there are no complicating circumstances warranting the provision of care under this authority, the decision and its basis will be clearly documented in the medical record.

7. The provisons of this circular will not exclude any veteran who served in the Republic of Vietnam from being included in the VA's Agent Orange Registry Program as outlined in DM&S Circular 10–81–54, dated March 19, 1981.

8. These guidelines will be effective upon receipt. A copy of the pertinent guidelines should be made available to any veteran seeking care under this authority.

9. This circular rescinds DM&S Circular 10–81–249 dated November 18, 1981.

W. J. Jacoby, Jr., M.D.,

Deputy Chief Medical Director.

[FR Doc. 82–31386 Filed 11–16–82; 8:45 am]

BILLING CODE 8320–01–M

Privacy Act of 1974; Proposed Amendment of Systems Notice, Additional Routine Use Statement

Notice is hereby given that the Veterans Administration is considering adding two new routine use statements to the following system of VA records set forth on page 671 of the Federal Register publication, "Privacy Act Issuances, 1980 Compilation, Volume V".

24VA136 Patient Medical Records—VA

Questions have arisen regarding the authority under the Privacy Act of 1974 to permit disclosures from VA Systems of Records 24VA136 to respond to subpoenas from a Federal, State or municipal court or a party in litigation or to respond to subpoenas issued by Federal, State or municipal administrative agencies functioning in a quasi-judicial capacity. In the past, the VA has interpreted "subpoena" to be within the meaning of subsection (b)(11) of the Privacy Act (5 U.S.C. 552a(b)(11)) which authorizes disclosures of patient medical records pursuant to an "order of a court of competent jurisdiction." However, due to recent court decisions which have held to the contrary, the Department of Medicine and Surgery is establishing two new routine uses, numbers 23 and 24, which concern the release of information pursuant to a subpoena from a Federal, State or municipal grand jury; a Federal, State or municipal court or a party in litigation; a Federal agency or party to an administrative proceeding being conducted by a Federal agency; or to a State or municipal administrative agency functioning in a quasi-judicial capacity or a party to a proceeding being conducted by such agency, in order for the VA to respond to and comply with the issuance of the subpoena.

Interested persons are invited to submit comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All relevant material received before December 16, 1982 will be considered.

All written comments received will be available for public inspection at the above address only, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays), until December 31, 1982.

If no public comment is received during the thirty-day review period allowed for public comment or unless otherwise published in the Federal Register by the Veterans Administration, the new routine use statements included herein are effective December 16, 1982.

Approved: November 9, 1982.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

24VA136

In the system identified as 24VA136, "Patient Medical Record-VA," the two new routine use statements are added to read as follows:

SYSTEM NAME:

Patient Medical Record—VA

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

* * * * *

23. Any information in this system may be disclosed to a Federal grand jury, a Federal court or a party in litigation, or a Federal agency or party to an administrative proceeding being conducted by a Federal agency, in order for the VA to respond to and comply with the issuance of a Federal subpoena.

24. Any information in this system may be disclosed to a State or municipal grand jury, a State or municipal court or a party in litigation, or to a State or municipal administrative agency functioning in a quasi-judicial capacity or a party to a proceeding being conducted by such agency, in order for the VA to respond to and comply with the issuance of a State or municipal subpoena; provided, that any disclosure of claimant information made under this

routine use must comply with the provisions of 38 CFR 1.511.

* * * * *

[FR Doc. 82-31424 Filed 11-16-82; 8:45 am]
BILLING CODE 8320-01-M

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on November 24, 1982, at 1:00 p.m., the Veterans Administration Regional Office, St. Petersburg, Florida Station Committee on Educational Allowances, shall, at the Federal Building, Room 654, 144 1st Avenue South, St. Petersburg, Florida, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in an Apprenticeship Training Program at Orlando Plumbers Joint Apprenticeship Committee, 2153 West Oakridge Road, Orlando, Florida 32809, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: November 8, 1982.

Thomas Jensen,

Acting Director.

[FR Doc. 82-31500 Filed 11-16-82; 8:45 am]
BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 222
Wednesday, November 17, 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 COMMUNICATIONS COMMISSION

The Federal Communications Commission will hold a Closed Meeting on the subject listed below on Thursday, November 18, 1982, following the Open Meeting which is scheduled to commence at 9:30 a.m., in Room 856, 1919 M Street NW., Washington, D.C.

Agenda, Item No., and Subject

Hearing—1—Petition for the Reconsideration of Order authorizing transfer of control in the Westerville, Ohio comparative renewal proceeding (Docket Nos. 82-282 and 82-283).

This item is closed to the public because it concerns adjudicatory matters (See 47 CFR 0.603 (j)).

The following persons are expected to attend:

Commissioners and their Assistants
General Counsel and members of his staff
Managing Director and members of his staff
Chief, Office of Public Affairs and members of his staff

Action by the Commission November 13, 1982: Commissioners Fowler, Chairman; Quello, Fogarty, Jones, Dawson, and Sharp voting to consider this item in Closed Session.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: November 10, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-1658-82 Filed 11-15-82; 11:40 am]

BILLING CODE 6712-01-M

2

FEDERAL COMMUNICATIONS COMMISSION

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Wednesday, November 18, 1982, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, NW., Washington, D.C.

Agenda, Item No., and Subject

General—1—*Title:* Implementation of Recommendations of Advisory Committee on Alternative Financing for Minority Opportunities in Telecommunication. *Summary:* The Commission will consider the adoption of policy statements, legislative recommendations, and associated documents relating to implementation of various recommendations contained in the *Final Report of the Advisory Committee on Alternative Financing for Minority Opportunities in Telecommunications*, adopted in May, 1982.

General—2—*Title:* Report and order to remove station log requirements and provide for additional utilization of frequencies 122.050, 122.775 and 122.850 MHz in the Aviation Services. *Summary:* The FCC will consider whether to amend Parts 2 and 87(1) to eliminate the requirement for stations in the Aviation Services to maintain logs, (2) to permit the frequency 122.050 MHz to be used by air carrier aircraft as well as private aircraft for enroute flight advisory service, and (3) to make the frequencies 122.775 and 122.850 MHz available for communications between aircraft on the ramp area of an airport and aviation service organizations located on the airport.

General—3—*Title:* UHF Television Receiver Noise Figures. *Summary:* The Commisison will consider whether to adopt a *Notice of Proposed Rulemaking* in Docket 21010, proposing to reduce the maximum allowable UHF television receiver noise figure to 12 db, and to make associated rule changes.

General—4—*Title:* Implementation of the Final Acts of the World Administrative Radio Conference, Geneva, 1979. *Summary:* The FCC will consider amendment of Part 2 of its Rules to implement domestically the radio frequency spectrum allocations adopted by the 1979 World Administrative Radio Conference.

Private Radio—1—*Title:* Amendment of channeling arrangement between Canada and the United States governing VHF public correspondence coast station frequencies in the Pacific Northwest. *Summary:* The Commission will consider a Notice of Proposed Rulemaking which would modify these arrangements.

Private Radio—2—*Title:* Report and Order to eliminate unnecessary reporting and recordkeeping requirements in the Aviation Services. *Summary:* The FCC will consider whether to amend Part 87 (Aviation Services) to remove certain reporting and recordkeeping requirements which appear to impose unnecessary burdens on the aviation public.

Private Radio—3—*Title:* Closure of public coast class I-A stations KOK and KLB at Los Angeles and Seattle. *Summary:* The Commission will consider whether to permit these stations to close.

Common Carrier—1—*Subject:* Application for Modification of Domestic Fixed Satellite Space Station Authorization. *Summary:* The Commission will consider Southern Pacific Satellite Company's request to modify its satellite space station authorizations to permit noncommon carrier transponder transactions.

Common Carrier—2—*Subject:* Report and Order, Pacific Planning Process, 1981-1995 (CC Docket No. 81-343). *Summary:* The Commission will consider comments from interested parties on the tentative conclusions in its Notice of Proposed Rulemaking looking into policies to be followed in the authorization of common carrier facilities in the Pacific Ocean Region during 1981-1995.

Common Carrier—3—*Title:* Northwestern Bell Petition for Declaratory Ruling. *Summary:* The Commission has been asked to determine whether the extended area agreement between Northwestern Bell Telephone Company and Northwest Iowa Telephone Company is applicable to the division of revenues for the origination or termination of Execunet service.

Common Carrier—4—*Title:* MTS-WATS Market Structure Inquiry. *Summary:* The Commission will consider the question of the appropriate entry policy for the Alaskan interstate MTS-WATS market. This item evaluates the comments received in response to the Commission's *Report and Third Supplemental Notice of Inquiry and Proposed Rulemaking*. That *Order* Provided Alascom, Inc., and other interested parties an opportunity to file additional comments regarding the contention that competitive entry should not be authorized in Alaska for MTS-WATS service.

Common Carrier—5—*Title:* Policies governing the ownership and operation of domestic satellite earth stations in the Bush communities in Alaska. *Summary:* The

Commission will consider the staff's recommendation on the appropriate ownership structure for the Alaskan Bush earth stations in response to the comments received in CC Docket No. 80–584.

Common Carrier—6—*Subject:* Revisions to Bell System Operating Companies Tariffs offering facilities for use by other common carriers. *Summary:* The Commission will consider whether to allow proposed tariff revisions filed by AT&T and the Bell Operating Companies to become effective. These proposed revisions would increase rates for intercity and intracity channels used by other common carriers in their interstate private line networks.

Television—1—*Title:* New-Vision, Inc.'s application for review and petition for stay of Bureau action granting the application of Chesapeake Television, Inc. for STV authorization for WBFF (TV), Baltimore, Maryland. *Summary:* The Commission will determine whether the Bureau was correct in granting Chesapeake's application and whether a stay of that action should be granted.

Broadcast—1—*Subject:* Reduction of the financial information required by certain application forms. *Summary:* The Commission will consider adopting a Public Notice specifiying information that no longer need be provided in certain broadcast application forms.

Broadcast—2—*Title:* showing of financial qualifications of broadcast applicants in comparative hearings. *Summary:* The Commission will consider a Public Notice concerning the disposition of financial issues in broadcast hearing cases where one or all of the applicants submitted the full financial showing formerly required, in place of the presently permitted financial certification.

Broadcast—3—*Title:* BC Docket No. 81–897, Amendment of Section 73.3597 of the Commission's Rules (Applications for Voluntary Assignments or Transfers of Control). *Summary:* The Commission will consider action to be taken in response to the *Notice* in BC Docket No. 81–897, which proposed elimination of the "three year rule" and the underlying "trafficking" policy.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: November 10, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S–1659–82 Filed 11–15–82; 11:40 am]

BILLING CODE 6712–01–M

3

FEDERAL ENERGY REGULATORY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 51490, November 9, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 1 p.m., November 12, 1982.

CHANGE IN THE MEETING: The closed meeting has been cancelled.

Kenneth F. Plumb,

Secretary.

[S–1661–82 Filed 11–15–82; 3:16 pm]

BILLING CODE 6717–01–M

4

FEDERAL RESERVE SYSTEM

Board of Governors

TIME AND DATE: 10 a.m., Monday, November 22, 1982.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed conceptual building design plans and budget estimate for the Omaha Branch of the Federal Reserve Bank of Kansas City.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: November 12, 1982.

James McAfee,

Associate Secretary of the Board.

[S–1654–82 Filed 11–12–82; 4:07 pm]

BILLING CODE 6210–01–M

5

FEDERAL RESERVE SYSTEM

(Board of Governors)

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Notice forwarded to Federal Register on Wednesday, November 10, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Thursday, November 18, 1982.

CHANGES IN THE MEETING: Deletion of the following open item(s) from the agenda:

Proposed amendment to Regulation D (Reserve Requirements of Depository Institutions) to apply zero percent reserve requirements to $2 million in reservable liabilities at each depository institution.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452–3204.

Dated: November 12, 1982.

James McAfee,

Associate Secretary of the Board.

[S–1655–82 Filed 11–12–82; 4:04 pm]

BILLING CODE 6210–01–M

6

FEDERAL RESERVE SYSTEM

(Board of Governors)

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 50797, Tuesday, November 9, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Monday, November 15, 1982.

CHANGES IN THE MEETING: One of the items announced for inclusion at this meeting was consideration of any agenda items carried forward from a previous meeting; the following such closed item(s) was added:

Federal Reserve Bank and Branch director appointments. (This matter was originally announced for a meeting on November 1, 1982.)

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452–3204.

Dated: November 15, 1982.

James McAfee,

Associate Secretary of the Board.

[S–1662–82 Filed 11–15–82; 3:55 pm]

BILLING CODE 6210–01–M

7

NEIGHBORHOOD REINVESTMENT CORPORATION

TIME AND DATE: 2:30 p.m., November 22, 1982.

PLACE: Board room, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, DC 20552.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Timothy McCarthy, Associate Director, Communications 202–653–2705.

AGENDA:

I. Call to Order and Remarks of the Chairman
II. Approval of Minutes, August 16, 1982
III. Resolution: Annual Meeting of the Board, 1983
IV. Resolution: Regular Meetings of the Board, 1983
V. Resolution: Amendments to Bylaws
Resolution: Policy and General Procedures for Notation Voting
VI. Report of the Ad Hoc Committee-Delegations
Resolution: Delegations of Authority
VII. Report of the Ad Hoc Committee-Budget
Resolution: Approval of fiscal year 1983 Line-Item Budget

VIII. Resolution: Appointment of Budget Committee
IX. Executive Director's Report
X. Treasurer's Report

November 12, 1982.

Donnie L. Bryant,

Secretary.

[S-1660-82 Filed 11-15-82: 2:35 pm]

BILLING CODE 0000-00-M

8

NUCLEAR REGULATORY COMMISSION

DATE: Week of November 15, 1982.

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE DISCUSSED:

Thursday, November 18:

10:00 a.m:
Briefing on Actions on Steam Generator Problems (Public meeting)
2:00 p.m.:
Options Regarding High Level Waste Rule—Technical Criteria (Part 60) (Public meeting)
4:00 p.m.:
Affirmation/Discussion and Vote (Public meeting)
a. Pending Commission Proceeding Concerning Renewal of Byproduct Materials License of Self-Powered Lighting, Inc.
b. Nomenclature Changes to Implement Executive Order 12356

Friday, November 19:

10:00 a.m.:
Discussion of Emergency Planning at Indian Point (Public meeting)
2:00 p.m.:
Briefing on Hydrogen Control Program (Public meeting)

ADDITIONAL INFORMATION: Briefing by Regulatory Reform Task Force—Administration Proposals scheduled for November 8 was *postponed.*

On November 4 the Commission voted 3–0 (Commissioners Ahearne and Roberts not present) to hold Status of Zimmer Investigation, scheduled for November 8 and to hold Affirmation of Immediate Effectiveness Decision Regarding Licensing Board's Decisions in Summer Operating License Proceeding, held that day. Discussion/Possible Vote on Full Power Operating License for Summer-1 scheduled to be held November 12.

Briefing on Sandia Consequences Study scheduled for November 12 *moved* to November 10.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

November 10, 1982.

Walter Magee,

Office of the Secretary.

[S-1656-82 Filed 11-15-82: 10:28 am]

BILLING CODE 7590-01-M

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POSTAL SERVICE

(Board of Governors)

Vote To Close Meeting

At its meeting of November 8, 1982, the Board of Governors of the United States Postal Service unanimously voted to close to public observation its meeting scheduled for December 6, 1982. A portion of the meeting to be closed will involve a continuation of the discussion of the most recent general ratemaking proceeding (Docket No. R80–1) in the light of the July 9, 1982, Decision of the U.S. Court of Appeals for the Second Circuit in *Time, Inc. et al.* v. *United States Postal Service,* the discussion having been commenced at the meeting of the Board on August 2, 1982, and continued at the meetings of September 9, October 4, and November 8, 1982, those meetings also having been closed to public observation pursuant to the unanimous vote of the Board.

The Board has determined that pursuant to section 552b(c)(3) of title 5, United States Code, and section 7.3(c) if title 39, Code of Federal Regulations, the portion of the meeting to be closed is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. 552b(b)), in that it is likely to disclose information prepared for use in connection with proceedings under chapter 36 of title 39 (having to do with postal ratemaking, mail classification, and postal services), which is specifically exempted from disclosure by section 410(c) (4) of title 39. The Board determined further that, pursuant to section 552b(c)(10) of title 5, United States Code, and section 7.3(j) of title 39 Code of Federal Regulations, the discussion is exempt because it is likely to specifically concern the participation of the Postal Service in a civil action or proceeding, and the initiation of a particular case involving a determination on the record after opportunity for a hearing. The Board of Governors has determined that the public interest does not require that the Board's discussion of this matter be open to the public.

In accordance with section 552b(f)(1) of title 5, United States Code, and section 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the portion of the meeting to be closed may properly be closed to public observation, pursuant to section 552b(c)(3) and (10) of title 5 and section 410 (c)(4) of title 39, United States Code, and sections 7.3 (c) and (j) of title 39, Code of Federal Regulations.

Another portion of the Board meeting to be closed will consist of a discussion of Postal Service strategic planning.

The Board is of the opinion that public access to this discussion would be likely to disclose information in connection with future collective bargaining and information that will become involved in future rate litigation.

Accordingly, the Board of Governors has determined that, pursuant to section 552b(c) (3) of title 5, United States Code, and section 7.3 (c) of title 39, code of Federal Regulations, this portion of the meeting is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. 552b(b)), because it is likely to disclose information in connection with proceedings under chapter 36 of title 39 (having to do with postal ratemaking, mail classification, and changes in postal services), which is specifically exempted from disclosure by section 410(c)(4) of title 39, United States Code. The Board determined further that pursuant to section 552b(c)(10) of title 5 and section 7.3(j) of title 39, Code of Federal Regulations, the discussion is exempt because it is likely to specifically concern the participation of the Postal Service in a civil action or proceeding or the litigation of a particular case involving a determination on the record after opportunity for a hearing. It also determined, purusant to section 552b(c) (9)(B) and section 7.3(i) of title 39, Code of Federal Regulations, that the discussion is exempt because premature disclosure of information to be discussed would be likely significantly to frustrate implementation of future action in regard to future collective

bargaining. The Board further determined that the public interest does not require that the Board's discussion of this matter to be open to the public.

In accordance with section 552b(f)(1) of title 5, United States Code, and section 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the portion of the meeting to be closed may properly be closed to public observation, pursuant to sections 552b(c) (3), (9)(B) and (10) of title 5 and sections 410(c) (3) and (4) of title 39, United States Code, and sections 7.3 (c), (i) and (j) of title 39, Code of Federal Regulations.

Louis A. Cox,

Secretary.

[S-1657-82 Filed 11-15-82; 10:30 am]

BILLING CODE 7710-12-M

federal register

Wednesday
November 17, 1982

Part II

Department of Energy

Industrial Energy Conservation Program Reporting Forms CE-189P, C, and S; Proposed Rule

Publications

DEPARTMENT OF ENERGY

10 CFR Part 445

Industrial Energy Conservation Program Reporting Forms CE–189P, C, and S

AGENCY: Energy Information Administration, DOE.

ACTION: Request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, the Department of Energy (DOE), through its Energy Information Administration (EIA), conducts a consultation program to provide the general public with an opportunity to comment during the early development stage of new or revised reporting forms. This program helps ensure that requested data can be provided in the desired format, reporting burden is minimized, reporting forms are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

At this time, EIA requests comments on the Industrial Energy Conservation Program Reporting forms. The forms are described in the Supplementary Information Section of this Notice. Interested persons are asked to review the form and its instructions and provide comments to the information contact described below.

EFFECTIVE DATE: Written comments must be submitted on or before December 17, 1982.

ADDRESSES: Comments should be sent to Tyler E. Williams, Jr., Integrated Energy Systems Branch, Division of Improved Energy Productivity, Conservation and Renewable Energy, Room 6G–039, 1000 Independence Avenue, SW., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT:
For Copies of Forms and Instructions Contact: Charles Glaser, Integrated Energy Systems Branch, Division of Improved Energy Productivity, Conservation and Renewable Energy, Room 6G–039, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–2455.

SUPPLEMENTARY INFORMATION:

I. Background

DOE issued regulations in 10 CFR Part 445 (45 FR 10194, February 14, 1980) which set forth the requirements of DOE's Industrial Energy Conservation Program, as established by Part E of Title III of the Energy Policy and Conservation Act (EPCA) (Pub. L. 94–163), as amended by the National Energy Conservation Policy Act (NECPA) (Pub. L. 95–619). These regulations, in part, require certain industrial corporations to file reports on energy consumption and conservation and, if appropriate, recovered materials utilization directly with DOE or, if exempted, with sponsors of DOE-approved adequate reporting programs.

Form CE–189P, CE–189C, and CE–189S were implemented for the collection of plant, corporate, and sponsor data, respectively, on industrial energy efficiency and utilization of energy-saving recovered materials under its Industrial Energy Conservation Program. These forms are for (1) plant reporting to corporations required to report under the program (identified corporations); (2) aggregated corporate reporting by identified corporations to DOE or DOE-approved third-party sponsors; and (3) third-party sponsor reporting to DOE. These forms have remained unchanged since inception, with the last Office of Management and Budget approval expiring in July 1982.

II. Comment Procedures

EIA invites the public to provide comments on the forms within 30 days of publication of this notice. The following general guidelines are provided to assist in the preparation of responses.

As a potential data provider:

1. Are the instructions and definitions clear and sufficient? If not, which instructions require clarification?
2. Can the data be submitted using the definitions included in the instructions?
3. Can the data be submitted in accordance with the response time specified in the instructions?
4. How many hours, including time for computation, preparation, and administrative review, will it take your firm to complete and submit the forms—including time to design and implement ADP processing programs?
5. How can the forms be improved?

Comments provided on the forms will be included in EIA's submission to the Office of Management and Budget and will become a matter of public record.

List of Subjects in 10 CFR Part 445

Business and industry, Energy conservation, Reporting requirements.

Issued in Washington, D.C., November 10, 1982.

Yvonne M. Bishop,
Director, Statistical Standards, Energy Information Administration.

[FR Doc. 82–31471 Filed 11–16–82; 8:45 am]
BILLING CODE 6450–01–M

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Federal Register

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Wednesday, November 17, 1982

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

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DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
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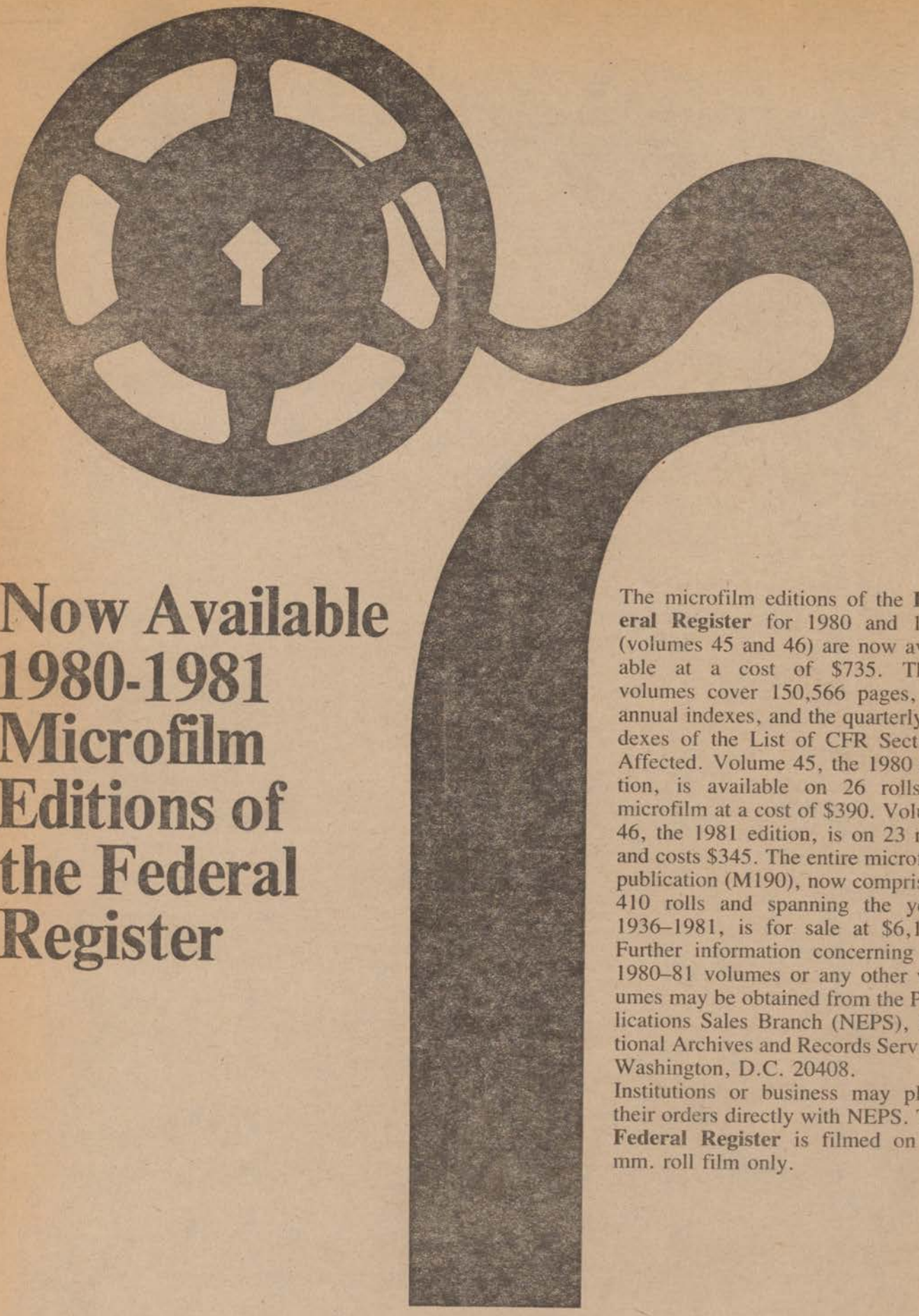
List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing October 28, 1982



Now Available 1980-1981 Microfilm Editions of the Federal Register

The microfilm editions of the **Federal Register** for 1980 and 1981 (volumes 45 and 46) are now available at a cost of $735. These volumes cover 150,566 pages, the annual indexes, and the quarterly indexes of the List of CFR Sections Affected. Volume 45, the 1980 edition, is available on 26 rolls of microfilm at a cost of $390. Volume 46, the 1981 edition, is on 23 rolls and costs $345. The entire microfilm publication (M190), now comprising 410 rolls and spanning the years 1936–1981, is for sale at $6,150. Further information concerning the 1980–81 volumes or any other volumes may be obtained from the Publications Sales Branch (NEPS), National Archives and Records Service, Washington, D.C. 20408.

Institutions or business may place their orders directly with NEPS. The **Federal Register** is filmed on 35 mm. roll film only.