AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

12-20-82
Vol. 47 No. 244
Pages 56617-56810

federal register

Monday
December 20, 1982

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Housing and Urban Development Department

Air Pollution Control
Environmental Protection Agency

Anchorage Grounds
Coast Guard

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Selected Subjects

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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

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Presidential Documents

Title 3—

The President

Proclamation 5006 of December 16, 1982

World Communications Year 1983: Development of Communications Infrastructures

By the President of the United States of America

A Proclamation

The United Nations' General Assembly has proclaimed 1983 World Communications Year: Development of Communications Infrastructures. Its purpose is to stimulate accelerated worldwide development of communications infrastructures and to provide an opportunity for all countries to undertake an in-depth review and analysis of their policies on communications development.

Communications systems have taken on an increasingly vital role in every facet of economic, political, and social progress. While there have been remarkable advances in both this technology and its applications—ranging from health care, education, and banking transactions to weather observations and earth resource location—many nations have not been able to benefit appreciably from these capabilities.

Through partnership of United States private businesses, in cooperation with the International Telecommunication Union, we have an opportunity to promote the well-being of people around the globe. I encourage the United States communications industry—with its position of world leadership in this technology—to actively and voluntarily support this effort to stimulate the development of communications infrastructures in all nations.

NOW, THEREFORE, in keeping with the goals of the World Communications Year, I, RONALD REAGAN, President of the United States of America, do hereby proclaim 1983 as World Communications Year: Development of Communications Infrastructures, in the United States.

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of Dec., 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. 82-34617
Filed 12-17-82; 11:43 am]
Billing code 3195-01-M

Editorial Note: The President's remarks of December 16 on signing Proclamation 5006 are printed in the *Weekly Compilation of Presidential Documents* (vol. 18, no. 50).

Rules and Regulations

Federal Register
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Monday, December 20, 1982

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

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Revision of Delegations of Authority

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority from the Secretary of Agriculture and General Officers to correct citations of authority.

EFFECTIVE DATE: December 20, 1982.

FOR FURTHER INFORMATION CONTACT: Robert L. Siegler, Deputy Assistant General Counsel, Office of the General Counsel, USDA, Washington, D.C., 20250, (202) 447-6035.

SUPPLEMENTARY INFORMATION: Section 1444(b) of the Agriculture and Food Act of 1981, Pub. L. 97-98 redesignated section 509 of the Rural Development Act of 1972, as amended, as section 508. The redesignated section, administered by the Commodity Credit Corporation, with the assistance of the Farmers Home Administration, provides for pilot projects for the production and marketing of industrial hydrocarbons and alcohols from agricultural commodities and forest projects. Accordingly, the delegations of authority to the Under Secretary for Small Community and Rural Development and the Administrator, Farmers Home Administration are revised to reflect the new citation.

In addition, Pub. L. 97-258 enacted into positive law title 31, United States Code. The Military Personnel and Civilian Employees Claims Act of 1964, as amended, formerly cited as 31 U.S.C. 240-243 is now cited as 31 U.S.C. 3721. Accordingly, the delegations of authority to the General Counsel, who is authorized to settle claims on behalf of the Department under the Act are revised to reflect the new citation.

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

List of Subjects in 7 CFR Part 2

Authority delegations (Government agencies).

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Accordingly, Part 2, Subtitle A, Title 7, Code of Federal Regulations is amended as follows:

1. The authority citation for Part 2 reads as follows:

Authority: 5 U.S.C. 301 and Reorganization Plan No. 2 of 1953, unless otherwise noted.

Subpart C—Delegations of Authority to the Deputy Secretary, the Under Secretary for International Affairs and Commodity Programs, the Under Secretary for Small Community and Rural Development, and Assistant Secretaries

2. Section 2.23 is amended by revising paragraph (a)(15) to read as follows:

§ 2.23 Delegations of authority to the Under Secretary for Small Community and Rural Development.

(a) * * *

(15) Assist the Commodity Credit Corporation in administering section 508 of the Rural Development Act of 1972, as amended (7 U.S.C. 2668).

* * * * *

Subpart D—Delegations of Authority to Other General Officers and Agency Heads

3. Section 2.31 is amended by revising paragraph (b) to read as follows:

§ 2.31 Delegations of authority to the General Counsel.

* * * * *

(b) Determine, settle, and pay claims submitted by employees of the Department under the Military Personnel and Civilian Employees Claims Act of 1964, as amended (31 U.S.C. 3721).

* * * * *

Subpart I—Delegations of Authority by the Under Secretary for Small Community and Rural Development

4. Section 2.70 is amended by revising paragraph (a)(30) to read as follows:

§ 2.70 Administrator, Farmers Home Administration.

(a) * * *

(30) Assist the Commodity Credit Corporation in administering section 508 of the Rural Development Act of 1972, as amended (7 U.S.C. 2668).

* * * * *

Dated: December 13, 1982.

John R. Block,

Secretary of Agriculture.

Dated: December 15, 1982.

Frank W. Naylor, Jr.,

Under Secretary for Small Community and Rural Development.

[FR Doc. 82-34446 Filed 12-17-82; 8:45 am]
BILLING CODE 3410-01-M

Agricultural Marketing Service

7 CFR Part 905

[Orange, Grapefruit, Tangerine and Tangelo Reg. 6, Amdt. 18]

Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Limitation of Shipments

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment establishes a total limitation of shipment regulation for fresh Florida oranges, grapefruit, tangerines, and tangelos during the period beginning at 6:00 p.m., e.s.t., December 22, 1982, and ending 12:01 a.m., e.s.t., December 28, 1982. The regulation is needed to assist in preventing the accumulation of excessive market supplies of the specified fruits during the Christmas

Holiday period specified, in which it is anticipated there will be a greatly reduced market demand.

EFFECTIVE DATE: 6:00 p.m., e.s.t., December 22, 1982.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

This rule is issued under the marketing agreement, as amended, and marketing Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida, 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). This action is based upon the recommendations and information submitted by the Citrus Administrative Committee established under the order and other available information. It is found that this action will tend to effectuate the declared policy of the act.

This amendment reflects the Department's appraisal of the marketing situation during the period immediately prior to the week in which Chrismas Day occurs and for the period immediately following. It is anticipated that shipments of fresh oranges, grapefruit, tangerines, and tangelos prior to Christmas Day will result in market supplies in excess of market needs. An accumulation of excessive quantities of any variety of citrus fruit in the markets during the period immediately prior to and following Christmas contributes to unstable marketing conditions. It is reported that, absent the shipping holiday, excessive shipments of the specified fruits would occur, causing an accumulation of these varieties of fruit in the market prior to and during the post-holiday period, a period in which there is a drop in consumer demand. Hence the curtailment of orange, grapefruit, tangerine and tangelo shipments, as hereinafter specified, would contribute to a better-managed supply situation and in turn to the establishment of orderly marketing.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this amendment is based and the effective date necessary to effectuate the declared purposes of the act. A reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this amendment effective at the time specified. Determination as to the need for, and extent of, regulation under § 905.52(a)(3) must await the development of the crop and the availability of information about market supplies and the demand for such fruits. The recommendation and supporting information for such regulation were promptly submitted to the Department after an open meeting of the committee, after notice to growers, shippers, and interested persons had been given, and all present were afforded an opportunity to submit information and views. Information regarding specifications of the regulation has been provided to shippers, and the regulation is identical with the recommendations of the committee. Compliance with the regulation will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time.

List of Subjects in 7 CFR Part 905

Marketing agreements and orders, Florida, Grapefruit, Oranges, Tangelos, Tangerines.

PART 905—[AMENDED]

Accordingly, § 905.306 is amended by redesignating paragraph (d) as paragraph (e) and a new paragraph (d) is added to read as follows:

§ 905.306 Orange, grapefruit, tangerine and tangelo regulation 6.

* * * * *

(d) Notwithstanding the provisions of Table 1 in paragraph (a) of this section during the period beginning at 6:00 p.m., e.s.t., December 22, 1982, and ending at 12:01 a.m., e.s.t., December 28, 1982, no handler shall ship between the production area and any point outside thereof in the continental U.S., Canada, or Mexico, any oranges, grapefruit, tangerines, or tangelos, of the varieties or types, specified in paragraph (a) Table I of this section, grown in the production area.

* * * * *

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

Dated: December 14, 1982.

D. S. Kuryloski,

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

[FR Doc. 82-34447 Filed 12-17-82; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 82-CEF-9-AD; Amdt. 39-4517]

Airworthiness Directives; DeHavilland Model DHC-6 Airplane

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires inspection and repair, as necessary, of the windscreen washer/deicer system and installation of a heated windscreen in DeHavilland Model DHC-6 airplanes certificated for flight into icing conditions. There have been a number of reported incidents of alcohol leakage in the crew compartment due to defective components of the windscreen washer/deicing system. In one such incident, an inflight fire occurred in the crew compartment. Installation of the heated windscreen eliminates the need for alcohol deicing of the windscreen. The required inspections of the windscreen washer/deicing system minimize the probability of alcohol leakage and resulting crew compartment fire until airplanes are modified.

EFFECTIVE DATE: December 27, 1982. Compliance: As prescribed in the body of the AD.

ADDRESSES: DeHavilland Service Bulletin No. 6/422, Revision A dated June 18, 1982, and DeHavilland Modification No. S.O.D. 6007, Issue 7, dated May 17, 1982, applicable to this AD may be obtained from DeHavilland Aircraft of Canada Limited, Garratt Blvd., Downsview, Ontario, Canada M3K 185. A copy of both the Service Bulletin and the Modification is contained in Rules Docket, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Peter Cuneo, Federal Aviation

Administration, Systems and Equipment Section, ANE-173, New York Aircraft Certification Office, 181 South Franklin Avenue, Room 202, Valley Stream, New York 11581. Telephone (516) 791-6427; or Paul Cormaci, Federal Aviation Administration, ACE-109, 601 E. 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-6932.

SUPPLEMENTARY INFORMATION: There has been an incident of an inflight fire in the crew compartment and forward passenger area of a DeHavilland DHC-6 airplane. The fire occurred after the copilot had activated the windscreen washer/deicing switch and apparently resulted from ignition of isopropyl alcohol which leaked from windscreen washer/deicing system components located in the crew compartment. There have been a number of incidents of such leakage in U.S. registered DHC-6 airplanes.

To preclude recurrence the Canadian Minister of Transport issued an Airworthiness Directive, AD No. CF-82-20 dated July 7, 1982, which prohibits use of isopropyl alcohol in the windscreen/deicing system and requires installation of an electrically heated windscreen in accordance with DeHavilland Modification S.O.O. 6007. The Canadian AD allows until April 1, 1983, for accomplishment of the installation, during which time the airplanes may be operated with isopropyl alcohol as a deicing fluid with periodic washer/deicing system inspection, and if necessary repair in accordance with DeHavilland Service Bulletin No. 6/422, Revison A dated June 18, 1982.

Since the condition described herein is likely to exist or develop on other airplanes of the same type design, the FAA is issuing an AD applicable to DeHavilland Model DHC-6 airplanes. This AD will prohibit use of isopropyl alcohol in the windscreen washer/deicing system after November 30, 1983. It requires installation of an electrically heated windscreen in DHC-6 airplanes certificated for flight into icing conditions by this date and periodic inspection of the windscreen washer/deicing system in these airplanes until this installation is accomplished.

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

List of Subjects in 14 CFR Part 39

Aircraft, Aviation safety.

Adoption of the Amendment

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

DeHavilland: Applies to Model DHC-6 (serial numbers 1 through 709, 711 through 735, 737 through 753, 755 through 761, 763 through 779, and 791) airplanes which incorporate a windscreen washer/deicing system certificated in any category.

Compliance: Required as indicated unless already accomplished. To prevent leakage of isopropyl alcohol in the crew compartment and a possible crew compartment fire, accomplish the following:

(a) Within the next 25 hours time-in-service after the effective date of this AD, and each 200 hours time-in-service thereafter inspect the windscreen washer/deicing system for evidence of leaks in accordance with the Accomplishment Instructions of DeHavilland Service Bulletin S/B No. 6/422, Revision A dated June 18, 1982.

(1) Replace any defective components which could cause leaks and ensure that all tubing is secured in accordance with Accomplishment Instructions Step 3 and Step 6.

(b) On or before November 30, 1983

(1) Install a permanent placard having letters of ⅛-inch minimum height on or near the washer/deicing fluid tank filler which states "DO NOT USE ISOPROPYL ALCOHOL OR ISOPROPYL ALCOHOL MIXTURES."

(2) Install a placard having letters of ⅛-inch minimum height adjacent to the windscreen washer/deicing system switch which states "WASHER ONLY."

and operate the airplane in accordance with these placard limitations.

(3) On airplanes certificated for flight into icing conditions, install an electrically heated windscreen in accordance with DeHavilland Modification S.O.O. 6007, Issue 7 dated May 17, 1982.

(c) The inspections per paragraph (a) of this AD need not be accomplished when the placards required by paragraph (b) are installed.

(d) The airplane may be flown in accordance with Federal Aviation Regulation 21.197 to a location where this AD can be accomplished.

(e) An equivalent method of compliance with this AD may be used if approved by the Manager, New York Aircraft Certification Office, ANE-170, Federal Aviation Administration, 181 South Franklin Avenue, Room 202, Valley Stream, New York 11581, Telephone: (516) 791-6680.

This amendment becomes effective on December 27, 1982.

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

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

Issued in Kansas City, Missouri on December 9, 1982.

Murray E. Smith,

Director, Central Region.

[FR Doc. 82-34386 Filed 12-17-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 82-CEF-11-AD; Amdt. 39-4518]

Airworthiness Directives; Dornier Model DO28D-1 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), which requires repetitive inspections and modification of the ARC PA-500A autopilot actuator assembly installed in certain Dornier Model DO28D-1 airplanes. The PA-500A autopilot has demonstrated a gear box jamming problem which can result in restriction of control movement. The inspections or modification required by this AD will prevent limitation of control movement due to this condition.

DATES: December 27, 1982.

Compliance: As indicated in the body of the AD.

ADDRESSES: Dornier Service Bulletin 1069-2820, dated May 27, 1980, applicable to this AD may be obtained from Dornier GMBH, Sales and Service Department, D-8000 Munchen 66, POB 2160, Federal Republic of Germany. A copy of this information is also contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: C. Christie, Manager, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium or P. Cormaci, Manager, Foreign FAR 23

Section, ACE-109, Central Region, FAA, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-6932.

SUPPLEMENTARY INFORMATION: The FAA issued AD 76-04-03 applicable to certain Cessna model airplanes which incorporated the ARC PA-500A autopilot actuator because gear box jamming had been encountered on actuators installed in those airplanes. At that time the FAA was unaware that the ARC PA-500A actuators were also installed on Dornier Model DO228D-1 airplanes. The FAA has now found that the cited jamming problem may also occur on these components when installed on the Dornier DO28D-1 airplanes.

Since the FAA has determined that the unsafe condition described herein is likely to exist or develop in other airplanes of the same type design, an AD is being issued requiring modification of the ARC PA-500A autopilot actuators and an initial and repetitive inspection of the actuators until this modification is accomplished on Dornier DO28D-1 airplanes. Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

Dornier: Applies to Model DO28D-1 (Serial Nos. 4036, 4037, 4050, 4055 through 4058, 4303, 4308 through 4318, 4321 through 4325, 4331 and 4332) airplanes, certificated in any category, when equipped with ARC PA-500A autopilot actuators.

Compliance: Required as indicated, unless already accomplished.

To prevent restriction of control movement due to jamming of the ARC PA-500A actuator gear train, accomplish the following:

(a) Within the next 100 hours time-in-service after the effective date of this AD and thereafter at intervals not to exceed 100 hours time-in-service, inspect the ARC PA-500A actuator in accordance with Dornier Service Bulletin No. 1069-2820, dated May 27, 1980, which incorporates ARC Field Engineering Service Bulletin No. 181. Prior to further flight correct any unsafe condition noted by adjustment or replacement of parts as necessary.

(b) Within 12 months after the effective date of this AD, modify the ARC Model PA-500A actuator(s) in accordance with Dornier Service Bulletin No. 1069-2820, dated May 27, 1980, which incorporates ARC Field Engineering Service Bulletin No. 181.

(c) The inspections required by paragraph (a) of this AD may be discontinued when the modifications required in paragraph (b) of this AD have been accomplished.

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

(e) The intervals between repetitive inspections required by this AD may be adjusted up to 10 hours time-in-service to allow them to be accomplished concurrent with other scheduled maintenance on the airplane.

(f) An equivalent method of compliance with this AD may be used if approved by the Manager, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium.

This amendment becomes effective on December 27, 1982.

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

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

Issued in Kansas City, Missouri, on December 9, 1982.

Murray E. Smith,

Director, Central Region.

[FR Doc. 82-34367 Filed 12-17-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 82-CE-35-AD; Amdt. 39-4519]

Airworthiness Directives; Cessna Models 335, 340 and 340A Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to certain Cessna Models 335, 340 and 340A airplanes which requires initial and repetitive inspections of the rudder balance weight rib for cracks and replacement if cracks are found. Reports of cracked rudder balance weight attachment ribs have been received. Should these cracks progress to failure of the rib and loss of the rudder balance weight during flight, flutter of this control surface may occur. This action will assure detection of these cracks prior to failure of the rudder balance weight rib and loss of the rudder balance weight.

DATE: Effective date: December 27, 1982.

Compliance: As prescribed in the body of the AD.

ADDRESSES: Cessna Multi-engine Customer Care Service Information Letter ME 82-8, dated April 2, 1982, applicable to this AD, may be obtained from Cessna Aircraft Company, Marketing Division, Attention: Customer Service Department, Wichita, Kansas 67201; telephone (316) 685-9111. A copy of this Service Information Letter is also contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Lawrence S. Abbott, Aerospace Engineer, Aircraft Certification Office, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 269-7005.

SUPPLEMENTARY INFORMATION: Rudder balance weights on Cessna Models 335, 340 and 340A airplanes are secured to the rudder by a rib that is cantilevered forward from the rudder tip. There have been reports that cracks have developed in the weight attach rib which could, if allowed to propagate, result in separation of the balance weight from the airplane during flight and rudder flutter may result. Cessna issued Service Information Letter ME 82-8 dated April 2, 1982, which specifies initial and repetitive inspections of the rudder balance weight rib for cracks. If rib cracking is found, this Service Information Letter recommends installation of a new rib, Cessna P/N 5331004-2 before further flight. This modification improves the overall strength of the rudder balance weight attachment and will eliminate the cracking problem described above. Accordingly, since the unsafe condition described above is likely to exist or develop in rudder balance weight ribs

installed on other airplanes of the same type design, an AD is being issued applicable to certain Cessna Models 335, 340 and 340A airplanes making compliance mandatory with those provisions of Cessna Service Information Letter ME 82–8, which specify initial and repetitive inspections and modification if cracks are found.

The FAA has determined that there is an immediate need for a regulation to assure safe operation of the affected airplanes. Therefore, notice and public procedure thereon is impracticable and contrary to the public interest and good cause exists for making the amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of Amendment

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

Cessna: Applies to Models 335 (S/N 335–0001 through 335–0065), 340 (S/N 340–0001 through 340–0555), and 340A (S/N 340A0001 through 340A1521) airplanes certificated in any category.

Compliance: Required as indicated, unless already accomplished.

To ensure structural integrity of the rudder balance weight rib, accomplish the following:

(a) Within the next 100 hours time-in-service after the effective date of this AD and each 100 hours time-in-service thereafter, remove the fiberglass rudder tip cap and visually inspect the original rudder balance weight rib, Cessna P/N 0831311–1, for cracks. If cracks are found, before further flight, install a new rudder balance weight rib Cessna P/N 5331004–2.

(b) After Cessna P/N 5331004–2 rudder balance weight rib has been installed, the inspections required by paragraph (a) of this AD may be discontinued.

(c) Aircraft may be flown, in accordance with Federal Aviation Regulation 21.197, to a location where the provisions of this AD can be accomplished.

(d) Any equivalent method of compliance with this AD must be approved by the Manager, Aircraft Certification Office, Federal Aviation Administration, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 269–7000.

Cessna Service Information Letter, ME 82–8 dated April 2, 1982, pertains to this subject.

This amendment becomes effective December 27, 1982.

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

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

Issued in Kansas City, Missouri, on December 10, 1982.

Murray E. Smith,

Director, Central Region.

[FR Doc. 82–34381 Filed 12–17–82; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 82–ANM–10]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the description of the Astoria, OR, transition area. A Standard Instrument Approach Procedure (SIAP) with Distance Measuring Equipment (DME) has been designated for Runway 13 at Astoria Airport. In order to provide controlled airspace for the approach, the current 700-foot transition area has been extended to provide adequate controlled airspace. Also, this alteration permits considerable reduction to the northwest extension of the control zone.

EFFECTIVE DATE: February 17, 1983.

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

SUPPLEMENTARY INFORMATION:

History

On October 4, 1982, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the description of the Astoria control zone (47 FR 43714). A new DME has been commissioned at Astoria. A VOR/DME instrument approach procedure is being designated for Runway 13. The new procedure requires extension of the present 700-foot Astoria transition area. This action permits more efficient use of that airspace, lowers the minimum altitudes, and aids flight planning. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Sections 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations were republished in Advisory Circular AC 70–3 dated January 29, 1982.

Rule

This amendment to Part 71 of the Federal Aviation Regulations amends the current 700-foot transition at Astoria Airport, OR, in order to provide controlled airspace for the approach to Runway 13. This alteration permits considerable reduiction to the northwest extension of the control zone.

List of Subjects in 14 CFR Part 71

Transition areas, Control zones, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) are amended, effective 0901 G.m.t., February 17, 1983, as follows:

§ 71.171 [Amended]

Astoria, OR [Revised]

Within a 5-mile radius of the Clatsop County Airport, Astoria, OR, (lat. 46°09'31" N., long. 123°52'42" W.); and within 2 miles each side of the Astoria VOR 268° radial, extending from the 5-mile radius zone to 8 miles west of the VOR.

§ 71.181 [Amended]

Astoria, OR [Revised]

That airspace extending from 700 feet above the surface within a 5-mile radius of the Clatsop County Airport, Astoria, OR, (lat. 46°09'31" N., long. 123°52'42" W.); within 4.5 miles north and 9.5 miles south of the Astoria VOR 268° radial, extending from the 5-mile radius area to 18.5 miles west of the VOR, excluding the portion within a 2-mile radius of the Seaside State Airport (lat. 46°01'00" N., long. 123°54'15" W.); within 4.5 miles northeast and 9.5 miles southwest of the Astoria VOR 326° radial, extending from the 5-mile radius area to 24.5 miles northwest of the VOR; and within an 18.5-mile radius arc of the Astoria VOR/DME extending clockwise from the 326° radial to the 039° radial.

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510); Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

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

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

B. Keith Potts,

Manager, Airspace and Air Traffic Rules Division.

[FR Doc. 82-34234 Filed 12-17-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 82-ASW-66]

Designation of Transition Area; Covington, LA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will designate a transition area at Covington, LA. The intended effect of the amendment is to provide controlled airspace for aircraft executing a new instrument approach procedure to the Richard Privette Airport. This amendment is necessary since there is a proposed standard instrument approach procedure (SIAP) to the Richard Privette Airport using the Picayune VORTAC. Coincident with this action, the airport is changed from visual flight rules (VFR) to instrument flight rules (IFR)

EFFECTIVE DATE: February 17, 1983.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

On October 18, 1982, a notice of proposed rulemaking was published in the **Federal Register** (47 FR 46296) stating that the Federal Aviation Administration proposed to designate the Covington, LA, transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes, this amendment is that proposed in the notice.

List of Subjects in 14 CFR Part 71

Control zones, Transition areas, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart G of Part 71, § 71.181, of the Federal Aviation Regulations (14 CFR Part 71) as republished in Advisory Circular AC 70-3 dated January 29, 1982, is amended, effective 0901 G.m.t., February 17, 1983, as follows:

Covington, LA New

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Richard Privette Airport (latitude 30°26'40" N., longitude 89°59'20" W.) and within 2 miles each side of the 243° radial of the Picayune VORTAC extending from the 5-mile radius area to 7 miles northeast of the airport.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c).)

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

Issued in Fort Worth, TX, on December 8, 1982.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 82-34236 Filed 12-17-82; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 10

[Docket No. R-82-1064]

Rulemaking: Policy and Procedures

AGENCY: Office of the Secretary, HUD.

ACTION: Final rule.

SUMMARY: This final rule removes from the Code of Federal Regulations references to the Final Report on Improving Government Regulations. This report was instituted pursuant to Executive Order 12044, which has been revoked.

EFFECTIVE DATE: Upon expiration of the first period of 30 calendar days of continuous session of Congress after publication, but not before further notice of the effective date is published in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Grady J. Norris, Assistant General Counsel for Regulations, Room 10278, Department of Housing and Urban Development, 451 7th Street, SW, Washington, D.C. 20410, telephone (202) 755-7055. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Pursuant to Executive Order 12044, March 24, 1978, each Executive Agency was required to publish in the **Federal Register** a Report on Improving Government Regulations. Executive Order 12044 was revoked on February 19, 1981, by Executive Order 12291 "Federal Regulation". The Report sets forth the former procedures for processing regulations which are outdated under the present system. Because the Report on Improving Government Regulations is no longer required, reference to it should be removed from the Code of Federal Regulations.

The subject matter of this rulemaking action relates to departmental procedure and is therefore exempt from the notice and public comment requirements of Section 553 of the Administrative Procedure Act.

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of the Executive Order on Federal Regulation issued by the President on February 17, 1981. The rule does not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3)

have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

An environmental assessment, which is made routinely in accordance with HUD regulations in 24 CFR Part 50, pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, is unnecessary because this rule is clearly unrelated to environmental concerns and is considered to have no potential for significantly affecting the quality of the human environment.

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

This rule is listed at 47 FR 48431 as item S–6–82 in the Department's Semiannual Agenda of Regulations published on October 28, 1982, pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

List of Subjects in 24 CFR Part 10

Policy and procedures.

PART 10—[AMENDED]

§ 10.1 [Amended]

Accordingly, 24 CFR Part 10 is amended by removing from § 10.1 the last two sentences which refer to the Final Report on Improving Government Regulations.

(Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Dated: December 14, 1982.

Samuel R. Pierce, Jr.,

Secretary, Housing and Urban Development.

[FR Doc. 82–34426 Filed 12–17–82; 8:45 am]

BILLING CODE 4210–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA Action 941; A–7–FRL 2216–4]

Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes: State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: Section 107(d) of the Clean Air Act, as amended, provides for the designation of areas as either attainment, nonattainment, or unclassified with respect to the national ambient air quality standards. In today's action, EPA is redesignating Columbia, Missouri, from nonattainment to attainment with regard to the secondary standard for total suspended particulates (TSP).

DATE: This action will be effective February 18, 1983, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

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

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

SUPPLEMENTARY INFORMATION: In response to Section 107(d) of the Clean Air Act, as amended, EPA and the State of Missouri have designated all areas of the state as attaining the national ambient air quality standards, not attaining the standards, or having insufficent data to make a determination. An attainment area is one in which the air quality does not exceed the standards. A nonattainment area is one in which the air quality is worse than the standards. An unclassified area is one for which there are insufficient data to determine whether the area is attainment or nonattainment. At 40 CFR Part 81, Subpart C, the areas of the state which are nonattainment for one or more pollutants are identified.

On March 3, 1978, at 43 FR 8962, Columbia, Missouri, was designated nonattainment with respect to the secondary TSP standard. In order for EPA to redesignate an area from nonattainment to attainment for TSP, there must be at least eight consecutive quarters of valid air quality data showing that the air quality does not exceed the standard. (If there is an emission control strategy which demonstrates that legally enforceable emission reductions have contributed to improved air quality, less than eight consecutive quarters of air quality data may be used for redesignating an area from nonattainment to attainment. However, the state did not agree with the original designation of Columbia and did not develop a plan to attain the standard. Therefore, this provision does not apply.)

EPA now has ambient air quality data which show that Columbia is in attainment of the secondary TSP standard. There have been no violations of the standard within the past eight consecutive quarters. Therefore, EPA is redesignating Columbia as attainment with respect to total suspended particulates.

In today's action, EPA is also clarifying the applicability of the state's permitting rules to Columbia. On June 22, 1982, at 47 FR 26833, EPA generally approved Missouri's rules involving the prevention of significant deterioration (PSD) and new source review in nonattainment areas. Because the state had not designated Columbia nonattainment, EPA took no action on the state's permitting rules insofar as they pertained to Columbia. With this redesignation, the attainment area (PSD) new source review regulations of the state will be applicable in Columbia.

The public is advised that this action will be effective 60 days from the date of the **Federal Register** notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

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

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

Under 5 U.S.C. 605(b), the Administrator has certified that redesignations do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

List of Subjects in 40 CFR Parts 52 and 81

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

(Sec. 107 of the Clean Air Act, as amended)

Dated: December 1, 1982.

Anne M. Gorsuch,

Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

1. Title 40, Part 81, Subpart C, of the Code of Federal Regulations is amended as follows:

§ 81.326 [Amended]

In § 81.326 in the table Missouri—TSP under Northern AQCR (137), remove the entire entry for Columbia:

* * * * *

Columbia city limits . . . 'X . . .

* * * * *

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

2. In § 52.1320, paragraph (c)(37) is revised to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

(37) On April 15, 1982, the State of Missouri submitted a new Rule 10 CSR 10–6.060, Permits Required, and amendments to Rule 10 CSR 10–6.020, Definitions, involving the review and permitting of new sources of air pollution. Included in the plan are provisions relating to the attainment area (PSD) new source review. No action is taken on the rules insofar as they pertain to the New Madrid TSP nonattainment area. Also included in the plan are provisions relating to new source review in the other nonattainment areas in the state.

[FR Doc. 82–34420 Filed 12–17–82; 8:45 a.m.]

BILLING CODE 6560–50–M

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40 CFR Part 61

[A–3–FRL 2267–3]

National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to Allegheny County, Pennsylvania

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The Allegheny County Health Department has requested the delegation of authority to implement and enforce the National Emission Standards for Hazardous Air Pollutants (NESHAP) program for asbestos and mercury only. Section 112(d)(1) of the Clean Air Act requires the Administrator to delegate this authority to any agency which submits an adequate procedure. Therefore, on September 27, 1982, authority for the NESHAP program for asbestos and mercury in Allegheny County was delegated. This rulemaking provides notice of this action and amends 40 CFR 61.04, Address, to reflect this delegation. This Section is also being amended to reflect a new address for Philadelphia's Air Management Services, which has already been delegated NESHAP authority.

EFFECTIVE DATE: December 20, 1982.

FOR FURTHER INFORMATION CONTACT: Gregory Ham, (215) 597–2745, EPA Region III, Curtis Building, 6th and Walnut Streets, Philadelphia, PA 19106.

SUPPLEMENTARY INFORMATION: National Emission Standards for Hazardous Air Pollutants (NESHAP) have been promulgated by the Administrator under 40 CFR Part 61 for four pollutants: Beryllium, Asbestos, Mercury, and Vinyl Chloride. Section 112(d)(1) directs the Administrator to delegate authority to implement and enforce the standards to any agency which submits an adequate procedure. Nevertheless, the Administrator retains concurrent authority to implement and enforce the standards following delegation of authority to a State or local agency.

On September 24, 1982, the Director of the Allegheny County Health Department (ACHD), and the Allegheny County Commissions jointly requested the delegation of authority for the NESHAP program for asbestos and mercury only. ACHD has determined that standards for Beryllium and Vinyl Chloride would not currently apply to any sources in the County, and therefore did not request delegation at this time.

The Director of the Air and Waste Management Division has determined that the ACHD procedure for implementing and enforcing the standards is adequate. Pursuant to authority delegated to him by the Administrator, the Air and Waste Management Division Director notified the Director of the Health Department on September 27, 1982 that authority to implement and enforce the standards for asbestos and mercury was delegated to the Allegheny County Health Department. The letter approved the delegation and outlined the conditions of it. A ten day response period was provided during which the Director of the Health Department or any other representative could present objections to the conditions of the delegation. No responses were received during this period. Therefore, this delegation is final.

Copies of the request for delegation of authority are available for public inspection at the Environmental Protection Agency, Region III, Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania, 19106.

Effective immediately, all reports required pursuant to the emission standards for hazardous air pollutants (asbestos and mercury only) should be submitted to the Allegheny County Health Department, Bureau of Air Pollution Control, 301 Thirty-ninth Street, Pittsburgh, Pa., 15201, with copies to the Director, Air and Waste Management Division, at the EPA address above. The amended *§ 61.04, Address,* which adds the address of the Bureau (to which all reports, requests, applications, submittals, and communications to the Administrator pursuant to this part must be addressed), is set forth below.

In addition, § 61.04 is being amended to reflect a new address for Philadelphia's Air Management Services (AMS). AMS has moved to a new address since delegation of authority for NESHAP occurred.

The Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately because it is an administrative change and not one of substantive content. No additional burdens are imposed on the parties affected. The delegation which is reflected by the Administrative amendment was effective on September 27, 1982, and it serves no purpose to delay this change of address in the Code of Federal Regulations.

(Sec. 112 of the Clean Air Act, as amended, 42 U.S.C. 7412.)

The Office of Management and Budget has exempted this rulemaking from requirements of Executive Order 12291.

List of Subjects in 40 CFR Part 61

Air pollution control, Asbestos, Beryllium, Hazardous materials, Mercury, Vinyl chloride.

Dated: November 23, 1982.

Stanley L. Laskowski,

Acting Regional Administrator.

PART 61—[AMENDED]

Part 61 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 61.04 paragraph (b) (NN) is revised to read as follows:

§ 61.04 Address

* * * * *

(b) * * *

(NN) (i) City of Philadelphia: Philadelphia Department of Public Health, Air Management Services, 500 S. Broad Street, Philadelphia, Pennsylvania 19146.

(ii) Commonwealth of Pennsylvania: Department of Environmental Resources, Post Office Box 2063, Harrisburg, Pennsylvania, 17120

(iii) Allegheny County: Allegheny County Health Department, Bureau of Air Pollution Control, 301 Thirty-ninth Street, Pittsburgh, Pennsylvania, 15201.

* * * * *

[FR Doc. 82-34389 Filed 12-17-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. 6461]

National Flood Insurance Program; Change in Format of Newspaper Notices and Final Rules

AGENCY: Federal Emergency Management Agency.

ACTION: Rule related notice.

SUMMARY: The Federal Emergency Management Agency (FEMA) gives notice that the format and content of information in newspaper notices and final rules of base flood elevation determinations is changed.

This action is precipitated by the basic informational context, the duplicative nature, and the ever-increasing cost of these publications for the National Flood Insurance Program (NFIP). Proposed rules for base flood elevation determinations remain unchanged. These publications are made under 44 CFR Part 67.

EFFECTIVE DATE: On December 20, 1982, and there after, all part 67 newspaper notices and final rules sent for publication will be in the changed format.

FOR FURTHER INFORMATION CONTACT: Mr. Richard E. Sanderson, Chief, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0270.

SUPPLEMENTARY INFORMATION: On August 4, 1982, at 47 FR 33721-33722, FEMA gave notice of its intent to reduce the size of or eliminate identified notices and regulations of the National Flood Insurance Program under 44 CFR Parts 64, 65, 67 and 70. A proposed rule for the elimination of **Federal Register** publications under 44 CFR Parts 64, 65 and 70 will be published separately with a discussion of comments received during the comment period. No comments were received on the format and content changes intended for Part 67 newspaper notices and final rules. The format and content of Part 67 publications in local newspaper and the **Federal Register** do not require a proposed rule to effect changes. After allowing a suitable period for comments and having received none, FEMA is providing this notice that the change in format and contents of Part 67 newspaper notices and final rules is in effect.

Under Part 67 a notice of proposed flood elevation determination for a community is published in the community's local newspaper. In the past, this notice has contained a "table of elevations" which lists the proposed base flood elevation at selected locations along flood sources. However, this table of elevations can only give a very restricted view of the flood hazard determination. The clearest view is given by the preliminary Flood Insurance Study and Flood Insurance Rate Map which are provided to the community for citizen review and inspection prior to the newspaper publications. In order to encourage more meaningful review of these materials, the table of elevations will be deleted and in its place FEMA will list the community's flood sources studied in detail, the range of the base flood elevations within the community for each flood source and will provide the address in the community where the study and maps can be reviewed. The table of elevations will continue to be published for each community in the **Federal Register** publication of the proposed flood elevation determinations and copies of it will be provided to the community and State.

The table of elevations will also be deleted from the format of the final flood elevation determination rules published in the **Federal Register** under Part 67 when no appeal of the proposed base flood elevations has been made. The final rule will list those communities whose proposed determinations are being finalized and will list the address in each community where proof copies of the Flood Insurance Study and Flood Insurance Rate Map are available for review. Final rules under Part 67 will be published in the **Federal Register** at least monthly showing all communities whose elevations have been finalized since the previous publication. Communities' final rules will contain the table of elevations when an appeal under Part 67 of the proposed determinations has been filed.

The formats which will be used for the newspaper notice and final rules under Part 67 are as follows:

Newspaper Notice

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations shown in your community's preliminary Flood Insurance Study and Flood Insurance Rate Map. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the community.

ADDRESSES: Study and maps showing the proposed base flood elevations and their delineation are available for review at

Send comments to

FOR FURTHER INFORMATION CONTACT: Dr. Brian Mrazik, Federal Emergency Management Agency, National Flood Insurance Program, (202) 287-027, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood

elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

Lessees and owners of real property in (community name) are encouraged to review the preliminary Flood Insurance Study and Flood Insurance Rate Map available at the address cited above. Proposed base flood elevations along flood sources studied in detail are shown on the flood profiles in the Study. The flood sources studied in detail are:

Source of flooding	Range of base flood elevations, # depth in feet above ground. * Elevation in feet (NGVD)

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Base (100-year) flood elevations are finalized for the communities listed below.

The base 100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base (100-year) flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated on the table below.

ADDRESSES: See table below.

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

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed. Proposed base flood elevations or proposed modified base flood elevations have been published in the **Federal Register** for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal the proposed determination to or through the community for a period of ninety (90) days has been provided.

The Agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies for reasons set out in the proposed rule that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, this rule is not a major rule under terms of Executive Order 12291, so no regulatory analyses have been prepared. It does not involve any collection of information for purposes of The Paperwork Reduction Act.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The base (100-year) flood elevations are finalized in the communities listed below. Appeals of the proposed base flood elevations were received and have been resolved by the agency.

State	City town/county	Map repository address	Date of publication of proposed rule

The base (100-year) flood elevations are finalized in the communities listed below. Appeals of the proposed base flood elevations were received and have been resolved by the Agency.

State	City/town/county	Source of Flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)

(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 the Associate Director)

Issued: November 30, 1982.

Dave McLoughlin,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 82–34378 Filed 12–17–82; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for Dade County, Fla.; Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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 Dade County, Florida. 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 Dade County, Florida, 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: December 20, 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) at: 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 H & I 125098, Panel 0375 D published on October 6, 1980 in 45 FR 66058 indicates that the property at 24040 S.W. 142 Avenue in Section 22, Township 56 South, Range 39 East, in Dade County, Florida, recorded in Deed Book 259 at Page 239 of the Public Records of Dade County, is located within the Special Flood Hazard Area.

Map Number H & I 125098, Panel 0375 D is hereby corrected to reflect that the above-mentioned property is not within the Special Flood Hazard Area identified on November 14, 1980. The existing structure is located in Zone C.

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

Map Number H & I 125098, Panel 0275 D published on October 6, 1980 in 45 FR 66058 indicates that 10221 S.W. 88th Avenue in Dade County, Florida, also known as Lot 16 of Block 1 in Galloway Glen, recorded in Plat Book 108, Page 54 of the Public Records of Dade County, is located within the Special Flood Hazard Area.

Map Number H & I 125098, Panel 0275 D is hereby corrected to reflect that the structure on the above-mentioned property is not within the Special Flood inundated by a flood having a one-percent chance of occurrence in any given year.

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—flood plains.

(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: November 29, 1982.

Dave McLoughlin,

Acting Associate Director, State and Local Programs, and Support.

[FR Doc. 82-34365 Filed 12-17-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-6116]

Letter of Map Amendment for Martin County, Fla.; Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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 Martin County, Florida. 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 Martin County, Florida, 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: December 20, 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) at: P.O. Box 34294, Bethedsda, Maryland 20034, Phone: (800) 638–6620.

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

Map Number H & I 120161, Panel 0170 B published on July 22, 1981 in 46 FR 37654 indicates that portions of the Plat Numbers 1, and 4 of Sailfish Point Subdivision, as recorded in Plat Book 8,

Pages 10, and 88, respectively, Public Records of Martin County, Florida, are located within the Special Flood Hazard Area.

Map Number H & I 120161, Panel 0170 B is hereby corrected to reflect that Lots 1, 2, 4, 6, 10 through 13, 17, 19, 20, 22 through 35 of Plat No. 1, and Lots 1 through 38 of Plat No. 4, are not within the Special Flood Hazard Area identified on June 15, 1981. The lots are located 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—flood plains.

(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: November 29, 1982.

Dave McLoughlin,

Acting Associate Director State and Local Programs and Support.

[FR Doc. 82-34367 Filed 12-17-82; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-6237]

Letter of Map Amendment for Pasco County, Fla.; Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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 Pasco County, Florida. 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 Pasco County, Florida, 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: December 20, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Brian R. Mrazik, Acting Chief, Engineering Branch, National 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.

Map amendments listed below are in accordance with § 70.7(b):

Map Number H & I 120230, Panel 0195 B published on January 25, 1982 in 47 FR 3355 indicates that Lot Number 10, Crane's Roost Unit One, in Pasco County, Florida, as recorded in Plat Book 20, Pages 86 and 87 of the Public Records of Pasco County, Florida, is located within the Special Flood Hazard Area.

Map Number H & I 120230, Panel 0195 B is hereby corrected to reflect that those portions at or above 20 feet National Geodetic Vertical Datum (NGVD) are not within the Special Flood Hazard Area identified on November 18, 1981. Those portions of the property are located in Zone C. However, portions of the lot would still be partially inundated by the base flood.

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—flood plains.

(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: November 29, 1982.

Dave McLoughlin,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 82-34368 Filed 12-17-82; 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 Pinellas County, Fla.; Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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 Pinellas County, Florida. 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 Pinellas County, Florida, 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: December 20, 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) at: 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 H & I 125139 B, Panel 09 published on October 6, 1980 in 45 FR 66060 indicates that Cypress Trace-Phase 1, a subdivision of a part of the Southeast ¼ of the Southwest ¼ of Section 33, Township 28 South, Range 16 East, Safety Harbor, Florida, recorded in Plat Book 73, Pages 95 through 97 in the Pinellas County Circuit Court Clerk's Office, is located within the Special Flood Hazard Area.

Map Number H & I 125139 B, Panel 09 is hereby corrected to reflect that the above-mentioned property is not within the Special Flood Hazard Area identified on July 8, 1977. 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—flood plains.

(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: November 29, 1982.

Dave McLoughlin,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 82-34366 Filed 12-17-82; 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 the Unincorporated Area of Prince Georges County, Md.; Under National Flood Insurance Program; Map Correction

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 Unincorporated Area of Prince Georges County, Maryland. 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 Unincorporated Area of Prince Georges County, Maryland, that a certain structure is not within the Special Flood Hazard Area.

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

EFFECTIVE DATE: December 20, 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 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 § 70.7(b):

Map No. 245208, Panel No. 0205B, published on October 6, 1980, in 45 FR 66039, indicates that the existing structure located on Lot No. 21, Block N, Section Six, Rosecroft Park, Unincorporated Area of Prince Georges County, Maryland, as recorded in Plat Book 50, Page 43, in the Office of the Clerk of the Circuit Court of Prince Georges County, Maryland, is located within the Special Flood Hazard Area.

Map No. 245208, Panel No. 0205B, 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 19, 1982. The 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—flood plains.

(National Flood Insurance Act of 1968 (Title XIII of the 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: November 30, 1982.

Dave McLoughlin,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 82-34370 Filed 12-17-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-6116]

Letter of Map Amendment for the Unincorporated Area of Somerset County, Maryland; Under National Flood Insurance Program; Map Correction

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 Unincorporated Area of Somerset County, Maryland. 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 Unincorporated Area of Somerset County, Maryland, that a certain structure is not within the Special Flood Hazard Area.

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

EFFECTIVE DATE: December 20, 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 wit § 70.7(b):

Map No. 240061, Panel No. 0275A, published on July 22, 1981, in 46 FR 37654, indicates that the existing structure located on Lot No. 29, Annemessex Ridge, Block 2, Unincorporated Area of Somerset Courty, Maryland, as recorded in Liber ITP 8, Folio 5, in the Office of the Clerk of the Circuit Count of Somerset County, Maryland, is located within the Special Flood Hazard Area.

Map No. 240061, Panel No. 0275A, 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 June 15, 1981. The structure is 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—flood plains.

(National Flood Insurance Act of 1968 (Title XIII of the 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: November 30, 1982.

Dave McLoughlin,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 82-34389 Filed 12-17-82; 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 the Township of Woodbridge, New Jersey; Under National Flood Insurance Program; Map Correction

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 Township of Woodbridge, New Jersey. 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 Township of Woodbridge, New Jersey 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: December 20, 1982.

FOR FURTHER INFORMATION CONTACT: Frank Petrone, Federal Emergency Management Agency, 26 Federal Plaza, New York, New York 10278, 212-264-8980.

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 § 70.7(b):

Map No. H&I 345331 Panel 01B, published on October 6, 1980 in 45 FR 66031, indicates, that the existing structure located on the property commonly known as Lot 2, Block 498-A, recorded in Book 2021 of Deeds at page 569, located in the Surrogate's office of Middlesex County, New Jersey, is located within the Special Flood Hazard Area.

Map No. H&I 345331 Panel 01B, is hereby corrected to reflect that the above mentioned structure is not within the Special Flood Hazard Area identified on April 30, 1976. This structure is 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—flood plains.

(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: November 29, 1982.

Dave McLoughlin,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 82–34374 Filed 12–17–82; 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 Beaufort County, South Carolina; Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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 Beaufort County, South Carolina. 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 Beaufort County, South Carolina, 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: December 20, 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 § 70.7(b):

Map Number H & I 450025, Panel 05 published on October 6, 1980 in 45 FR 66070 indicates that Lots 46, 47 and a portion of Lot 48, W.D. Walsh Subdivision, in Beaufort County, South Carolina, as shown on a plat by R.D. Trogdon, Sr., dated February 27, 1956 and recorded in the Office of the Clerk of Court for Beaufort County in Plat Book 10 at Page 37, are located within the Special Flood Hazard Area.

Map Number H & I 450025, Panel 05 is hereby corrected to reflect that the existing structure on Lot 46 of the above-mentioned property is not within the Special Flood Hazard Area identified on September 30, 1977. The structure is located in Zone B. However, portions of the subdivision would still be inundated by a flood having a one-percent chance of occurrence in any given year.

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—flood plains.

(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: November 29, 1982.

Dave McLoughlin,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 82–34371 Filed 12–17–82; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FEMA–6116]

Letter of Map Amendment for the City of Converse, Texas; Under National Flood Insurance Program; Map Correction

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 Converse, Texas. 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 Converse, Texas, 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: December 20, 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) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

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

Map No. H & I 480038 Panel 0001B, published on July 22, 1981, in 46 FR 37655, indicates that Lots 14, 15, and 29 through 33, Block 2, Cimarron Valley, Unit 6, Converse, Texas, as recorded in Book 9100, Page 215 of Deeds and Plats, in the Office of the Clerk, Bexar County, Texas, are located within the Special Flood Hazard Area.

Map No. H & I 480038 Panel 0001B is hereby corrected to reflect that the existing structures located on the above-mentioned property are not within the Special Flood Hazard Area identified on June 15, 1981. These structures are 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—flood plains.

(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: November 22, 1982.

Dave McLoughlin,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 82-34373 Filed 12-17-82; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-6452]

Letter of Map Amendment for the City of El Paso, Texas, Under National Flood Insurance Program; Map Correction

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 El Paso, Texas. 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 El Paso, Texas, 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: December 20, 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) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

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

Map No. 480214 Panel 0021B, published on November 9, 1982, in 47 FR 52160, indicates that the North 33 feet of Lot 31, Block 4, Willowlane and the North 33 feet of the West 10 feet of Lot 32, Block 4, Willowlane, Unit Two, El Paso, Texas, as recorded in Volume 51, Page 22 and Volume 55, Page 40, of Plat Records, in the Office of the Clerk, El Paso County, Texas are located within the Special Flood Hazard Area.

Map No. 480214 Panel 0021B 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 October 15, 1982. This structure is 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—flood plains.

(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: November 24, 1982.

Dave McLoughlin,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 82-34372 Filed 12-17-82; 8:45 a.m.]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the Township of Clinton, Mich., Under National Flood Insurance Program; Map Correction

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 Township of Clinton, Michigan. 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 Township of Clinton, Michigan, 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: December 20, 1980.

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 § 70.7(b):

Map No. 260121, Panel No. 0015B, published on October 6, 1980, in 45 FR 66079, indicates that Building Nos. 2, 5 and 8, Crosswinds East Condominium, located on a parcel of land in and being a part of the North one-half of Section 20, Town 2 North, Range 13 East, Township of Clinton, Macomb County, Michigan, as recorded in Liber 3234, Pages 802 and 803, in the Office of the Register of Deeds of Macomb County, Michigan, are located within the Special Flood Hazard Area.

Map No. 260121, Panel No. 0015B, is hereby corrected to reflect that the above-mentioned structures are not within the Special Flood Hazard Area identified on August 1, 1979. 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 eonomic 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 communtities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1969 (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; E.O. 12127, 47 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support)

Issued: November 17, 1982.

Dave McLoughlin,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 82-34377 Filed 12-17-82; 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 the Township of Pequannock, N.J., Under National Flood Insurance Program; Map Correction

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 Borough of Pequannock, New Jersey. 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 Township of Pequannock, New Jersey 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: December 20, 1982.

FOR FURTHER INFORMATION CONTACT: Frank Petrone, Federal Emergency Management Agency, 26 Federal Plaza, New York, New York 10278, 212–264–8980.

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 § 70.7(b):

Map No. H&I 345311 Panel 04A, published on October 26, 1981 in 46 FR 52112, indicates, that the existing structure located on the property commonly known as Lot 18, Block 306, recorded on map No. 3978, located in the Clerk's office of Morris County, New Jersey, is located within the Special Flood Hazard Area.

Map No. H&I 345311 Panel 04A, is hereby corrected to reflect that the above mentioned structure is not within the Special Flood Hazard Area identified on September 3, 1976. This structure is 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, Flood plains.

(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; E.O. 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: November 29, 1982.

Dave McLoughlin,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 82-34376 Filed 12-17-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-6173]

Letter of Map Amendment for the Borough of Ramsey, N.J., Under National Floor Insurance Program; Map Correction

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 Borough of Ramsey, New Jersey. 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 Borough of Ramsey, New Jersey 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: December 20, 1982.

FOR FURTHER INFORMATION CONTACT: Frank Petrone, Federal Emergency Management Agency, 26 Federal Plaza, New York, New York 10278, 212–264–8980.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related finanical 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 § 70.7(b):

Map No. 340064 Panel 001B, published on October 26, 1981 in 46 FR 52112, indicates, that the existing structure located on the property commonly known as Lot 14–A, Block 32, recorded on map No. 7287, located in the Clerk's office of Bergen County, New Jersey, is located within the Special Flood Hazard Area.

Map No. 340064 Panel 0001B, is hereby corrected to reflect that the above mentioned structure is not within the Special Flood Hazard Area identified on September 2, 1981. 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, Flood plains.

(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; E.O. 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: November 29, 1982.

Dave McLoughlin,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 82–34375 Filed 12–17–82; 8:45 am]

BILLING CODE 6718–03–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 87

[FCC 82–525]

Amendment To Provide a Temporary Operating Authorization Procedure for Aircraft Stations in the Aviation Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document provides a new procedure for the temporary licensing of aircraft radio stations. This action was initiated by the FCC in order to allow new aircraft operators to utilize their radios sooner than now possible and to reduce the number of Special Temporary Authority requests required to be processed by the agency's staff.

EFFECTIVE DATE: June 1, 1983.

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

FOR FURTHER INFORMATION CONTACT: Robert H. McNamara, Private Radio Bureau, (202) 632–7175.

SUPPLEMENTARY INFORMATION:

List of Subjects

47 CFR Part 1

Administrative practice and procedure, Radio.

47 CFR Part 87

General aviation, Radio.

Order

Adopted: December 2, 1982.

Released: December 9, 1982.

In the matter of amendment of Parts 1 and 87 of the rules to provide a temporary operating authorization procedure for aircraft stations in the Aviation Services, FCC 82–525.

1. This Order amends the Commission's rules to provide an improved procedure for the temporary licensing of aircraft stations in the Aviation Services.

Background

2. The Commission has adopted temporary licensing procedures in a number of radio services.[1] Such temporary licensing procedures have benefited the public by allowing applicants to begin radio operations sooner, without lessening the Commission's ability to determine if the applicant is qualified to be a permanent licensee. In some instances the Commission has also benefited from the implementation of temporary licensing procedures due to a marked reduction in the number of special temporary authority (STA) requests which are handled on a case-by-case basis.

3. Under existing licensing procedures in the Aviation Service, there is a limited device available for the temporary licensing of certain aircraft stations. Radio stations on new aircraft or aircraft with new radio installations may operate for 60 days when an FCC Form 453–B is executed by the manufacturer or dealer and mailed to

[1] See: Personal Radio Service—Order, FCC 76–320, released April 13, 1976, 41 FR 15849. Maritime Radio Service—Order, 70 FCC 2d 863, released January 11, 1979, 44 FR 5288, Errata, 44 FR 8878. Restricted Radiotelephone Operator Permit—Order, 71 FCC 2d 1214, Released May 10, 1979, 44 FR 29067. Business Radio Service—Report and Order, PR Docket No. 79–338, 81 FCC 2d 373 released September 4, 1980, 45 FR 59881, aff'd *Sub nom. Telocator Network of America* v. *FCC*, No. 80–2182 (D.C. Cir., August 19, 1981). Specialized Mobile Radio Systems—Report and Order, PR Docket No. 79–335, released April 6, 1982, 47 FR 17836.

the Commission with the application for a new aircraft station license (FCC Form 404). However, many applicants for a new aircraft radio station license are not eligible to utilize the Form 453–B. Therefore, the advantages of temporary licensing are not available to many aircraft operators.

New Procedure

4. We believe that a temporary licensing procedure similar to such procedures available in other radio services would benefit the aviation public by allowing all aircraft operators an opportunity to begin radio operations sooner than now possible. Additionally, the Commission will benefit from a reduction of staff hours necessary to process STA requests (which should be nearly eliminated for aircraft stations). These benefits can be achieved without lessening the Commission's ability to determine whether an applicant is qualified to be a permanent licensee. Therefore, we are amending the rules to adopt the temporary licensing procedure for aircraft stations, described below. We are also eliminating FCC Form 453–B and adding new Form 404–A[2] (Temporary Aircraft Radio Station Operating Authority) which will be attached to Form 404 (Application for Aircraft Radio Station License) for the convenience of the public.

5. The procedure to be used in obtaining a temporary aircraft station authorization will be as follows:

(a) The applicant completes and mails to the Commission an application for an aircraft radio station license (FCC Form 404).

(b) At the same time, the applicant may complete an FCC Form 404–A (attached to the Form 404) certifying that the applicant:

—Is not the representative of a foreign government;

—Has not been denied a license or hass not had the license revoked by the Commission;

—Is not the subject of any legal action concerning the operation of a radio station; and

—Will insure that the aircraft radio station will be operated by an individual holding the proper class of license or permit issued by the Commission.

(c) The applicant posts the executed FCC Form 404–A on board the aircraft and may use this document as a temporary aircraft station license for a period of 90 days from the date the Form 404 was mailed to the Commission.

(d) The applicant utilizes the FAA aircraft registration number as the temporary call sign.

[2] See Appendix B.

6. Accordingly, the new FCC Form 404–A and posting requirement is adopted subject to clearance by the Office of Management and Budget. Additionally, sufficient supplies of the new forms must be obtained to provide for the initial public demand. Therefore, unless the public is advised to the contrary by a Public Notice, the rules adopted herein to implement the new procedure will be effective June 1, 1983.

7. Regarding questions or matter covered in this document contact Robert McNamara, (202) 632–7175.

8. Authority for the amendments adopted herein is contained in Sections 4(i), 303, 307, 308 and 309 of the Communications Act of 1934, as amended.[3] The prior notice and public procedure provisions of the Administrative Procedure Act, 5 U.S.C. 553, are unnecessary in this proceeding; since, in view of similar actions in other radio services as referenced above, significant public participation would be highly unlikely if the subject prior notice and public provisions were utilized in this proceeding.

9. Accordingly, it is ordered, That Parts 1 and 87 of the Commission's rules are amended as set forth in the attached Appendix A, effective June 1, 1983.

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

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

Parts 1 and 87 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 1—PRACTICE AND PROCEDURE

1. Section 1.922 is amended by removing FCC Form 453–B and its title, and adding FCC Form 404–A after Form 404 to read as follows:

§ 1.922 Forms to be used.

* * * * *

404–A Temporary Aircraft Radio Station Operating Authority.

* * * * *

2. In § 1.925, paragraph (c) is revised to read as follows:

§ 1.925 Application for special temporary authorization, temporary permit, temporary operating authority, or interim amateur permit.

* * * * *

(c) An applicant for an Aircraft Radio Station License may operate the radio station pending issuance of an Aircraft Radio Station License by the Commission for a period of 90 days under a temporary operating authority, evidenced by a properly executed certification made on FCC Form 404–A.

* * * * *

[3] 47 U.S.C. 154(i), 303, 307, 308 and 309.

PART 87—AVIATION SERVICES

1. In § 87.29, paragraph "(a)(1)" is renumbered "(a)" a new introductory paragraph (a) and (a)(1) are added, and paragraph (c) is removed as follows:

§ 87.29 Application for aircraft radio station license.

(a) An application for new or modified aircraft radio station licenses shall be made on FCC Form 404. The purchaser or assignee of a radio-equipped aircraft shall apply for a new aircraft radio station license on FCC Form 404.

(1) An applicant for a new aircraft radio station license may operate the aircraft radio station pending issuance of a station license for a period of 90 days under a temporary operating authority evidenced by a properly executed certification made on FCC Form 404–A. Such temporary authority is not available to applicants for a fleet license. The applicant shall use the aircraft FAA registration number as a temporary call sign.

* * * * *

§ 87.35 [Amended]

2. In § 87.35, paragraph (c) is removed.

APPENDIX B

United States of America

Federal Communications Commission

TEMPORARY AIRCRAFT RADIO STATION OPERATING AUTHORITY

1 Instructions

Use this form if you want a temporary operating authority while your regular application FCC Form 404 is being processed by the FCC. This authority authorizes the use of transmitters operating on the frequencies listed in section 87.183 of the Commission's Rules.

Do not use this Form if you already have a valid aircraft station license.

Do not use this Form when renewing your aircraft license.

Do not use this Form if you are applying for a fleet license.

Do not use this Form if you do not have an FAA Registration Number.

ALL APPLICANTS MUST CERTIFY:

1) I am not a representative of a foreign government.

2) I have applied for an Aircraft Station License by mailing a completed FCC Form 404 to the Federal

Communications Commission, P.O. 1030, Gettysburg, PA 17325.

3) I have not been denied a license or had my license revoked by the FCC.

4) I am not the subject of any adverse legal action concerning the operation of a radio station.

5) I will ensure that the Aircraft Radio Station will be operated by an individual holding the proper class of license or permit required by the Commission's Rules.

2 Certification, Read and Sign

WILLFUL FALSE STATEMENTS VOID THIS PERMIT AND ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT

Name of Applicant

Signature of Applicant

FAA Registration Number

(Use as Temporary Call Sign)

Date Form 404 Mailed to FCC

3 Limitations

Your authority to operate your Aircraft Radio Station is subject to all applicable laws, treaties and regulations and is subject to the right of control of the Government of the United States.

This authority is valid for 90 days from the date the Form 404 is mailed to the FCC.

You must post this temporary authority on board your aircraft.

(Do Not Mail this Page)

FCC Form 404–A

[FR Doc.82-34164 Filed 12-17-82; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-505; RM-3800]

Radio Broadcast Services, TV Broadcast Station in Barstow, Calif.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns UHF television Channel 64 to Barstow, California, in response to a petition filed by Victorville TV, Inc. The assignment will provide Barstow with a first local commercial television allocation.

DATE: Effective February 14, 1983.

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

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television.

Report and Order; Proceeding Terminated

Adopted: December 6, 1982.

Released: December 14, 1982.

In the matter of amendment of § 73.606(b), table of assignments, Television Broadcast Stations (Barstow, California), MM Docket No. 81–505, RM–3800.

1. Before the Commission for consideration is a Notice of Proposed Rule Making, 46 FR 41534, published August 17, 1981, proposing the assignment of UHF television Channel 64 to Barstow, California, as that community's first commercial assignment, in response to a petition filed by Victorville TV, Inc. ("Petitioner"). Petitioner filed supporting comments reaffirming its intention to apply for authority to construct and operate a station on Channel 64 at Barstow, if assigned.

2. Barstow (population 17,690),[1] located in San Bernardino County (population 893,157), is currently served by one daytime-only AM Station (KIOT), one full-time AM Station (KWTC), and co-owned Station KWTC–FM (Channel 232A). Additionally, it has one unoccupied and unapplied for noncommercial educational television channel (Channel *35) assigned to it.

3. Petitioner initially proposed the assignment of Channel 64 on a hyphenated basis to the communities of Barstow and Victorville, California. However, the *Notice* stated that sufficient information had not been submitted to support a hyphenated assignment. Barstow was preferred since an assignment there is consistent with the minimum distance separation requirements, whereas an assignment to Victorville would require a site restriction 10.2 kilometers (6.4 miles) northeast of the community to avoid short-spacing to Station KOCE–TV (Channel 50), licensed to Huntington Beach, California. The assignment to Barstow bars the use of the channel at Victorville under the 15-mile rule § 73.607(b), since the two communities are separated by a distance of approximately 46.9 kilometers (29.3 miles). However, service to Victorville, as well as an auxiliary studio there, as suggested by petitioner, is possible.

4. In view of the fact that the assignment could provide Barstow with a first commercial television station, the Commission believes that the public interest would be served by assigning UHF television Channel 64 to Barstow.

5. Mexican concurrence in the proposal has been obtained.

6. Accordingly, pursuant to authority contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.204(b) and 0.281 of the Commission's Rules, it is ordered, that effective February 14, 1983 the Television Table of Assignments, § 73.606(b) of the Commission's Rules, is amended as follows for the community listed:

City	Channel No.
Barstow, Calif	*36 + ,64

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

8. For further information concerning the above, contact Nancy V. Joyner, Mass Media Bureau, (202) 632–7792.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 82-34346 Filed 12-17-82; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures are extracted from the 1980 U.S. Census, Advance Reports.

47 CFR Part 73

[BC Docket No. 80-123; RM-3460]

Radio Broadcast Services, TV Broadcast Station in Hagerstown, Md.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns television Channel 68 to Hagerstown, Maryland, as its second commercial television channel in response to a request from James Resh.

DATE: Effective February 11, 1983.

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

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television.

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Hagerstown, Maryland), BC Docket No. 80–123, RM–3460.

Report and Order; Proceeding Terminated

Adopted: November 30, 1982.

Released: December 13, 1982.

1. The Commission has before it for consideration the Notice of Proposed Rule Making, 45 FR 23480, published April 7, 1980, which proposed the assignment of UHF television Channel 68 to Hagerstown, Maryland, as that community's second commercial television assignment, in response to a petition filed by James Resh ("petitioner"). Supporting comments were filed by petitioner reiterating its intention to apply for authority to construct and operate a station on Channel 68 at Hagerstown, Maryland, if assigned. Comments were also filed by the Maryland Center for Public Broadcasting ("MCPB"), licensee of television Station WMPB (Channel *67), Baltimore.[1] Opposition comments were filed by Henson Aviation ("Henson"), then licensee of Station WHAG–TV (Channel 25), Hagerstown. Responsive comments were filed by the petitioner.

2. The Notice set forth the background of this proceeding and therefore it will not be repeated in detail here. Briefly, the Notice proposed the assignment of UHF televisions Channel 68 to Hagerstown, Maryland, based upon the petitioner's assertion that there is a need for additional local commercial television service to the community which could provide viewers with a choice of programs from a new, independent and community-oriented facility. Therein, we stated that the proposal required a site restriction 3.2 miles northwest of Hagerstown to avoid short-spacing to Station WMPB (Channel 67), in Baltimore. Additionally, a further site restriction was noted to comply with the mileage separation to a proposed assignment on the co-channel at Seaford, Delaware, in the New Jersey UHF-TV rule making proceeding (BC Docket No 79–269). Petitioner asserted that adequate site flexibility in the Hagerstown area would enable it to comply with the minimum distance separation requirements while simultaneously providing the requisite city grade coverage as required by § 73.685(a) of the Commission's Rules.

3. In its comments MCPB states that it has no objection to the proposed assignment of Channel 68 to Hagerstown provided it is conditioned upon compliance with the minimum spacing requirements to its Station WMBP-TV (Channel *67) in Baltimore.

4. Henson's opposition comments reiterate its earlier argument, which we rejected, regarding the viability of an additional commercial assignment at Hagerstown. It claims that postponing the question of viability to the application stage is counterproductive since market size, other television services and economic conditions of the area are all an integral part of the overall factors to be considered at the rule making level. Otherwise, it claims, it would be wasteful to proceed to the application stage only to discover upon review of an application, that financial qualifications could not be met, or that the community could not support a second commercial television station. Moreover, it adds that petitioner failed to provide data regarding the preclusive effect of its proposal, and the availability of other channels to communities so affected thereby.

5. In response to the opposition comments, petitioner remarks that Henson presents no valid argument, but merely rehashes its earlier position. In any event, it claims, Henson's arguments appear to be directed not to the petition, *per se*, but rather to the Commission's policies, and consequently they are not relevant here.

6. As for Henson's allegation that market size and economic conditions of the area should be addressed at the rule making level, we have traditionally treated this issue as one more appropriate for the application stage. *Grand Junction, Colorado*, 26 RR 2d 513 (1973).

7. Secondly, in response to Henson's assertion that Hagerstown is well served by numerous cable systems as well as area television stations, we stress that such availability of reception services has been cited by the Commission as justification for denying a channel assignment in comparative cases. However, we are not aware of any situation in which a channel assignment was denied to a community solely on the basis of the availability of other services received in that community from other area stations. A channel is assigned to a specific community to broadcast programs designed to meet that community's special needs and interests. No station having a primary obligation to another locality is expected to provide the equivalent of such service. See *Clinton, Louisiana*, 45 RR 2d 1587–88 (1979). Consequently, the signals received in Hagerstown from stations licensed to other communities cannot be deemed as substitutes for local service, and the reception of such signals does not provide a basis for denying the assignment herein.

8. Moreover, Henson's allegation that petitioner failed to provide information with regard to preclusion is also without merit since a preclusion study is not generally required in proceedings to amend the Television Table of Assignments.

9. We previously indicated that the proposed assignment of UHF television Channel 68 to Hagerstown conflicted with a proposal in BC Docket No. 79–269 to assign the same frequency allocation to Seaford, Delaware, thereby necessitating a site restriction beyond that specified in the Notice. However, the Seaford, Delaware and related channel substitutions at Dover, Delaware were dismissed by a *First Report and Order*, 47 FR 47893, published October 28, 1982. Therefore, the only site restriction applicable to this proposal requires that the transmitter be located 3.2 miles northwest of Hagerstown to avoid short spacing to Station WMPB (Channel *67) in Baltimore, Maryland. According to petitioner, such site restriction will not hinder its ability to implement its proposal since adequate site flexibility exists in the area.

10. In light of the above, and having found no policy objections to the proposal, we believe that the assignment of UHF television Channel 68 to Hagerstown, Maryland, would serve the public interest.

11. Canadian concurrence has been obtained.

12. Accordingly, pursuant to the authority contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.204(b) and 0.281 of the Commission's Rules, it is ordered, That effective February 11, 1983, the Television Table of Assignments, § 73.606(b) of the Rules, IS AMENDED with regard to Hagerstown, Maryland, as follows:

City	Channel No.
Hagerstown, Md.	25–, *31, and 68+.

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

[1] MCPB is also the licensee of educational television stations located in Annapolis (Channel *22), Salisbury (Channel *28), and Hagerstown, Maryland (Channel *31).

14. For further information concerning the above, contact Nancy V. Joyner, Broadcast Bureau, (202) 632–7792.

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

Federal Communications Commission.

Martin Blumenthal,

Assistant Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-34345 Filed 12-17-82; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 581

[Docket No. 73-19; Notice 31]

Bumper Standard; Denial of Petitions for Reconsideration

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Denial of petitions for reconsideration.

SUMMARY: This notice responds to petitions for reconsideration of a final rule amending the Bumper Standard. The final rule amended the Bumper Standard to reduce the test impact speeds specified in that standard to 2.5 mph for longitudinal front and rear barrier impacts and for longitudinal pendulum impacts and 1.5 mph for corner pendulum impacts. The notice also amended the damage resistance criteria of the standard to eliminate limitations on the damage which may be incurred by the bumper face bar and associated components and fasteners in bumper impact testing. No change was made in the requirements prohibiting damage in such testing to specified safety-related components and all exterior vehicle surfaces other than the bumper face bar and related components and fasteners.

The petitioners requested that the agency reverse its action and reinstate the previous impact speeds and damage resistance criteria. This notice denies the petitions.

FOR FURTHER INFORMATION CONTACT:

William Boehly, Office of Market Incentives, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590, 202–426–1740.

SUPPLEMENTARY INFORMATION: On October 1, 1981, NHTSA published in the **Federal Register** (46 FR 48262) a notice of proposed rulemaking (NPRM) seeking comments on nine different alternatives for amending the Bumper Standard. The purpose of the action was to increase and seek to maximize the net consumer and public benefits of the standard, in accordance with the Motor Vehicle Information and Cost Savings Act (Cost Savings Act). At that time, the Bumper Standard required that Phase II damage resistance criteria be met in a series of 5 mph longitudinal front and rear barrier impacts and of longitudinal pendulum impacts and of 3.0 mph corner pendulum impacts. The Phase II criteria prohibited damage to safety components and to all exterior vehicle surfaces, e.g., sheet metal, other than the bumper face bar and related components and fasteners. While damage to the bumper and related components and fasteners was permitted, it was strictly limited. The proposals ranged from one reducing the longitudinal barrier and pendulum test impact speed for rear bumpers only to 2.5 mph to one eliminating all test impact requirements for front and rear bumpers except as necessary to maintain a height requirement.

The basis for initiating the rulemaking action was the agency's April 1981 Evaluation of the Bumper Standard. That report addressed in detail the costs and benefits of the agency's bumper requirements. The report found that the standard might not be providing net benefits for consumers.

After considering the best available data, public comments submitted in response to the NPRM, and comments presented at two public meetings, NHTSA published (May 20, 1982; 47 FR 21820) a final rule amending the Bumper Standard (49 CFR Part 581). The notice reduced the test impact speeds required by that standard to 2.5 mph for longitudinal front and rear barrier and pendulum impacts and 1.5 mph for corner pendulum impacts. The notice also amended the damage resistance criteria by reducing them to the level that had been effective in model year 1979. Those criteria, known as Phase I criteria, are identical to Phase II criteria except that the Phase I criteria do not contain the stringent limitations set by Phase II on the permissible test damage which may be sustained by the bumper face bar and associated components and fasteners in bumper testing. The effective date of these changes was July 6, 1982.

The agency stated that the changes in damage resistance criteria and the compliance test speed were dictated by the requirements of the Cost Savings Act. The statute requires the issuance of a bumper standard and provides that any such standard "seek to obtain the maximum reduction in costs to the public and to the consumer," taking into account the costs and benefits of implementation, effects on insurance and legal costs, savings in consumer time and inconvenience and considerations of health and safety (15 U.S.C. 1912(b)(1)). Stated simply, the previous standard failed to provide the maximum feasible reductions in cost. Therefore, the agency determined that the previous standard could no longer be retained in accordance with the Cost Savings Act.

The agency concluded that the statutory criterion regarding maximum feasible reduction in cost was best attainable through the changes made. The agency also concluded that reducing the impact speed to 2.5 mph and eliminating the Phase II damage criteria would not have an adverse effect on safety. The agency found that such amendments would not have any discernible effect on the number of accidents, deaths or injuries that occur annually.

The agency received several timely petitions for reconsideration of its decision, one from the Insurance Institute for Highway Safety (IIHS) and the others from private individuals. The agency later received additional submissions from IIHS concerning its petition, as well as several comments relevant to the IIHS petition from other parties. All materials received have been reviewed and taken into account.

The petitioners and some commenters raised a wide range of issues about the final rule and urged that it be rescinded. These issues include virtually all of the questions previously addressed by the agency in this proceeding, and some new or expanded arguments as well. The questions involve the agency's authority under the Cost Savings Act to issue a standard specifying a test impact speed of less than 5 mph, the degree of certainty concerning agency assumptions that must be attained to justify a change in the standard, the relevance of the results of a new public opinion poll which was conducted for proponents of the prior bumper standard and which purports to show a willingness on the public's part to pay increased costs (i.e., not bounded by the limitation of the "maximum feasible reduction" language) for bumpers, the sufficiency of the agency's consideration of alternatives, the effect of the rule on safety, the accuracy of the agency's assumptions about how insurance companies and auto companies are likely to adjust their rates or prices, the basis for the agency's decision to drop the standard's Phase II damage criteria in favor of Phase I, and the appropriateness of the numerical assumptions made by the agency in its

Final Regulatory Impact Analysis (FRIA).

After careful consideration of the petitions for reconsideration and other documents, the agency denies the petitions for the reasons set forth below. Therefore, no changes will be made at this time to the amended standard.

As will be apparent throughout this notice, many of the issues raised in the petitions for reconsideration were previously raised in the comments on the NPRM. These issues were fully considered by the agency and discussed in the preamble to the May 1982 final rule and in the FRIA. In a number of instances, the petitioners for reconsideration did not acknowledge the agency's discussions in reraising old issues. To avoid repetition, the agency has not repeated here all of its discussion in its May 1982 documents.

Agency Mandate

In adopting the final rule, the agency explained in detail the origin and nature of its mandate under the Cost Savings Act, and addressed as well the issue of whether a bumper standard specifying a test impact speed of at least 5 mph could be construed as required under that statute in view of the varying statements of expectation voiced in the succession of Congresses which have addressed the question. Stated another way, the issue as so discussed was whether those statements could be construed to add up to an expressed intent on the part of Congress, recognizable by the agency, which would deprive the agency of the discretion otherwise given it in the plain words of the statute to make its own determination of that standard which best satisfies the statutory criteria. The agency noted the relevant congressional discussions in the final rule preamble, and then concluded that:

> (W)hile these expectations are relevant, the determinative fact in all instances must be what the Congress in fact did through legislative action. In the Act, the Congress did not set a particular standard, but instead adopted the maximum feasible cost reduction criterion, and required that bumper standards be set in accordance with it. The criterion is a deliberately flexible one which permits and even requires that bumper standards be adjusted based on available information. 47 FR at 21830.

Both IIHS in its petition and some of the commenters on that petition questioned the degree of certainty concerning agency assumptions that would be necessary to justify a change in the standard by the agency. IIHS alleged, for example, that under certain assumptions NHTSA's analysis could be used to show that net benefits of the present 5 mph standard are $40 greater than those of the 2.5 mph alternative. One commenter questioned whether, based on an allegedly weak record, the agency should "reduce consumer protection" to save only $28 over the life of a car. That commenter also alleged that NHTSA's analysis shows that a 5 mph standard cannot be ruled out as being more cost effective than the 2.5 mph standard.

The agency believes that the record supporting the rulemaking is a strong one. In reaching its decision, the agency was required to resolve two key issues. The first was whether, in light of congressional directives to act in accordance with the results of its multi-year analysis and relevant Executive Orders of the President, the agency could justify retention of the then existing standard, which specified 5 mph front and rear test impact speeds and Phase II damage criteria (more simply, the 5/5, Phase II standard.) If not, the agency then had to address the second issue of that level of standard which could best satisfy the applicable requirements of law.

As the agency indicated in the final rule, the record is most clear on the issue of the former standard's insufficiency to satisfy the criteria in the Act. That standard provided significantly less net reductions in costs to the public and consumers than would several of the alternatives that were considered during the rulemaking.

In addressing the second issue, the agency dealt with each of the principal uncertainties and resolved them to the degree possible. As the agency noted, in some cases the requisite decisions were necessarily based on imperfect data, and were thus inherently judgmental or predictive in part. The obligation to make such decisions, and resolve such uncertainties by the exercise of such judgment, is clearly an integral part of the agency's mandate under the Act to set a bumper standard at a level which "seeks to provide the maximum feasible reduction of costs to the public and to the consumer," taking into account the statutorily specified elements of cost and benefit. It goes without saying, of course, that even greater uncertainty, and an even greater element of judgment and predictive discretion, was involved in the original setting of the 5/5, Phase II standard itself.

The agency dealt with the issue of uncertainty in the preamble to the final rule, stating:

> The agency believes that sufficient information exists to make all determinations required by applicable statutory criteria. The uncertainties confronting the agency now are significantly less than those which existed when the current standard [the 5 mph standard] was promulgated. The agency knows far more now about the benefits and costs of bumper standards with various levels of performance requirements than it did then. In the agency's judgment, there is no reasonable prospect of obtaining more definitive data under the continued application of the existing Part 581 standard.
>
> The record is most clear on the issue of the present standard's noncompliance with the criteria in the Act. If the agency were now setting a bumper standard for the first time, it could not justify establishing a 5.0-mph/5.0-mph standard. The existing 5.0-mph standard provides significantly less net benefit to the public and consumers than would several of the proposed alternatives with less stringent performance requirements. 47 FR at 21825.

The agency cannot agree with the inference by petitioners herein that a saving $28 per car is not sufficient to justify a change in the standard. First, the statute clearly would not permit the agency to retain a standard which it has found would result in any fewer net benefits than an alternative standard. That is the case here. Second, due to the large volume of automobiles sold in the United States, even what might appear to be the relatively small saving of $28 per car will in fact result in hundreds of millions of dollars of savings, to consumers and the public, annually.[1] Third, $28 is the average savings, and millions of consumers would in fact experience savings several times higher than that amount.

The agency also believes that IIHS has misread the FRIA in alleging that the agency's analysis itself could be used to conclude that a 5/5 standard cannot be ruled out as being more cost effective than the 2.5/2.5 standard, or to show that the net benefits of such a standard would be $40 greater than those of a 2.5/2.5 standard. The FRIA merely indicated, as part of the agency's consideration of the degree to which extreme assumptions could affect its conclusions, that one combination of such extreme assumptions could show a 5/5 standard to yield more benefits than a 2.5/2.5 standard. However, the agency in the same discussion pointed out that it was virtually impossible that the factual elements of that combination of assumptions could in fact occur at the same time, under real world conditions.

Public Opinion

Similarly, the agency fully discussed in the preamble to the final rule the

[1] It might be noted that in its ongoing efforts to identify the costs of the various safety regulations to consumers, the agency has concluded that only four of its standards (FMVSS 105, Hydraulic brakes, FMVSS 202, Head restraints, FMVSS 208, Occupant crash protection—manual safety belts, and FMVSS 214, Side impact protection) involve imposition of costs equal to or greater than $28.

limited role which public opinion, in and of itself, can be accorded in agency deliberations, even under the consumer directed mandate of the Act. As part of its comments on the NPRM, IIHS had submitted the results of a public opinion poll alleging that the public favored a 5/5 bumper standard. In discussing that poll in the final rule preamble, the agency stated:

> * * * The level of bumper standards established by the agency under the Act cannot be determined merely on the basis of what members of the public understand to be the relevant facts and issues, or what they themselves would prefer. The Congress has determined the public policy which must be applied by the agency, and the agency's decision must be reached in accordance with the statutory criteria. Those criteria do not include public preferences as such, although as noted in the FRIA, adequately demonstrated public preference may be relevant to assessments of future market demand and the response options available to the auto manufacturing and insurance industries. 47 FR at 21829.

The agency noted further that many of the specific questions asked in the cited poll may have inadvertently induced responses based on inflated estimates of the value of the 5/5 bumper standard. For that and other reasons, the agency stated that it regarded the survey as an inconclusive indicator of informed public opinion.

While IIHS stated in its petition that it did not accept the agency's characterizations of the original survey, it submitted as part of that petition the results of a new poll that was apparently undertaken to address some of the observations advanced by the agency in its final rule. Specifically, the new poll informed respondents of reductions in new car prices that would be associated with 2.5/2.5 bumpers, and of stated effects on fuel economy. Based on the results of the new poll, IIHS has reraised the issue that public opinion favors a 5/5 standard.

The agency has carefully examined the new poll. As before, however, the data presented are not considered to be directly relevant to the agency's decision. The statutory criteria simply do not include public preferences. Further, even if they did, the agency knows of no way to quantify the results of the poll in such a way as to make them part of the net benefit calculations made by the agency to determine which standard would provide maximum feasible cost reduction. At most, if valid, the data would represent only an individually relevant factor in agency judgment as to the relative effectiveness of programs to encourage the offering of optional levels of protection greater than would otherwise be justified as mandatory under the terms of the Act.

Moreover, quite apart from the limitations of its statutory mandate, the agency does not concur with IIHS that issues as complex as those associated with the bumper rulemaking are appropriately amenable to resolution by major recourse to public opinion as discerned by polls. For example, while the current IIHS effort did attempt to make respondents aware of some limited cost issues, the survey instrument is still highly conclusionary, and greatly oversimplifies the important issues involved. It did not attempt to introduce as relevant considerations even the existence of the wide range of other complex issues required to be considered by the agency in its decision-making. These include such things as the estimated number of low speed accidents a vehicle is likely to be involved in, how much damage such accidents will cause, the value that should be placed on delay and inconvenience, and the value of unrepaired damage.

With respect to these and a number of other complex issues, the agency was required to sift through and make informed judgments about enormous amounts of competing data, utilizing the services of engineers, economists and other professionals. This very complexity explains why Congress chose to delegate the setting of bumper standards to the agency instead of either legislating specific standards, or suggesting that public opinion be considered a determinative or significant factor.

Alternatives

The IIHS petition alleged that the only alternatives considered by the agency were weaker versions of the former standard. The petitioner argued that the agency should have considered, in addition to different compliance test impact speeds, regulatory options designed to lead to lighter weight bumpers, capable of meeting the then current 5/5 standard. The petitioner stated that NHTSA's analysis showed that such requirements would move bumper systems toward even greater reductions in costs to the public. The only example given by the petitioner of such a requirement, however, was maximum weight requirements for bumper systems. The petitioner also argued that NHTSA's failure to consider such requirements occurred despite the agency's explicit acknowledgment that the standard's compliance tests were chosen with the knowledge that they were imperfect surrogates from which to predict on-road experience.

In the first place, the agency did in fact consider more than just the nine proposed alternative versions of the former standard. As the preamble to the final rule noted, in preparing the Preliminary Regulatory Impact Analysis (PRIA), the agency considered the possibility of raising as well as lowering the required test impact speeds. The data on possible net benefits for higher speed standards was very limited and conjectural, however, and the agency was forced to consider them to be not even marginally reliable for decision-making. The agency did determine that any standard with a higher impact speed would under present or foreseeable technology result in greater costs, i.e., more complex bumper designs, greater primary and secondary weight and impacts on fuel economy. Further, the agency also was able to conclude that such a standard would have little or no effect on the majority of low speed accidents, since such a large number of low speed accidents occur at speeds of 3 mph or less.

In an attempt to seek additional information on this subject, the agency asked in the Preliminary Regulatory Impact Analysis (PRIA) whether speeds other than 5 mph, 2.5 mph and unregulated speed should be considered. None of the comments provided the type or amount of information that would have enabled the agency responsibly to consider other impact speeds.

The agency does not agree with IIHS's contention that maximum weight requirements would necessarily lead to the maximum feasible reduction in costs to the public, and thus did not propose such an alternative standard. As a general rule, lighter bumpers are more expensive than heavier bumpers, since they utilize more costly materials. Such bumpers may also require more complex designs. Thus, any cost saving resulting from the increased fuel economy of vehicles with lighter bumpers would be offset in whole or in large part by the bumpers' higher initial and replacement cost. Moreover, any type of requirement for lightweight bumpers would significantly restrict the design flexibility of the manufacturers.

For these reasons, the agency does not believe that it is appropriate to consider establishing requirements along these lines. Moreover, even if the agency were to consider such action, there would in the agency's judgment be serious question as to whether the agency has the authority to do so. The agency has considerable doubt whether such a requirement would constitute a "bumper standard" within the meaning of the Act. See 15 U.S.C. 1901(6).

It is not certain what point the petitioner seeks to make by pointing out that the agency declined to adopt or consider adopting requirements that would encourage the use of lightweight bumper designs "despite" the agency's explicit acknowledgement that present compliance test have been set with the knowledge that they are imperfect surrogates from which to predict on-road experience. To the extent that the agency acknowledges that point, it simply recognizes that no compliance test procedure could ever represent the complexities of the full range of real world accidents. That is, no known format of compliance test could be expected to reflect all such variables as the impact speeds, angles of crash, extent and frequency of bumper mismatch, and the rigidity, density and shapes of objects impacted which occur in actual driving situations. If the petitioner suggests that the agency should adopt additional tests such as barrier offset tests, angle tests, pole tests, and car-to-car tests, in the belief that those tests would lead to lighter bumpers, the agency simply disagrees. In fact, the agency believes that such different or expanded test protocols would merely force the installation of heavier bumpers, and further increase the costs to consumers and the public of the standard.

Safety Issues

Several issues were raised by petitioners concerning safety. IIHS alleged that the agency did not offer "convincing evidence" for its conclusion that there was not any safety based justification for the 5/5 bumper standard. IIHS also alleged that the agency did not properly address the contribution of 5/5 bumpers to crash energy management, particularly at speeds less than 30 mph. The individual petitioners also raised safety as an issue, expressing concern that the change would result in a loss of lives in accidents.

The agency thoroughly addressed the issue of safety in the FRIA and the preamble to the final rule. (See especially chapter IV of the FRIA.) The petitioners have raised no new arguments or submitted any new data concerning the contribution made by 5/5 bumpers to safety by virtue of enhanced protection of safety-related items such as lights and turn signals, a subject which was specifically addressed in the FRIA. Further, IIHS did not provide any rationale as to why it thinks that the FRIA's handling of that particular issue may have been deficient.

Based on the analysis provided in the FRIA, outside studies, and comments on the NPRM, the agency concluded that reduction of the 5/5 bumper standard would not have any significant effect on safety. The agency specifically noted in the FRIA the comment by one major domestic manufacturer, which cited studies conducted by Westat and Indiana University's Institute for Research in Public Safety in support of its assertion that only one percent of accidents are caused by safety component malfunctions which could have resulted from low speed collision damage. That commenter also contended, moreover, that the nature of these malfunctions, (e.g., lamps not working) would not permit the inference that even this low incidence of contribution to accident causation can be attributable to prior collisions, but must be considered instead to be more commonly experienced as a result of maintenance neglect, e.g., failure to replace burned out lamps. As a result, the commenter argued, low speed collision damage would necessarily have to be considered a miniscule factor in motor vehicle safety. Other commenters argued that the bumper standard's connection to safety is tenuous, that there is no evidence that safety would be compromised by amendment of the bumper standard, and that a 2.5/2.5 bumper standard would be adequate in any event to protect vehicle safety components.

On the specific question of the contribution of 5 mph bumpers to crash energy management, the agency fully considered that issue as it related to all speeds, notwithstanding the fact that certain of the illustrations cited by the agency involved 30 mph crashes. As IIHS pointed out, it is true that severe injuries can and do occur in crashes at speeds as low as 10–15 mph. However, at those speeds as well as at higher speeds, 5 mph bumpers contribute insignificantly to changes in the management of the crash energies to which vehicle occupants are subjected.

In a crash, an unrestrained occupant will impact the vehicle interior either after it has fully stopped or while it is still moving forward, i.e., while the vehicle itself is still in the process of absorbing energy. In order for a 5 mph bumper to have a superior beneficial effect on safety through contribution to crash energy management, it would have to cause the velocity of the vehicle to decrease at a significantly slower rate than would a 2.5 mph bumper. In such a case, the occupant would impact the vehicle interior at a point in time at which the vehicle itself still had a higher forward velocity than it would have had if equipped with the alternative bumper. The difference between the forward velocity of the vehicle interior and that of the occupant would in such a case be less, and as a result the occupant would absorb less energy or force in the impact. (This same analysis is of course applicable to restrained occupants as well, though they are much less likely to impact any point within the interior of the vehicle.)

The agency has determined, however, that 5 mph bumpers do not in fact cause the velocity of a vehicle to decrease at a significantly slower rate than would 2.5 mph bumpers in collisions at speeds of 10 to 15 mph or higher. There are several reasons for this. First, that difference between the two bumper systems which is relevant to safety in this context is the difference between the total energy absorption capability of the two systems, not the difference between energy absorption capability without damage. The energy that can be absorbed without damage to the vehicle is a small part of the total energy absorbed in collisions at 10–15 mph and above. Regardless of the type of bumper, the vehicle will already be stopped or almost stopped, in collisions at 10 mph or less, when the occupant impacts the vehicle interior. Thus, neither bumper system would have any significant opportunity to alter the speed at which the vehicle interior is traveling when the interior is struck by the occupant.

At speeds of 10–15 mph and higher, the small difference between 2.5 and 5 mph bumpers in energy absorption capability, primarily related to system weight, would have a negligible effect on the rate a vehicle slows in a crash. Other parts of the vehicle, e.g., the sheet metal and framing, are primarily responsible for the absorption of energy at such higher speeds. Further, as was noted in one of the comments on the notice of proposed rulemaking, the extra weight and rigidity of more damage resistant bumpers could in fact be expected to adversely affect crash deformation characteristics and rates of crush and energy absorption. Thus, more damage resistant bumpers may reduce, rather than increase, the potential levels of occupant protection in higher speed collisions.

Changes in Insurance Rates and Auto Prices

One commenter on the IIHS petition, the National Association of Independent Insurers (NAII), has alleged that the agency underestimated the impact the change in the Bumper Standard will have on automobile insurance rates. NAII argued that although the insurers had stated that the level of collision insurance premium increases would be

10 to 20 percent, the preamble to the final rule said that insurers had agreed that the appropriate figure would be 10 percent.

The agency fully considered the effect that the reduction in the bumper standard would have on insurance rates. As in any rulemaking proceeding, the agency based its cost estimates on the reasonably foreseeable consequences of its action. As was fully discussed in the FRIA, the agency carefully considered increases in collision and liability claims, as well as such factors as taxes and sales commissions. The increases in collision and liability claims were based on the agency's estimates of increased vehicle damage that may occur as a result of auto manufacturers meeting a 2.5 mph bumper standard instead of a 5 mph standard. The values used for taxes, sales commissions, profits, etc. were based on insurance industry data.

In cases of variance among asserted values for such cost components, the agency must necessarily adopt those figures whose derivation is known and which appear to be the most accurate. As indicated above, the agency fully supported its cost estimates in the FRIA. Therefore, it was appropriate to assign diminished probative value to estimates submitted by insurance industry commenters to the extent that those estimates were unsupported and in conflict with agency estimates based on known and documentable values.

In reaching its decisions on this factual point, the agency considered the estimates higher than 10 percent. The 10 to 20 percent range referred to by NAII was presented in one of the hearings conducted by the agency on the rulemaking. That range was stated to have been based on the discounts provided by insurance companies during the early 1970's, after state and Federal bumper standards took effect. It apparently represented those discounting companies' judgment as to the economic value of the difference in damage susceptibility between vehicles produced before any bumper standard, and vehicles produced under the 5 mph standard.

The relevance of that range, particularly at its upper end, seems questionable. Bumpers produced under the 2.5/2.5 standard are expected to provide significantly greater damage protection than those produced in the unregulated environment which preceded the bumper standard and which were the basis for the cited discounts. The unregulated bumper produced just prior to the early 1970's when bumpers standards came into existence have been estimated to have been the equivalent of 1.5 mph bumpers, rather than 2.5 mph bumpers. Further, those unregulated bumpers were not subject to height requirements and thus resulted much more often in underride or override.

Therefore, there does not appear to be any basis for anticipating that costs will increase under the action taken to the same extent they decreased when the standard first came into effect. Finally, the agency pointed out in the FRIA that one major company's estimate of a 15 percent increase in collision rates was, when appropriately adjusted, not incompatible with the agency's own range of estimates.

NAII also objected to one of the specific reasons stated by the agency for not agreeing with the predictions of the rate increases by the insurance industry. That reason was the agency's assumption that only actual cost increases would be approved by State regulatory bodies for pass through and recovery in the form of rate increases. The commenter argued that this assumption demonstrates a total misunderstanding of the insurance industry's regulatory ratemaking procedure.

According to the commenter, many states do not require any approval before raising rates. The commenter stated that when new, improved bumpers were first produced under the government's bumper program, many insurers offered "judgmental discounts" on rates, assuming the lower rates would be justified by later experience in the form of fewer claims and lower payouts. The commenter stated that it had every reason to believe those judgmental discounts and lowered collision costs will be rescinded and rates raised as a result of the change in the Bumper Standard. The apparent implication of NAII's comment is that if insurance companies think rate increases of 10 to 20 percent are needed, those are the increases they will adopt even if states requiring pre-approval of rate increases based on estimates of increased costs would in fact only be able to find, and approve, a lesser amount.

The agency does not agree that it mischaracterized the insurance industry's regulatory ratemaking procedure. While some states may not require approval before raising rates, many states do. Moreover, approval for rate increases is ordinarily more difficult to obtain than approval for rate decreases.

The agency believes that even in those states not requiring prior approval, rates will ultimately reflect actual cost increases as a result of competition in the market place. This will certainly be true in the long run, if not fully realizable in the short run. In any event, the principle that insurance companies will, and should, be able to recover from their insured customers only actual increased costs (including normal profit) is the only assumption which in the agency's view is consistent with the intent of the Act that this element of cost be taken into account in setting the standard. To conclude otherwise would require the agency to infer that the Congress intended the Act to create a windfall and objectively unsupportable level of increased profit for insurance companies, at the expense of consumers and the public. This the agency declines to do.

On a somewhat related point, NAII argued that there is no reason to believe that car manufacturers will pass on cost savings to consumers The answer to this point is similar to the answer to the arguments concerning insurance rate increases. The agency believes that cost savings will be passed through to consumers as a result of competition. Moreover, as the agency noted in the FRIA, several car manufacturers specifically indicated that they would pass cost reductions on to consumers. The agency believes that its reliance on the manufacturers' statements is reasonable since neither petitioners here nor commenters on the NPRM have put forth any basis for assuming otherwise.

Phase I vs. Phase II

IIHS noted the agency had concluded that "any attribution of benefits to the Phase II requirements would be too speculative as a basis for agency decision." IIHS therefore alleged that the agency dropped the Phase II requirements simply because it could not find any data on the Phase I vs. Phase II issue.

It is true, as the agency pointed out, that empirical performance data on Phase I bumpers are not available owing to the uncertainty about which model year 1979 cars may be considered to have had only Phase I bumpers. The requirements for Phase I bumpers were in effect for that model year only. Commenters indicated that some car manufacturers immediately began compliance with the Phase II requirements, which became effective in model year 1980, without ever producing Phase I (only) bumpers. Evidence of the lack of any significant difference, however, among bumper systems for these two years is found in the teardown studies on 1979 and 1980 bumpers. Those studies showed no differences in the weights of those bumpers and only insignificant changes ($2) in costs.

The agency's decision to reduce the damage criteria was not based on the fact that data were unavailable for Phase I vs. Phase II. Instead, it was based on data showing no difference in lifetime net benefits between the original FMVSS 215 bumpers and Phase II bumpers. Therefore, in accordance with the Act, the agency determined that the Phase II requirements should be eliminated. As pointed out, the agency did not consider it consistent with the statute's direction to seek the maximum feasible "reduction in costs" to maintain requirements which result in higher known costs to achieve only essentially the same expected net benefit.

The preamble to the final rule and FRIA explain more fully the decision on Phase I vs. Phase II, including additional considerations bearing on the decision. Among other things, the agency noted that the Phase I requirements will permit use of new technology, prevented by the Phase II criteria, that may result in even greater consumer benefits.

Assumptions in the FRIA

IIHS raised a number of issues concerning numerical assumptions made in the FRIA. Most of the issues related to assumptions about primary and secondary weight savings and estimates concerning the relative effectiveness of 5 and 2.5 mph bumpers. It was alleged that a significant portion of the FRIA's projected cost decreases for 2.5 mph bumpers is derived from projected primary and secondary weight savings which are largely illusory. It was also argued that the agency's estimate of fuel savings attributable to weight reduction is incorrect.

Primary Weight Savings

IIHS argued that both the lower and upper ends of the FRIA's range of estimated primary weight savings—15 to 33 pounds—are too high. This range affected the arithmetic average of weight savings used in some of the comparisons of alternative bumper standards but not the weighted average used in one of the comparisons.

The petitioner stated that the agency had ignored some manufacturer comments which state that their primary weight savings will be less than 15 pounds. The petitioner argued that the upper end of the range was too high because it appears to be based on differences between U.S. versions of cars complying with the former U.S. 5 mph standard and European versions of the same cars complying with the European 2.5 mph standard. The petitioner stated that these design differences are irrelevant because the provisions of the European standard are less stringent than those of the recently adopted U.S. 2.5 mph standard.

NHTSA does not believe that any significant change to the bounds of its range is necessary or would be appropriate. The effects of any even arguably relevant changes on the overall results of the agency's analysis would be minimal, and in no event outcome determinative.

In response to the NPRM, three manufacturers (Chrysler, Volkswagen and Mitsubishi) did give estimates lower than 15 pounds. However, Chrysler and Volkswagen, whose U.S. sales substantially exceed those of Mitsubishi, have indicated that those figures represented only initial savings and that additional savings could be expected. The figure initially given by Chrysler was 10 pounds. However, it should be noted that Chrysler emphasized that this was a minimum figure. Further, Chrysler's estimate of 10 pounds was for Phase II bumpers. Weight savings somewhat above 10 pounds are likely for that company as a result of the agency's decision to adopt the Phase I requirements. Based on projections from detailed weight data submitted by GM and Volvo, additional weight savings of from one to two pounds would be expected in altering plans for complying with a 2.5/2.5 Phase II standard to plans for compliance with a 2.5/2.5 Phase I standard. In addition, Chrysler was cited in a September 23, 1982, *Christian Science Monitor* article as having stated that it would eliminate about 10 pounds for the 1983 model year and still more weight for the next model year.

Similarly, Volkswagen has indicated that the 8 pound figure attributed to it represents the initial weight savings only. In a July 29, 1982, letter to IIHS, Volkswagen stated that the weight of its Rabbits and Jettas would be reduced by 8 pounds by substituting the energy absorbing components with rigid brackets. Volkswagen emphasized that it never suggested that there would not be additional weight savings for the Rabbit, such as those that might result from redesigning the face bar. It noted further that it had specifically stated at the October 22, 1982, public hearing that the weight savings for the Jetta would significantly exceed 8 pounds.

As to the upper end of the range, Volvo supplied a higher number, 39 pounds. It was not dependent on estimates involving the European bumper but was excluded because of the particular nature of the Volvo cars and their low U.S. sales volume. The 33 pound figure that was used was based on estimates provided by Renault and BMW. The petitioner argues that since the Renault and BMW weight estimates appear to be based on differences between a European version of a car built to a 2.5 mph European standard and an American version of the same car built to the former Part 581 standard, they may be too high since the European 2.5 mph standard is less stringent than the amended Part 581 standard. This point appears to be confirmed by a later submission of one of those manufacturers, which reports lower weight savings than it originally projected.

The outcome of the agency's comparison of alternative bumper standards is not significantly affected by the choice between using a range of reasonable values which excludes high and low outlying values and one which uses the most extreme values submitted by the manufacturers. The results of the analysis in the FRIA are insensitive to the choice between a 15–30 pound range (30 pounds being the Ford average figure) or 15–33 pound range. Use of the former instead of the latter range reduces the net benefits of the 2.5 mph/2.5 mph standard by only $3–4. If a range of extreme values, 8–39 pounds, had been used, there would have been no change in the net benefits calculated in the FRIA. Finally, even if NHTSA had adopted IIHS's apparent suggestion of an 8–30 pound range primary weight savings, the agency's decision would not have changed. The lifetime net benefits of 2.5 mph bumpers would still have yielded more than $20 per car as compared to 5.0 mph bumpers.

Similarly, the sales weighted average computed in the FRIA would not be affected if the agency used lower estimates of weight savings for Renault and BMW. This results from the relatively low United States sales of those two companies.

IIHS also argued that NHTSA's teardown studies, used as an independent check on manufacturer weight reduction estimates, included an unrepresentative sample of vehicles. According to the petitioner, the agency's review did not include a large number of newer front-wheel drive vehicles and thereby biased the results in a way that would be expected to produce higher bumper weights. The petitioner alleged that the studies could therefore not be expected to produce an independent check on manufacturer estimates of weight savings for mid-1980's model cars. Further, the petitioner alleged that NHTSA's analysis ignores the fact that 5 mph bumpers have been getting lighter with each successive design cycle. The apparent implication of this argument is that the weight savings estimated by the

agency may not be the same as would be realized in the mid-1980's.

The agency does not agree that the sample of vehicles used for teardown studies was unrepresentative for the purpose of determining the validity of the manufacturers' submissions. Due to cost constraints, the agency was not able to study every model type. The agency believes the sample of vehicles studied was sufficiently large and representative to serve its limited purpose, a check on manufacturer estimates.

The agency did not ignore the fact that 5 mph bumpers have been getting lighter when compared to the initial FMVSS 215 bumpers. The agency believes, however, that the few examples cited by IIHS do not establish that there would have been significant additional reductions in average bumper weight had the standard remained at 5 mph. Manufacturers have been producing 5 mph bumpers since 1973. Thus, there has been sufficient time for manufacturers to have optimized weight savings from successive design cycles. By way of contrast, the agency's weight estimates for 2.5 mph bumpers represented initial designs. Thus, additional weight savings will be possible for 2.5 mph bumpers as manufacturers learn from successive design cycles.

On a related point, this petitioner took exception to the agency's statement that even if it based its analysis on bumpers utilizing the latest technology, the effect of this change on the analysis would largely be negated by the necessary parallel assumption that bumper systems offering lower levels of protection would also be designed at the most efficient levels possible. Petitioner argued that this statement obscured the fact that efficient bumper designs such as those already on some cars cannot possibly yield the weight savings projected by the agency even if the most efficient 2.5 mph designs were used. The petitioner cited three specific vehicles, the Plymouth Horizon, Volkswagen Rabbit, and Ford Escort.

The agency does not agree with the possible implication that manufacturers cannot achieve significant weight savings by replacing efficient 5 mph bumper designs with efficient 2.5 mph designs. The three vehicles cited by IIHS are all considerably smaller than the fleet average. While the weight savings of a particular vehicle depends on many factors, it may be stated as a general rule that larger cars are likely to experience higher weight savings than smaller cars. This is true because larger cars have larger and heavier bumpers and therefore more potential for weight savings. NHTSA projects that weight reduction will be proportionate to total bumper weight. Thus, the three vehicles cited by IIHS would be expected to have weight reductions less than the averages projected by the agency.

Nevertheless, for current new small cars with light weight 5.0 mph bumpers, significant weight reduction appears possible. Although the ECE 2.5 and U.S. 2.5 mph bumper standards are different, those differences do not explain a substantial portion of the 41 pound difference between the 13 pound bumper system on the European Ford Escort and the 54 pound system on the US counterpart. Thus, a primary weight savings well within the 15 to 33 pound range is not unreasonable, even for a very small car.

Also on the subject of primary weight savings, IIHS argued that unless a vehicle could be moved into a lighter EPA weight class, manufacturers do not appear to be interested in seeking to reduce bumper weights to achieve small improvements in fuel efficiency for consumers. As an example, the petitioner noted that two of GM's X-cars have virtually interchangeable bumpers with weights differing by 33 pounds. According to the petitioner, this makes it clear that possible small consumer savings in fuel are not an overriding consideration when bumper design decisions are made and that there is no evidence that any theoretically possible weight savings will ever be realized in practice. It was also argued that there is no evidence to suggest that manufacturers will seek to produce 2.5 mph bumpers that are significantly lighter than lightweight 5 mph bumpers.

The agency's estimates of weight savings are those expected to be achieved in the real world, instead of those which are theoretically possible. Those expectations were based on the changes that the auto manufacturers indicated they actually intended to make in their bumper systems in response to a 2.5 mph standard. The petitioner has not offered any evidence calling those intentions about future weight reductions into question. Similarly, the agency's evaluation of the teardown studies was based upon the agency's own assessment of the changes that a manufacturer would actually make. Those studies, which were discussed in the 1981 Evaluation and in the FRIA, were used by the agency as a check on manufacturer comments in reaching its final decision.

While the agency is not privy to all of the reasons that the manufacturers have in mind for achieving their projected weight savings, the agency can identify several incentives which the manufacturers have. For whatever material is used in a given bumper, a lighter version of that bumper will cost less since less material will be used. In switching from a 5 mph bumper to a 2.5 mph bumper and removing the relatively expensive energy absorbers, manufacturers will save money while obtaining a weight savings. Further, each pound of primary weight saved will enable the manufacturers to achieve secondary weight savings elsewhere, thereby saving the money associated with secondary weight. Since the manufacturers have an overall incentive to meet consumer demand for fuel economy, the agency believes that they will take advantage of the opportunities to reduce weight.

As to the particular example cited by IIHS, the agency does not believe any firm conclusions can be drawn regarding the reasons for the weight differences in the bumper systems of two models of General Motors X body cars. The single example certainly does not prove that General Motors or any other manufacturer considers vehicle weight to be an unimportant factor except for the purposes of EPA weight classes. While a number of explanations are possible for the differences in the bumper systems, the agency does not believe it appropriate or useful to speculate on why a company made particular design decisions.

Secondary Weight Savings

IIHS argued that because secondary weight reductions cannot occur until a vehicle is completely redesigned, any vehicle whose bumper system performance is reduced to 2.5 mph in the next few model years, i.e., without accompanying overall vehicle redesign and secondary weight reductions, will generate net consumer losses over its lifetime. This petitioner also argued that there is considerable uncertainty as to whether any secondary weight savings will actually occur when vehicle redesign is ultimately undertaken. On the subject of secondary weight, the petitioner noted and submitted certain statements made in a recent paper published by C. L. Magee, a Ford employee, under the auspices of the Society of Automotive Engineers (SAE). In that paper, the author ("Magee") indicated that secondary weight benefits are probably only practically realizable over a period of 10 or more years. Also, Magee noted that a complicating factor limiting the achievement of secondary weight reduction is the practice of deriving a variety of vehicles from a common base.

The issue of short run, transitional effects of the reduction in the bumper standard was discussed in the final rule. The agency noted therein that it expects manufacturers to continue to produce bumper systems exhibiting at least some characteristics of 5 mph, Phase I bumpers. Production requirements and market pressures will constrain any move immediately to 2.5 mph bumpers only. The agency noted that, as indicated by several manufacturers, bumper face bars and reinforcements designed for 5.0 mph impacts will undoubtedly continue to be used on at least some new cars, in the short or intermediate term. As IIHS and its survey data have noted, this is fully consistent with some levels of consumer expectation and desire about bumper performance and thus subject to predictable market demand support. Agency experience and testing indicate that such components are capable of affording protection at somewhat higher impact speeds than those previously required, in probable large part as a result of intentional over-design to ensure compliance in NHTSA testing. Thus, contrary to IIHS's contention, a significant portion of the performance of current bumpers would in any event be retained in the short run.

Of perhaps greater significance, however, some reduction in secondary weight is possible without complete redesign of a vehicle. As manufacturer comments and the FRIA recognized, weight-reducing changes can be made and are expected in such vehicle components as tires, brakes, and drivetrains.

Thus, the agency does not expect many vehicles to be produced with 2.5 mph bumpers that do not have some corresponding changes in secondary weight. To the extent that any such vehicles are produced in the short term, the associated costs are normal transition costs associated with any change in requirements. The possibility that the rulemaking may have such short-term costs is outweighed by the significant benefits that owners of future cars will experience as a result of the new standard.

The agency does not agree with the petitioner that there is uncertainty that secondary weight savings will occur when vehicles are redesigned. Based on generally recognized and accepted design theory, the incentives facing manufacturers and manufacturer comments, the agency concludes that secondary weight savings will actually occur. The petitioner provided no information supporting its assertion to the contrary but simply concluded that such savings were uncertain. Petitioner's assumptions are contradicted by the very SAE paper it submitted, which expressly assumed that primary weight reduction will be accompanied by significant secondary weight reduction. Indeed, the paper uses a secondary weight factor very close to the one used by the agency. The agency assumed a secondary weight reduction of .7 to 1.0 pound for each pound of primary weight reduction while the SAE paper assumed a secondary weight reduction of .6 to .9 pound.

Finally, even if the practice of deriving a variety of vehicles from a common base were to limit the achievement of secondary weight reduction for any particular vehicles, it would not *ipso facto* call into question the agency's range of .7 to 1.0 pounds. Both the agency's .7 to 1.0 pound range for the fleet average, based on reviewed manufacturer estimates, and the SAE paper's range of .6 to .9 pounds, which explicitly noted that complicating factor, took into account the effect of deriving different vehicles from a common base.

Fuel Savings

IIHS challenged the agency's estimate that 1.0 gallon of gasoline would be saved over the lifetime of a car for each pound of weight removed from a car. It noted that Magee's SAE paper suggested that the estimate should be 0.49 to 0.79 gallon per car for cars appearing in the market place five to ten years or more from now.

A supplementary memorandum prepared by the same author and submitted by Ford to the agency docket in connection with the agency's consideration of the reconsideration petition emphasizes the real uncertainties in estimating weight effects of fuel consumption and concludes that his "long-term estimates—depending on other assumptions—are in 'reasonable' or 'fairly-close' agreement with that given by NHTSA * * *."

Bearing in mind the probative weight properly to be assigned to such assertions by interested parties, the agency concludes that to the extent that there are any differences or inconsistencies between the estimates of Magee and those of the agency, the agency will not elect to rely exclusively upon the estimate of this author as opposed to its technical experts. There are a variety of reasons for this decision. First, while estimates concerning the amount of gasoline that will be saved over the lifetime of a car for each pound of weight removed vary significantly, Magee's estimate is lower than those set forth in most other similar studies reviewed. With one exception, the studies cited by Magee's report itself conclude that the figure for long run fuel savings should be in the range of 1.09 to 1.4 gallon, values significantly higher than the agency's own estimate of 1.0 gallon. IIHS did not explain why the agency's judgment on this point should now be considered incorrect, or why the value set forth in the Magee study should be accepted as superior to virtually all other studies or comments by manufacturers. While the agency has considered and assessed the report, it is unable to conclude that it must be considered uniquely superior to other studies.

Second, Magee's cited low estimate is based on at least one highly questionable assumption. He assumes that powertrain efficiencies will be significantly improved in the future and that those improvements would reduce by 15–30 percent the effect on fuel economy currently attributed to any weight changes. This assumption is unsupported by data or analysis and could not serve as the basis for agency judgment on the issue.

Relative Effectiveness Estimates

IIHS challenged the agency's overall estimate of the relative effectiveness of 5 mph and 2.5 mph bumpers. First, IIHS alleged that the agency ignored the results of that organization's own crash tests, which directly compared the performance of bumpers on three pairs of vehicles, the Subaru four-wheel drive compared to the Subaru two-door hatchback, the four-wheel drive AMC Eagle compared to the AMC Spirit, and the VW Rabbit pickup truck compared to the VW Rabbit. IIHS noted that one vehicle in each pair was required to meet the 5 mph standard, while the other vehicle was not, and asserted that the vehicles not meeting the 5 mph standard in fact had bumpers equivalent to 2.5 mph bumpers. IIHS argued as a result that comparison of performance could effectively serve as empirical comparison of the relative effectiveness of 5 mph versus 2.5 mph bumpers.

The agency fully considered the data presented by IIHS. As explained in the FRIA, the agency determined that its use as suggested by IIHS was wholly inappropriate and unsupportable from a scientific standpoint. The bumpers on those vehicles alleged to have 2.5 mph bumpers were not in fact or by design intended to meet a 2.5 mph standard. Further, the data presented by IIHS did not in any way demonstrate that the vehicles in fact *had* bumpers that could meet a 2.5 mph standard. Although the petitioner subjected the vehicles to

barrier tests at 2.5 mph, it did not subject them to the more critical *pendulum* test required by NHTSA's 2.5 mph standard. In terms of local loads to which a bumper system is subjected, the pendulum test is far more stringent than a barrier test. Therefore, the vehicles were not shown to have had bumpers meeting Part 581 requirements, and the entire basis for comparison as asserted by IIHS is undermined. If the vehicles asserted to have 2.5 mph bumpers had actually had bumpers that were the equivalent of 1.5 mph or 2.0 mph bumpers, comparison of the resulting test data with those for the 5.0 mph bumper vehicles would have substantially exaggerated the difference between 2.5 mph and 5 mph bumpers.

In addition, there are several other reasons which were set forth in the FRIA for the agency's inability to rely on IIHS data. For example, the vehicles in question are not sufficiently representative of the vehicle fleet for the agency to draw significant conclusions about the differences between 2.5 mph and 5 mph bumpers. Even if that were not the case, the data submitted by IIHS were inadequate to draw any conclusions about *overall* 2.5 mph and 5 mph bumper effectiveness in low speed collisions. Over the lifetime of an average car, the fractional number of crashes that occur at speeds near or above 5 mph is small. A much larger number occur at 0–3 mph. Yet IIHS conducted all of the tests which it submitted to the record at an impact speed of 5 mph only. No tests are known by the agency to have been conductd by IIHS at lower speeds, other than the above noted limited tests demonstrating that the unregulated bumpers could pass the less stringent barrier test at an impact speed of 2.5 mph.[2]

In its petition, IIHS noted the agency's statement that there were no data from which to conclude that the bumper systems tested by that organization were designed to, or would in fact comply with, the Part 581 requirements in 2.5 mph barrier and pendulum impacts. The petitioner alleged that the agency apparently ignored the fact that, at the November 1981 hearings on the rulemaking, the witness on behalf of IIHS explained that the VW Rabbit pickup truck's front bumper was essentially the bumper that Volkswagen *itself* had said it would install in compliance with a 2.5 mph standard.

The agency does not agree that the petitioner has demonstrated the necessary properties of the bumper in question or even the understanding or intention of VW in this regard. In fact, the IIHS witness stated at the hearing that IIHS itself "presumed" that the design on the VW pickup truck's front bumper was the one that VW would choose for the Rabbit passenger car, based upon IIHS' reading of the estimated weight savings allegedly indicated by that manufacturer in its comments, a perceived similarity between the VW pickup truck and passenger car bumpers (except for the energy absorbers included on passenger car bumpers), and the fact that manufacturers in general have indicated they will remove energy absorbers in going to 2.5 mph bumpers. VW itself has not stated to the record or as known to the agency anywhere else that it would use the pickup truck bumper design on its passenger cars in the event of an impact change from 5 to 2.5 mph. Moreover, the July 29, 1982, letter written by VW to IIHS and submitted to the record asserts that the weight savings figure used by IIHS in this regard was taken out of context. VW indicates in its letter that it may in fact redesign the bumpers, including the face bars, of its passenger cars under the new standard.

More important, even if IIHS were correct that the bumper design in question is the one VW will use under a 2.5 mph standard, the issue is still not resolved. As noted above, IIHS data for the three pairs of cars are too limited to draw conclusions about overall 2.5 mph and 5 mph bumper effectiveness, and do not take account of the small number of crashes occurring at speeds near or above 5 mph. The data for the pair of VW cars alone are still more limited, and commensurately less suitable for drawing reliable conclusions.

The agency notes that even as so limited in value, the resulting IIHS data comparing the combined damage of three types of 5 mph collisions for 2.5 mph and 5 mph bumpers, do not directly conflict with the agency's conclusions about the overall relative effectiveness of 2.5 mph and 5 mph bumpers. The agency's 1979 Assessment, which was used by the agency in comparing 2.5 mph an 5 mph bumper effectiveness, assumed that 5 mph bumpers were much more effective in 5 mph collisions than 2.5 mph bumpers. Moreover, the determination in the 1979 Assessment that 2.5 mph bumpers were 67 percent as effective as 5 mph bumpers was, in significant part, a reflection of the above noted fact that a very small number of crashes occur at speeds near 5 mph and above, as compared to the number which occur at speeds of 0 to 3 mph.

The agency believes that the best available evidence concerning the relative effectiveness of 2.5 and 5 mph bumpers is the theoretical relationship developed in the PRIA and FRIA through use of the agency's 1979 Assessment. Based on a combination of real world data and engineering estimates regarding effectiveness, the 1979 Assessment concluded that 2.5 mph bumpers were 67 percent as effective as 5 mph bumpers, i.e., that 2.5 mph bumpers prevent 67 percent of the damage prevented by 5 mph bumpers, relative to pre-standard bumpers. (The 67 percent figure is in part a function of the value of unrepaired damage and thus varies according to the value selected.)

After reviewing the challenge set forth in IIHS's petition, the agency continues to believe that it was appropriate to use the 1979 Assessment for purposes of the 67 percent ratio. As the agency explained in the PRIA and FRIA, there are very few empirical data concerning the effectiveness of 2.5 mph bumpers. The reason for this is that the only 2.5 mph bumpers ever installed on cars were those on the rear of 1973 cars. The PRIA did attempt to use the limited data available from those vehicles to estimate the effectiveness of front and rear 2.5 mph bumpers. However, commenters on all sides agreed that the 1973 rear bumpers were not representative of 2.5 mph bumpers.

As an alternative to using the data on 1973 rear 2.5 mph bumpers, the agency used the 1979 Assessment to estimate 2.5 mph bumper effectiveness. The agency applied the Assessment's 67 percent ratio to its real world estimate of 5 mph bumper effectiveness to derive an estimate of 2.5 bumper effectivness. None of the commenters on the proposal opposed this use of the ratio.

In its petition submitted after the final rule, IIHS did allege that certain of the assumptions underlying the 1979 Assessment are rebutted by IIHS crash test data. It further asserted that some of

[2] The agency notes that the results of IIHS's testing, as announced and displayed in films submitted to the docket and widely distributed to the press and public, are seriously misleading in another respect. IIHS compared the total amount of damage sustained by similar vehicles with alleged 5 mph and 2.5 mph bumpers in a series of crashes. Quite apart from the fact that the series of tests were extremely unrepresentative in terms of the number of crashes that a vehicle is likely to be involved in at speeds as high as 5 mph, the front into angle barrier and rear into pole tests included by IIHS were far more severe than any test required by Part 581. A very large portion of the differences in dollar damage between the vehicles alleged to have 5 mph and 2.5 mph bumpers is attributable to those severe tests. Presentation of test results in the manner used by IIHS could mislead the uninformed observer as to either NHTSA's test protocol or the relative ability of these undocumented "2.5" bumpers to withstand damage as compared to 5 mph systems in the type of crash situations likely to be experienced by a typical car in the real world.

the data were never validated and that the data and assumptions do not take Phase I and Phase II requirements into account.

With respect to these allegations, it should be noted that the agency did not use the 1979 Assessment for purposes other than developing the 67 percent ratio. The agency believes that data regarding on-the-road experience, such as the data used to estimate the benefits produced by 5 mph bumpers, are superior to engineering estimates. However, as the problem of estimating 2.5 mph bumper effectiveness illustrates, such data are often unavailable. Since the agency only used the 1979 Assessment for purposes of the 67 percent ratio, the only inquiry into its underlying assumptions which is relevant at this point is whether they could be incorrect in such a way as to significantly reduce that ratio.

The IIHS petition alleged that one of the underlying assumptions of the 1979 Assessment, that a bumper system loses all of its effectiveness in impacts that are twice the design speed, is rebutted by IIHS crash test data. According to that organization, even the FMVSS 215 bumper resulted in substantial reductions in damage in barrier impacts of 10 and 15 mph.

The agency does not believe that the data presented by IIHS establish any invalidity of the 1979 Assessment's assumption that a bumper system loses its effectiveness in impacts that are twice the design speed. This conclusion is based on several factors. First, the IIHS data come from front barrrier crashes which overstate the effectiveness that bumpers would have in the real world. The reason for this is that front barrier tests do not reflect collisions with objects, varying angles of collision, or the dynamic mismatch and override which occur in a significant portion of on-the-road collisions. Before using such test results to estimate bumper effectiveness in real world crashes, the agency would have to reduce the values substantially to account for those factors. If this were done, estimates of overall effectiveness at twice the design speed would only be a fraction of the values derived by IIHS test data.

Second, IIHS's conclusions are based upon a very small number of vehicles. Third, there was a great deal or year-to-year scatter in the data for individual vehicle types.

In any event, even if the 1979 Assessment had assumed some level of effectiveness at speeds more than double the design speed, the 67 percent ratio would not have been substantially changed. The reason for this is that while 5 mph bumpers would have been assumed to have some effectiveness at speeds above 10 mph, it would have been necessary to assume also that 2.5 mph bumpers would have some such effectiveness above the doubled value for that speed, i.e., above 5 mph.

IIHS also argued that the 1979 Assessment's figures on the frequency of crashes at different impact speeds, derived from a Ford study, have never been validated. The agency disagrees. The frequency values were based on extensive data. That data included the results of a survey taken of approximately 18,000 damaged vehicles that had been involved in accidents.

The agency believes that the Ford frequency of crash information was the best available when the 1979 Assessment was completed. The agency is unaware of any later data which are either superior to the Ford data or which indicate that the limited conclusions derived from such frequency of crash information are invalid. The petitioner neither identified nor submitted such data.

Finally, IIHS argued that these agency effectiveness estimates did not take account of the Phase I/Phase II requirements. The petitioner suggested that in making such estimates the agency assumed that designs which would allow damage to the bumper and attachments (Phase I) would be as effective as designs that permit no damage at all (Phase II).

Petitioner's arguments on this point are incorrect. As discussed above, the agency made no such assumption. The 67 percent effectiveness ratio was derived from the estimate in the 1979 Assessment that 2.5 mph Phase I bumpers would prevent 67 percent of the damage prevented by 5 mph Phase I bumpers. The agency believes that use of the same ratio is appropriate for comparing 2.5 mph Phase II bumpers with 5 mph Phase II bumpers or 2.5 mph FMVSS 215 bumpers with 5 mph FMVSS 215 bumpers.

Alleged Discrepancies

IIHS alleged that there are discrepancies in the various calculations used in NHTSA's analysis to estimate the differences in net benefits between 5 mph and 2.5 mph bumpers. For example, the petitioner noted that the press release announcing the agency's decision indicated that the new standard will yield an additional $28 in net benefits to consumers over the life of the vehicle, when compared to the current 5 mph bumpers. The net $28 in benefits were stated to have been based on vehicle price and fuel savings of $93 offset by an increase of $65 in higher repair, insurance and other costs.

IIHS argued that the $93 and $65 figures never appeared in the analysis and that the net benefit of $28 mentioned in the press release is the average result obtained from three different methods. This petitioner also argued that the agency's own most probable set of values for the various components of costs and benefits produced a net benefit result of $18.

The agency has examined the examples alleged by IIHS to be discrepant figures, and has determined that they represent nothing more than the different possible estimates of benefits which might result from the alternate methods of calculation used by the agency. As noted extensively in the preamble to the final rule, the comparable assessment of costs and benefits by alternative methods was one means by which the agency addressed and to the degree possible reduced the problems of uncertainty inherently associated with this type of rulemaking.

The specific figures of $93 in gross benefits and $65 in gross costs appear on page ii of the FRIA summary. Those figures were derived using the assumptions underlying each of three methods by which the agency calculated the most probable outcomes of net benefits. The figures are indeed averages of the three methods, just as the $28 is an average.

Contrary to the assertions of IIHS, the agency has never concluded, much less stated, that the most probable values for the various components of costs and benefits would yield a net benefit of $18. Instead, the set of assumptions used to derive the $18 figure (which appears at line 3, Table XI–4, FRIA) was one of several combinations of assumptions which the agency evaluated on pages XI–17 to 19 of the FRIA in an attempt to arrive at the respective, more probable outcomes for each such set of assumptions. Table XI–4 of the FRIA presents three such outcomes, with net benefits of $42, $23 and $18, respectively, which the agency considers to have an equal probability of occurrence. These benefit figures are the ones mentioned above as having been averaged to produce the $28 figure.

The IIHS petition alleged that, in calculating one of those three net benefit outcomes, the agency derived four net benefit figures, arbitrarily decided that one of them was not plausible, and then averaged the other three to obtain the net benefit outcome.

The agency disputes that construction of its assessment process. As part of its sensitivity analysis of this complicated

economic structure, the agency calculated net benefits using four combinations of extreme assumptions: high benefit range/low cost range, high benefit range/high cost range, low benefit range/low cost range, and low benefit range/high cost range. In one attempt to estimate and set forth the probable net benefits for the alternative standards, the agency calculated the average of the results of those combinations of extreme assumptions. The agency determined, however, that it was virtually impossible for one of the four combinations of extremes assumptions, the low benefit range with high cost range, to occur in reality. This conclusion was not arbitrary, but based on the recognition that for this particular combination of factural predicates to occur, inherently contradictory operations of market or price behavior would have to occur and diametrically opposed assumptions as to cause and effect would have to be made simultaneously. Therefore, the agency excluded that combination from the averaging process.

The agency fully discussed in the FRIA its reasons for rejecting the possibility that low benefit/high cost combination of assumptions could occur in reality. The IIHS petition did not address the agency's statements or suggest why they might be incorrect. The agency believes its conclusion was correct and, therefore, that it was appropriate not to use that combination for purposes of determining this one estimate of net benefits of the alternative standards.

Further, the particular methodology challenged by IIHS (averaging the three figures to obtain a likely outcome) is only one of three used by the agency to determine likely outcomes. The agency's ultimate decision was based on the entire analysis and is not dependent on the methodology as challenged by the petitioner. The outcome (the agency's decision) would not be changed by dropping the methodology entirely, or even by averaging in the set of extreme assumptions which the agency determined was inappropriate to use in the averaging process. The reason for this is that in any such case the agency would still: (1) find it necessary to reject the 5 mph/5 mph alternative since it was less cost effective than other standards, and (2) choose the 2.5 mph/2.5 mph standarad over the other alternatives. While the choice between the 5 mph/2.5 mph and 2.5 mph/2.5 mph standards would be very close in that situation, the agency would, under the rationale set forth in the preamble to the final rule, be forced to choose the 2.5 mph/2.5 mph standard since it best serves the agency's understanding of the Congressional intent in enacting the statute in the first place. It would result in the fewest known costs to achieve essentially the same expected net benefit, would allow manufacturers the greatest design freedom in attaining the same net benefit, and avoids a differential front and rear standard which would increase design costs and affect the amount of damage inflicted.

For all of these reasons, the results of the rulemaking are not affected by the issues raised by IIHS' challenge to the exclusion of the net benefit figures for the fourth combination of assumptions from the averaging process in determining one of the likely outcomes.

Late Submission

Late in the agency's review of the petitions for reconsideration, Allstate submitted a new analysis of insurance data for 1980 model year cars as compared to 1971–1972 and 1973–1974 model year cars. That company concluded that the 1980 systems produced substantial cost reductions. Moreover, Allstate argued that its data are not unique, since analyes of State Farm submitted to the docket demonstrate similar results.

The agency was unable to fully analyze or draw reliable conclusions from Allstate's data for two reasons. First, the data were presented in a summary format which did not enable the agency to evaluate the methodology employed by Allstate or compare the data with data of a similar type analyzed by the agency. Second, the analysis was submitted so late (almost five months after publication of the final rule) that efforts by the agency to obtain the type of information needed for a full evaluation and then to conduct such an evaluation would have resulted in a substantial delay in responding to the timely filed petitions for reconsideration.

However, the agency has no reason to believe that such an evaluation would in any way affect its various estimates provided in the FRIA or its decision to deny the petitions for reconsideration. The reductions in accident and insurance costs resulting from 5 mph bumpers were fully considered by the agency during the rulemaking. While the agency is unable to assess Allstate's arguments that its data are not unique and that analyses of State Farm submitted to the docket demonstrate similar results, the agency did fully consider data submitted by State Farm that were of a similar nature to those used by Allstate. See PRIA, chapter V; FRIA, chapter III (D) and VI. If Allstate submits its data in a more complete and useable format, the agency will consider them as part of its ongoing review of the Bumper Standard.

List of Subjects in 49 CFR Part 581

Motor vehicle safety, Motor vehicles.

(Sec. 102, Pub. L. 92–513, 86 Stat. 947 (15 U.S.C. 1912); Secs. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50)

Issued on December 13, 1982.

Raymond A. Peck, Jr.,

Administrator.

[FR Doc. 82-34238 Filed 12-14-82; 11:32 am]

BILLING CODE 4910-59-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

[Docket No. 21213–250]

Foreign Fishing

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

ACTION: Interim rule; extension of comment period.

SUMMARY: NOAA issues an interim rule to establish a 1983 poundage fee schedule for foreign vessels fishing in the fishery conservation zone until a final schedule is made effective. NOAA also provide 30 days for comments on the rule. This action is necessary because interested parties claim not to have had sufficient time to comment on a rule proposed on November 12, 1982. This interim rule is identical to the proposed rule and the extension of the comment period will allow interested parties more time to prepare comments and ensure that foreign fishing may continue beyond December 31, 1982.

DATES: This interim rule is effective on January 1, 1983. Comments must be received on or before January 19, 1983.

FOR FURTHER INFORMATION CONTACT: Susan E. Jelley, National Marine Fisheries Service, 202–634–7432.

SUPPLEMENTARY INFORMATION: On November 12, 1982, NOAA published the proposed poundage fee schedule for 1983 at 47 FR 51336. A 30-day comment period on the proposed rule closed on December 13, 1982. NOAA wishes to provide sufficient time for comments and to give full and careful consideration to all comments received. Comments received to date, principally comments received from Governments

of foreign fishing nations, state that more time is needed to develop meaningful responses on the issues contained in the proposed rule published at 47 FR 51336. Translation problems have been cited in some instances. Drafters of such comments have stated that they do not wish to delay the implementation of a 1983 poundage fee schedule.

NOAA has considered these requests and believes legitimate reasons exist for granting an extension. Therefore, NOAA has decided to adopt the rule proposed at 47 FR 51336 as a interim final rule effective on January 1, 1983, and to provide 30 days from the date of publication of this notice for comments on the interim rule. Comments on the proposed rule, as well as additional comments received on the interim rule, will be considered prior to publication of a final rule.

Payments for foreign poundage fishing fees are made by letter of credit (L/C). NOAA provides annual estimates of levels at which L/C's must be maintained. Initially, the 1983 levels will be based on the interim fee schedule adopted here. However, because the first actual billings against L/C's will not occur until after April 15, 1983, and NOAA expects the final schedule to be effective well before that date, the actual billings for fish harvested on and after January 1, 1983, will be calculated on the basis of the final fee schedule.

Classification

This interim final rule is identical to the proposed rule, which was reviewed under the provisions of E.O. 12291. This action is taken under the emergency provisions of section 8(a)(1) of E.O. 12291. It is impracticable for NOAA to follow the procedures of the Executive Order in this action and concurrently provide additional time for comment while implementing a fee schedule on January 1, 1983. The previous findings that the fee schedule will not have a significant economic impact upon the environment, still apply.

The Administrator, NOAA, has determined that to delay implementation of this interim final rule for the 30 days required by 5 U.S.C. 553 would be contrary to the public interest, since it could disrupt foreign fishing and result in lost poundage fee revenues to the United States. Therefore, part of the 30-day delay in implementation is waived.

List of Subjects in 50 CFR Part 611

Fish, Fisheries, Foreign relations, Reporting requirements.

Dated: December 16, 1982.

William G. Gordon,

Assistant Administrator of Fisheries, National Marine Fisheries Service.

PART 611—[AMENDED]

For the reasons set out in the preamble, 50 CFR Part 611 is amended as follows:

1. The authority citation for Part 611 is:

Authority: 16 U.S.C. 1801 *et seq.*; 22 U.S.C. 1980.

2. The title of § 611.22 and Table I of § 611.22 are revised to read as follows:

§ 611.22 Fee schedule for foreign fishing.

* * * * *

TABLE 1. SPECIES AND POUNDAGE FEE

[Dollars per metric ton, unless otherwise noted]

Species	Poundage fee
1. Butterfish	$749
2. Hake, red	15
3. Hake, silver	18
4. Herring, river	177
5. Mackerel, Atlantic	53
6. Other finfish (Atlantic)	105
7. Sharks (Atlantic)	67
8. Squid, *Illex*	31
9. Squid, *Loligo*	114
10. Shrimp, royal red	463
11. Atka mackerel	17
12. Cod, Pacific	60
13. Flatfish (Alaska)	23
14. Flounders (Pacific)	573
15. Jack Mackerel	198
16. Pacific ocean perch	97
17. Other groundfish (Alaska)	20
18. Other fish (Pacific)	48
19. Pollock, Alaska	31
20. Sablefish (Alaska)	145
21. Sablefish (Pacific)	573
22. Rockfish	661
23. Snails	41
24. Squid (Pacific)	23
25. Whiting, Pacific	10
26. Western Pacific corals (per kilogram)	70
27. Seamount groundfish	31
28. Dolphinfish (mahi mahi)	114
29. Wahoo	17
30. Sharks (Pacific)	19
31. Swordfish (Pacific)	355
32. Striped marlin (Pacific)	570
33. Other Pacific billfish	229

[FR Doc. 82-34561 Filed 12-16-82; 4:34 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 47, No. 244
Monday, December 20, 1982

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

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 8

[Docket No. 82-26]

Assessment of Fees; National Banks; District of Columbia Banks

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: OCC proposes to amend Part 8 of Title 12, Code of Federal Regulations, to require that interest be paid to OCC in cases of delinquent payment of semiannual assessments or trust examination fees. The purpose of this amendment is to encourage banks to avoid delinquent payments, and to compensate OCC for income lost as the result of delinquent payments. Semiannual assessments will be considered deliquent if not received by January 31 or July 31 of each year. Trust examination fees will be considered delinquent if not received within 15 calendar days from the date of OCC's invoice. The amount of interest to be paid will be determined by applying the Treasury Department's current value of funds rate to unpaid balances. Interest charges will be computed daily on principal amounts only.

DATES: Comments should be received no later than January 19, 1983.

ADDRESSES: Comments should be directed to Docket No. 82-26 Communications Division, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, SW., 3rd Floor, Washington, D.C. 20219, Attn: Christine Jones. Telephone (202) 447-1768. Comments will be available for inspection and photocopying.

FOR FURTHER INFORMATION CONTACT: Dennis Arczynski, Project Manager, Finance and Planning (202) 447-1878; or Duff Jordan, Attorney, Legal Advisory Service Division (202) 447-1880, Office of the Comptroller of the Currency, Washington, D.C. 20219

SUPPLEMENTARY INFORMATION: The Comptroller of the Currency is authorized by 12 U.S.C. 481 and 482 to make examinations of national banks and affilitates thereof, of district banks, and of certain other entities exercising fiduciary powers. These statutes also authorize the Comptroller to make assessments against these institutions to recover the expenses of these examinations. Pursuant to this authority, OCC has required that national banks and district banks make semiannual assessment payments in proportion to their total assets. 12 CFR 8.2. In addition, OCC has established procedures for making assessments for the expense of each trust examination. 12 CFR 8.7. In a significant proportion of instances, assessment payments are not received by OCC when due. To date, no regulatory provisions has been made to enforce prompt payment of these assessments.

The proposed regulation will enable OCC to collect interest on delinquent payments of semiannual assessments and trust examination fees. Interest will also be charged if a bank computes its assessment incorrectly and pays less than the amount required.

OCC wishes to adopt this regulation because certain banks subject to its jurisdiction have failed to make timely assessment payments in accordance with the requirements of 12 CFR Part 8. For example, 1,095 of 4,465 respondents (24.5%) were delinquent in making the semiannual assessment payment due January 31, 1982. Late payments totaled more than $10.1 million, or approximately 17% of all assessments received. During the time assessments are delinquent, OCC does not have use of these funds and loses interest revenue. Correspondingly, the delinquent banks effectively reduce the burden of their assessments by the amount of interest income derived from these funds. By allowing the imposition of interest charges, the proposed regulation will compensate OCC for this lost income, and will eliminate the advantage obtained by the delinquent banks.

The proposed interest charges will be based on the United States Treasury Department's rate for delinquent payments to all departments of the Federal Government. The Treasury Department publishes this rate on a quarterly basis. For the first three quarters in 1982, this rate was 14.39%, 13.22%, and 14.26%. This rate was chosen (1) because it is the government-wide standard used for delinquent payments to Federal departments and (2) because it changes on a quarterly basis, which simplifies necessary interest computations.

Interest will be charged for each calendar day that payment is delinquent. The amount of interest payable will be determined for each day by multiplying the total amount delinquent by the daily equivalent of the rate published at the end of the preceding quarter. If this proposal had been in effect for the January 1982 assessment, OCC would have received approximately $13,600 in interest for delinquent payments.

OCC proposes to adopt this regulation as a means to encourage banks to avoid delinquent payments. Alternative methods of ensuring prompt payment, such as providing banks with additional notice of the dates payments are due, were determined by the OCC staff to be ineffective. The proposed interest charges will not impose penalties upon delinquent banks, but will simply eliminate the cost advantage to banks of making delinquent payments. The interest rate assessed will be the same for large and small banks, because the interest income foregone by OCC is the same percentage of the delinquent assessment regardless of the source of funds.

The proposed regulation does not impose additional requirements on banks subject to OCC jurisdiction, but instead attempts to ensure that existing requirements are met. Banks may completely avoid the effects of this regulation by making payments as required by regulation. This proposal makes clear that payments are to be received by OCC on designated dates, rather than that payments are to be sent on those dates. Banks which can transfer funds quickly will consequently be at an advantage, since interest lost by these banks during the period of transfer will be minimized. OCC anticipates that banks will use electronic funds transfer (EFT) systems where this is possible, so as to minimize transfer times. Because OCC anticipates that banks subject to its jurisdiction will be using EFT systems by June 1983, any

disadvantage to banks presently without such systems should be only temporary.

The public comment period on this proposed regulation is limited to 30 days so that a final regulation may be issued before the first 1983 semiannual assessments, which are due January 31, 1983.

Special Studies

The Secretary of the Treasury certified that this regulation will not have a "significant impact on a substantial number of small businesses," as that phrase is used in the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis has been prepared. The proposed regulation will not impose additional reporting or recordkeeping requirements on any banks subject to the jurisdiction of the Comptroller, nor will the regulation have any other significant impact on those banks. The interest charges imposed will ordinarily be insubstantial, and will be offset in large part by interest obtained by the delinquent banks from the use of overdue funds.

A Regulatory Impact Analysis is not required because the OCC has determined that the proposal is not a "major rule" as defined by Executive Order 12291. The proposal will not have an annual effect on the ecconomy of $100 million or more, will not result in a major increase in costs or prices to consumers, individual industries, Federal, State or local government agencies, or geographic regions, nor will it have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises.

List of Subjects in 12 CFR Part 8

National banks, Assessment fees.

PART 8—[AMENDED]

For the reasons set forth in the preamble, 12 CFR Part 8 is proposed to be amended as follows:

(1) By revising the authority citation to read as follows:

Authority: R.S. 5240, as amended, 12 U.S.C. 481, 482, 12 U.S.C. 3102, and in Sec. 3, 47 Stat. 1566, 26 D.C. Code 102.

(2) By adding a new § 8.8 to read as follows:

§ 8.8 Payment of Interest on Delinquent Assessments and Trust Examination Fees.

Each national bank and each district bank shall pay to the Comptroller of the Currency interest on its delinquent payments of semiannual assessments. In addition, each national bank and each entity with a trust department examined by the OCC shall pay to the Comptroller of the Currency interest on its delinquent payments of trust examination fees. Semiannual assessment payments will be considered delinquent if they are received after the time for payment specified in § 8.2. Trust examination fees will be considered delinquent if not received by the Office within 15 calendar days from the OCC invoice date. The interest to be paid will be simple interest, calculated for each day payment is delinquent by multiplying the applicable interest rate by the amount delinquent. The rate of interest charged by OCC will be the United States Treasury Department's current value of funds rate (the "TFRM rate"); that rate is issued under the Treasury Fiscal Requirements Manual and is published quarterly in the **Federal Register.** The interest rates applicable to a delinquent payment will be determined as follows:

(a) For delinquent days occurring from January 1 to March 31, the rate will be the TFRM rate that is published the preceding December for the first quarter of the ensuing year.

(b) For delinquent days occurring from April 1 to June 30, the rate will be the TFRM rate that is published the preceding March for the second quarter of the year.

(c) For delinquent days occurring from July 1 to September 30, the rate will be the TFRM rate that is published the preceding June for the third quarter.

(d) For delinquent days occuring from October 1 to December 31, the rate will be the TFRM rate that is published the preceding September for the fourth quarter.

Dated: November 15, 1982.

C. T. Conover,

Comptroller of the Currency.

[FR Doc. 82-34578 Filed 12-17-82; 8:45 am]

BILLING CODE 4810-33-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 82-CE-36-AD]

Airworthiness Directives; Piper Models PA-23-235 and PA-23-250 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt a new Airworthiness Directive (AD) which would require installation of a revised Airplane Flight Manual (AFM) containing zero fuel weight limitations in certain Piper Models PA-23-235 and PA-23-250 airplanes. The manufacturer and FAA have determined that the zero fuel weights anticipated during the design, analysis and tests of the airplanes structure may be exceeded by some operators who use the airplane to haul high fuselage loads for short distances. Because such operations may exceed the structural limitations of the wings, the manufacturer published in applicable AFM revisions of the zero fuel weight limitation for these airplanes. This proposed AD would make incorporation of these revisions in the affected AFMs and compliance with these zero fuel weights mandatory.

DATES: Comments must be received on or before February 23, 1983. Compliance: As prescribed in the body of the AD.

ADDRESSES: Airplane Flight Manuals (Piper Reports) applicable to this AD may be obtained from Piper Aircraft Corporation, 820 East Bald Eagle Street, Lock Haven, Pennsylvania 17745 or the Rules Docket at the address set forth herein. Send comments on the proposal in duplicate to Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 82-CE-36-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION: C. Kallis, Airframe Section, ANE-172, New York Aircraft Certification Office, Federal Building, JFK International Airport, Jamaica, New York 11430; Telephone 212-995-2875.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All Communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 82–CE–36–AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Discussion

Piper Aircraft Corporation and the FAA have become aware that some operators are using their Piper Models PA–23–235 and PA–23–250 airplanes to haul heavy parts, cargo, mail, checks and similar material for relatively short distances. This usage of airplanes which incorporate substantial quantities of electronics or other fuselage installed equipment may cause the structural capability of the wings to be exceeded under maximum design gust conditions as the wing carried fuel load approaches zero or minimum allowed quantities.

To eliminate the possibility of structural damage to the wings and/or operation of the airplanes with reduced margins of safety under these conditions, the manufacturer has established zero fuel weight limitations for these airplanes and published them in revisions to the applicable AFMs. The FAA has determined that adherence to these zero fuel weights is necessary to assure that the design level of safety of these airplanes is realized during normal operation.

When incorporated into the Limitations Section of the AFM as Operating Limitations, FAR 91.31 requires that zero fuel weights be observed by the operator. The FAA finds that to assure the continued safe operation of these airplanes the incorporation of the applicable current AFMs in the affected airplanes and adherence to the zero fuel weight limitations therein is necessary. Since the condition described herein is likely to exist or develop in other Piper Models PA–23–235 and PA–23–250 airplanes of the same design, the AD would make the aforementioned incorporation and adherence mandatory.

There are approximately 6,334 airplanes affected by the proposed AD. The cost of the AD is estimated to be $31,650 to the private sector.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new AD:

Piper: Applies to Models PA–23–235 (S/N 27–505 through S/N 27–622) and PA–23–250 (S/N 27–1 and up) airplaines certificated in any category.

Compliance: Required as indicated unless already accomplished.

To prevent possible wing structure damage:

(a) Within 30 days after the effective date of this AD, attach a copy of this AD to the Airplane Flight Manual in the Limitations Section and operate the airplane in accordance with the Zero Fuel Limitations specified herein:

Zero Fuel Weight Limitations

Models PA–23–235 and PA–23–250 (S/Ns 27–1 thru 27–1999), Zero Fule Weight—4,000 lb.

Models PA–23–250 (S /Ns 27–2000 and up).

*Zero Fuel Weight—4400 lbs.

*Except Turbocharged.

Zero Fuel Weight 4,500 lbs.

(b) Within 12 months after the effective date of this AD, install the appropriate Airplane Flight Manuals as indicated below in the airplane:

Airplane Flight Manuals (Piper Reports)

PA–23–235, S/Ns 27–505 thru 27–622—Report 1207 Rev. B.

PA–23–250, S/Ns 27–1 thru 27–1999—Report 1036 Rev. B.

PA–23–250, S/Ns 27–2000 thru 27–2504—Report 1204 Rev. C.

PA–23–250, S/Ns 27–2505 thru 27–3836—Report 1308 Rev. B. (4800 lbs. Gross Weight).

PA–23–250, S/Ns 27–3838 thru 27–3943—Report 1360 Rev. B. (5200 lbs. Gross Weight).

PA–23–250, S/Ns 27–3837, 27–3944 thru 27–4425, 27–4427 thru 27–4573—Report 1520 Rev. B.

PA–23–250, S/Ns 27–4426, 27–4574 thru 27–7554168—Report 1630 Rev. 16.

PA–23–250, S/Ns 27–7654001 and up—Report 1948 Rev. 2.

(c) The installation of this AD in the Airplane Flight Manual and/or installation of the appropriate Airplane Flight Manual in the airplane may be accomplished by the owner/operator of the airplane. This person must make the prescribed entry indicating compliance with this AD in the Airplane Maintenance Records.

(d) An equivalent method of compliance with this AD may be used if approved by the Chief, New York Aircraft Certification Office, FAA, Federal Building, JFK International Airport, Jamaica, New York 11430.

Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a) 1421 and 1423); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)); and § 11.85 of the Federal Aviation Regulations (14 CFR 11.85)

Note.—For reasons discussed earlier in the preamble, the FAA has determined that this document: (1) Involves a proposed regulation that is not major under the provisions of Executive Order 12291, (2) is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) in addition, I certify under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. A draft regulatory evaluation has been prepared and has been placed in the public docket.

Issued in Kansas City, Missouri, on December 6, 1982.

Murray E. Smith,

Director, Central Region.

[FR Doc. 82-34231 Filed 12-17-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 61

[Docket No. 19176; Notice No. 82-15]

Duration of Airman Medical Certificates

Correction

In FR Doc. 82–32933 beginning on page 54414 in the issue for Thursday, December 2, 1982, on page 54416, third column, § 61.29(c)(1), third line, insert "not" after "has".

BILLING CODE 1505-01-M

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14 CFR Part 71

[Airspace Docket No. 82-ASW-80]

Proposed Revocation of Transition Area: Seymour, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration proposes to revoke the transition area at Seymour, TX. The intended effect of the proposed action is to eliminate controlled airspace no longer needed for protection of aircraft. This action is necessary since the transition area is no longer required and the instrument flight procedure based on this airspace has been canceled.

DATE: Comments must be received on or before January 20, 1983.

ADDRESS: Send comments on the proposal in triplicate to: Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8 a.m. and 4:30 p.m. The FAA Rules Docket is located in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch, ASW–535, Air Traffic Division, Southwest Region,

Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101; telephone (817) 624–4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart G § 71.181, as republished in Advisory Circular AC 70–3 dated January 29, 1982, contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Revocation of the transition area at Seymour, TX, will necessitate an amendment to this subpart. This amendment will be required at Seymour, TX, since the instrument flight procedure requiring this airspace has been canceled

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.) Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 82–ASW–80." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, or by calling (817) 624–4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

List of Subjects in 14 CFR Part 71

Control zones, Transition areas, Aviation safety.

Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Seymour, TX, Revoked

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

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

Issued in Fort Worth, TX, on December 8, 1982.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 82-34232 Filed 12-17-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-ASO-29]

Proposed Alteration of VOR Federal Airways V-3, V-35, V-51, V-157, V-267, V-295, and V-492

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter VOR Federal Airways V–3, V–35, V–51, V–157, V–267, V–295, and V–492 in Central and South Florida. This action would renumber certain alternate airway segments in support of International Civil Aviation Organization (ICAO) agreement to phase out alternate airway descriptions from the National Airspace System, revoke segments that are no longer needed for flight planning or Air Traffic Control (ATC) to help reduce chart clutter, and realign other airways to accommodate recent traffic flow changes in South Florida.

DATE: Comments must be received on or before January 19, 1983.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Southern Region, Attention: Manager, Air Traffic Division, Docket No. 82–ASO–29, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320.

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

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 82–ASO–29." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All

comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

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

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to revoke V–35 west alternate between Biscayne Bay, FL, and the DEEDS intersection; V–267 east alternate between Biscayne Bay FL, and Palm Beach, FL; V–51 east alternate between Biscayne Bay, FL, and Pahokee, FL; V–157 west alternate between the VEGIE intersection and LaBelle, FL; and V–157 west alternate Between LaBelle, FL, and Lakeland, FL; renumber V–267 east alternate between Palm Beach, FL; realign V–492 between LaBelle, FL, and Palm Beach, FL; V–295 Between Orlando, FL, and Cross City, FL; and establish new VOR Airways V–531 from Biscayne Bay, FL, Intersection Biscayne Bay 262°T(262°M) and Fort Myers, FL, 137°T(136°M) radials to LaBelle, FL, and V–529 from Biscayne Bay, FL, to LaBelle, FL. Alternate airways segments that are no longer needed for flight planning or ATC are being revoked to help reduce chart clutter. Certain segments that are retained have been renumbered in support of the ICAO agreement to phase out alternate descriptions from the National Airspace System. Other airways are realigned or established to accommodate arrival/departure transition areas in South Florida and conform with recent traffic flow changes. Alternate airway segments not addressed will be amended in subsequent dockets. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70–3 dated January 29, 1982.

List of Subjects in 14 CFR Part 71

VOR federal airways, Aviation safety.

Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

1. *V–3 [amended]*
   By deleting the words ", including an E alternate via INT Biscayne Bay 021° and Palm Beach 166° radials"
2. *V–35 [Amended]*
   By deleting the words ", including a west alternate from Biscayne Bay via INT Biscayne Bay 262° and Fort Myers 137° radials to the INT of Biscayne Bay 288° and Fort Myers 137° radials"
3. *V–51 [Amended]*
   By deleting the words ", including an east alternate from Biscayne Bay, Fort Lauderdale, FL, INT Fort Lauderdale 339° and Pahokee 124° radials"
4. *V–157 [Amended]*
   By deleting the words ", including a W alternate from INT Miami 222°and Fort Myers, FL, 137° radials to LaBelle via INT Fort Myers 137° and LaBelle 162° radials" "and ", including an E alternate via INT LaBelle 004° and Lakeland 132° radials"
5. *V–267 [Amended]*
   By deleting the words ", including an east alternate from Biscayne Bay, INT Biscayne Bay 40° and Palm Beach, FL, 201° radials; Palm Beach: INT Palm Beach 326° and Orlando 162° radials"
6. *V–531 [New]*
   By adding "V–531 From Palm Beach, FL; INT Palm Beach 326°T(326°M) and Orlando, FL, 162°T(162°M) radials; to Orlando."
7. *V–492 [Amended]*
   By deleting the words "INT LaBelle 101° and Palm Beach, FL, 272° radials; Palm Beach, including a north alternate from LaBelle to Palm Beach via INT La Belle 043° and Palm Beach 298° radials" and substituting for them the words "Pahokee, FL; Palm Beach, FL"
8. *V–295 [Amended]*
   By deleting the words "INT Orlando 283° and Ocala, FL, 156° radials;"
9. *V–529 [New]*
   By adding "V–529 From Biscayne Bay, FL; INT Biscayne Bay 262°T(262°M) and La Belle, FL, 158°T (157°M) radials; to La Belle."

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

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

Issued in Washington, D.C., on December 9, 1982.

B. Keith Potts,

Manager, Airspace and Air Traffic Rules Division.

[FR Doc. 82–34235 Filed 12–17–82; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Parts 71 and 73

[Airspace Docket No. 82–ASO–55]

Proposed Establishment of Temporary Restricted Areas; Camp LeJeune, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate temporary restricted areas in the vicinity of Camp LeJeune, NC, to contain hazardous air activity associated with a major joint military exercise. Applicable areas would be included in the Continental Control Area. This action would prohibit unauthorized flight operations by nonparticipating aircraft within the proposed restricted areas during their designated times of use. This notice is also intended to inform aviation interests of associated nonrulemaking action to establish temporary military operations areas in support of the subject exercise.

DATE: Comments must be received on or before February 3, 1983.

ADDRESS: Send comments on the proposal in triplicate to: Director, FAA Southern Region, Attention: Manager, Air Traffic Division, Docket No. 82–ASO–55, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320.

Send comments on environmental aspects to: Captain C. M. Zucker, USN, CINCLANT N37, Norfolk, VA 23511; telephone: Autovon—690–6575.

Send comments on land use aspects to: Mr. Roy S. Futrell or Mr. C. M. Wash, Maneuver Real Estate Office, Army Corps of Engineers, P.O. Box 99, Cory, NC 27511; Telephone: Commercial—919–755–4071.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is

located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 82–ASO–55." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

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

Proposals

The FAA is considering amendments to § 71.151 of Part 71 and § 73.53 of Part 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) that would designate temporary restricted areas identified as R–5505A through G, Camp LeJeune, NC, to contain hazardous air activity associated with a major joint military exercise. Applicable areas would be included in the Continental Control Area. This exercise will provide necessary training for several military commands operating under the sponsorship of the United States Atlantic Command, Norfolk, VA. The air activities associated with the exercise will be such that simultaneous flight by nonparticipating aircraft cannot be safely conducted within the proposed temporary restricted areas when they are in use by the military. These activities will consist of high performance military aircraft and helicopters engaged in fast tempo air-to-air and air-to-ground air operations where pilots may be restricted from properly clearing themselves from nonparticipating aircraft. This situation creates a hazard and requires designation of temporary restricted areas. Approximately 237 aircraft would be used to conduct approximately 291 fixed wing and 150 helicopter daily sorties. Participating aircraft operating outside the exercise areas will file individual flight plans to the maximum extent practicable. The boundary abutments to existing special use airspace areas are necessary to accommodate inter-area transition into and out of adjacent areas which will also be utilized extensively during the exercise. Communications equipment would be installed and maintained between appropriate military and FAA facilities to coordinate movement of nonparticipating aircraft through the exercise areas when military activity permits. Additionally, a reverse charge telephone number and VHF radio communications frequency would be established and published for pilots of nonparticipating aircraft to coordinate directly with the military if desired. The proposed temporary restricted areas would be designated as joint use to permit utilization of the airspace by the controlling agency for authorized transit by nonparticipating VFR and IFR traffic when military activity permits. The military would provide reasonable access to private or public use land within the proposed temporary restricted areas. The United States Atlantic Command, Norfolk, VA, will serve as lead agency for purposes of compliance with Environmental Policy Act (NEPA). Additionally, this notice is intended to inform interested persons of nonrulemaking proposal 82–ASO–484NR, which would establish temporary military operations areas (MOA's) in support of the subject military exercise wherein high performance military jet aircraft are engaged in unusual maneuvers prior to providing air support for exercise activities within the temporary restricted areas. The temporary MOA's are described as follows:

1. Byrd Corridor Temporary MOA

Boundaries. Beginning at lat. 35°04'30" N., long. 76°04'30" W., to lat. 35°00'30" N., long. 76°01'20" W., thence southwest along W–122A and W–122D to lat. 34°43'30" N., long. 76°22'00" W., to lat. 34°47'00" N., long. 76°24'30" W., thence to point of beginning.

Designated altitudes. 3,000 feet MSL to, but not including, FL 180.

Time of designation. Intermittent, April 27 through May 11, 1983.

Controlling agency. Federal Aviation Administration, ARTC Center (Washington), Leesburg, VA.

Using agency. United States Atlantic Command, Norfolk, VA.

2. LeJeune A Temporary MOA

Boundaries. Beginning at lat. 35°19'20" N., long. 79°07'20" W.; to lat. 35°19'20" N., long. 78°37'30" W.; to lat. 35°16'30" N., long. 78°12'00", W.; to lat. 35°11'00" N., long. 78°00'00" W.;to lat. 35°05'30" N., long. 77°17'00" W.; to lat. 34°55'00" N., long. 77°28'00" W.; thence counterclockwise along an 8.4 NM radius ARC centered at lat. 34°50'00" N., long. 77°36'30" W.; to lat. 34°58'00" N., long. 77°40'00".W.; to lat. 35°02'55" N., long. 79°05'40". W.; thence counterclockwise along the eastern boundary of R–5311 to lat. 35°10'10" N., long. 79°07'30" W.; to point of beginning

Designated altitudes. 12,000 feet MSL to, but not including, FL 180.

Time of designation. Intermittent, April 27 through May 6, 1983.

Controlling agency. Federal Aviation Administration, ARTC Center (Washington), Leesburg, VA.

Using agency. United States Atlantic Command, Norfolk, VA.

3. LeJeune B Temporary MOA

Boundaries. Beginning at lat. 35°19'10" N., long. 79°16'45" W.;to lat. 35°19'10" N., long. 79°07'30" W.; to lat. 35°10'10" N., long. 79°07'30" W.; thence counterclockwise along the northern boundary of R–5311 to lat. 35°07'05" N., long. 79°22'50" W.; to lat. 35°15'30" N., long. 79°16'45" W.; thence point of beginning.

Designated altitudes. 100 feet AGL to, but not including, FL 180.

Time of designation. Intermittent, April 27 through May 6, 1983.

Controlling agency. Federal Aviation Administration, ARTC Center (Washington), Leesburg, VA.
Using agency. United States Atlantic Command, Norfolk, VA.

4. Lejeune C Temporary MOA

Boundaries. Beginning at lat. 35°02'55"N., long 79°05'40"W.; to lat. 34°55'20"N., long. 79°08'15"W.; to lat. 34°55'20"N., long. 79°20'30"W.; to lat. 35°07'05"N., long. 79°22'50"W.; thence counterclockwise along the southern boundary of R-5311 to point of beginning (excluding that airspace within a 1½ NM radius of Readord, NC, and the Raeford, NC, Airport).
Designated altitudes. 100 feet AGL to, but not including, FL 180
Time of designation. Intermittent April 27 through May 6, 1983.
Controlling agency. Federal Aviation Administration, ARTC Center (Washington), Leesburg, VA.
Using agency. United States Atlantic Command, Norfolk, VA.

5. Kingstree Temporary MOA

Boundaries. Beginning at lat. 33°30'00"N., long. 78°52'50"W.; thence southwest along the boudary of W-177A to lat. 33°10'00"N., long. 79°06'45"W.; to lat. 33°24'00"N., long. 79°37'00"W.; to lat. 33°25'00"N., long. 79°55'00"W.; to lat. 33°30'00"N., long. 80°09'30"W.; to lat. 33°52'30"N., long. 79°53'30"W.; to lat. 33°49'30"N., long. 79°48'00"W.; to lat. 33°48'30"N., long. 79°38'00"W.; to lat. 33°50'30"N., long. 79°25'00"W.; to lat. 33°49'00"N., long. 79°19'00"W.; to lat. 33°37'50"N., long. 79°07'20"W.; thence to point of beginning.
Designated altitudes. 14,000 feet MSL up to and incuding 17,000 feet MSL.
Time of designation. Intermittent April 27, through May 11, 1983.
Controlling agency. Federal Aviation Administration, ARTC Center (Washington), Leesburg, VA.
Using agency. United States Atlantic Command, Norfolk, VA.

Section 71.151 of Part 71 and § 73.53 of Part 73 of the Federal Aviation Regulations were republished in Advisory Circular AC 70-3 dated January 29, 1982.

List of Subjects in 14 CFR Parts 71 and 73

Restricted areas, Continental control areas.

Proposed Amendments

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.151 of Part 71 and § 73.53 of Part 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) as follows:

§ 71.151 [Amended]

1. In § 71.151 by adding:

R-5505A through G, Camp LeJeune, NC Continous from April 27 through May 6, 1983; Intermittent, May 7-11, 1983.

§ 73.53 [Amended]

2. In § 73.53 by adding:

R-5505A Camp LeJeune, NC [New]

Boundaries. Beginning at lat. 35°05'30"N., long. 77°17'00"W.; to lat. 34°57'30"N., long. 77°02'30"W.; thence counterclockwise along the boundaries of A-530, R-5306C, R-5306D and R-5306E to lat. 34°30'20"N., long. 77°15'55"W.; thence southwest 3 NM from and parallel to the shoreline to lat. 34°23'30"N., long. 77°30'00"W.; to lat. 34°16'00"N., long. 77°30'00"W.; to lat. 34°27'00"N., long. 77°41'00"W.; to lat. 34°46'00"N., long. 77°17'00"W.; to lat. 34°55'00"N., long. 77°28'00"W.; thence to point of beginning.
Designated altitudes. Surface to, but not including, FL 180.
Time of designation. Continuous, April 27 through May 6, 1983; Intermittent, May 7-11, 1983.
Contolling agency. Federal Aviation Administration, ARTC Center (Washington), Leesburg, VA.
Using agency. United States Atlantic Command, Norfolk, VA.

R-5505B Camp LeJeune, NC [New]

Boundaries. Beginning at lat. 34°51'00"N., long. 77°05'30"W.; to lat. 34°42'00"N., long. 76°54'45"W.; to lat. 34°41'50"N., long. 76°56'20"W.; to lat. 34°37'30"N., long. 76°56'20"W.; thence southwest 3 NM from and parallel to the shoreline to lat. 34°34'30"N., long. 77°09'00"W.; to lat. 34°44'50"N., long. 77°14'40"W.; to lat. 34°49'30"N., long. 77°10'00"W.; thence to point of beginning.
Designated altitudes. Surface to 1,200 feet MSL.
Time of designation. Continuous, April 27 through May 6, 1983; Intermittent, May 7-11, 1983.
Controlling agency. Federal Aviation Administration, ARTC Center (Washington), Leesburg, VA.
Using agency. United States Atlantic Command, Norfolk, VA.

R-5505C Camp LeJeune, NC [New]

Boundaries. Beginning at lat. 34°57'00"N., long. 77°02'50"W.; to lat. 34°38'45"N., long. 76°43'00"W.; thence southwest 3 NM from and parallel to the shoreline to lat. 34°37'30"N., long. 76°56'20"W.; thence counterclockwise along the boundary of R-5306C to lat. 34°49'30"N., long. 77°10'00"W.; thence to point of beginning.
Designated altitudes. 4,000 feet MSL to, but not including, FL 180.
Time of designation. Continuous, April 27 through May 6, 1983; Intermittent, May 7-11, 1983.
Controlling agency. Federal Aviation Administration, ARTC Center (Washington), Leesburg, VA.
Using agency. United States Atlantic Command, Norfolk, VA.

R-5505D Camp LeJeune, NC [New]

Boundaries. Beginning at lat. 35°05'30"N., long. 77°17'00"W.; to lat. 35°43'50"N., long. 76°35'30"W., thence counterclockwise along the boundaries of R-5314J-G to lat. 35°38'55"N., long. 76°01'00"W.; to lat. 35°36'45"N., long. 76°01'20"W.; to lat 35°18'15"N., long. 76°16'40"W.; to lat. 35°23'15"N., long. 76°34'40"W.; thence southwest along the boundary of R-5306A and A-530 to lat. 34°57'30"N., long. 77°02'30"W.; thence to point of beginning.
Designated altitudes. 8,000 feet MSL to, but not including, FL 180.
Time of designation. Continuous, April 27 through May 6, 1983; Intermittent, May 7-11, 1983.
Controlling agency. Federal Aviation Administration, ARTC Center (Washington), Leesburg, VA.
Using agency. United States Atlantic Command, Norfolk, VA.

R-5505E Camp LeJeune, NC [New]

Boundaries. Beginning at lat. 35°52'22"N., long. 76°09'53"W.; to lat. 35°40'25"N., long. 76°12'25"W.; to lat. 35°43'50"N., long. 76°35'30"W.; to lat. 35°53'50"N., long. 76°33'10"W.;thence to point of beginning.
Designated altitudes. 6,000 feet MSL up to and including 14,000 feet.
Time of designation. Continuous, April 27 through May 6, 1983; Intermittent, May 7-11, 1983.
Controlling agency. Federal Aviation Administration, ARTC Center (Washington), Leesburg, VA.
Using agency. United States Atlantic Command, Norfolk, VA.

R-5505F Camp LeJeune, NC [New]

Boundaries. Beginning at lat. 35°51'52"N., long. 76°02'09"W.; to lat. 35°39'20"N., long. 76°05'00"W.; toi lat. 35°40'25"N., long. 76°12'25"W.; to lat. 35°52'22"N., long. 76°09'53"W.; thence to point of beginning.
Designated altitudes. 10,000 feet MSL up to and including 14,000 feet MSL.
Time of designation. Continuous, April 27 through May 6, 1983; Intermittent, May 7-11, 1983.
Controlling agency. Federal Aviation Administration, ARTC Center (Washington), Leesburg, VA.
Using agency. United States Atlantic Command, Norfolk, VA.

R-5505G Camp LeJeune, NC [New]

Boundaries. Beginning at lat. 35°51'35"N., long. 75°57'55"W.; to lat. 35°38'55"N., long. 76°01'00"W.; to lat. 35°39'20"N., long. 76°05'00"W.; to lat. 35°51'52"N., long. 76°02'09"W.; thence to point of beginning.
Designated altitudes. 15,000 feet MSL to, but not including, FL 180.
Time of designation. Continuous, April 27 through May 6, 1983; Intermittent. May 7-11, 1983.
Controlling agency. Federal Aviation Administration, ARTC Center (Washington), Leesburg, VA.
Using agency. United States Atlantic Command. Norfolk, VA.

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

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are

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

Issued in Washington, D.C., on December 14, 1982.

B. Keith Potts,

Manager, Airspace and Air Traffic Rules Division.

[FR Doc. 82-34385 Filed 12-17-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 75

[Airspace Docket No. 82-AWA-22]

Proposed Establishment of Jet Route

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish Jet Route/High Level J/HL-542 from Brandon, Manitoba, Canada, to Dickinson, ND. The Canadian Government has requested this jet route so that an additional point of entry into Canadian airspace would be available to international air carriers proceeding overseas. This action would facilitate flight planning and save fuel by providing a direct route into Canadian airspace.

DATE: Comments must be received on or before February 3, 1983.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Great Lakes Region, Attention: Manager, Air Traffic Division, Docket No. 82-AWA-22, Federal Aviation Administration, 2300 East Devon Street, Des Plaines, IL 60018.

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

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 82-AWA-22." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

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

Proposals

The FAA is considering an amendment to § 75.100 of Part 75 of the Federal Aviation Regulation (14 CFR Part 75) to establish new Jet Route/High Level J/HL-542 between Brandon, Manitoba, Canada, and Dickinson, ND. The Canadian Government has requested this proposal to establish a route into Canada in order to permit an additional point of entry into Canadian airspace for the international air carriers proceeding overseas, and this action supports that proposal. Section 75.100 of Part 75 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3 dated January 29, 1982.

List of Subjects in 14 CFR Part 75

Jet routes, Aviation safety.

Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as follows:

J-542 [New]

Jet Route No. J-542 From Dickinson, ND; to Brandon, Manitoba, Canada. The airspace within Canada is excluded.

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

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

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

B. Keith Potts,

Manager, Airspace and Air Traffic Rules Division.

[FR Doc. 82-34239 Filed 12-17-82; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 16

[Docket No. R-82-1042]

Implementation of the Privacy Act of 1974

AGENCY: Office of the Secretary, HUD.

ACTION: Proposed rule.

SUMMARY: This rule exempts HUD's "Investigation Files," a system of records maintained by the Department's Office of Inspector General, from compliance with the applicable provisions of the Privacy Act. The Secretary has determined that, because the "Investigation Files" pertain principally to the enforcement of criminal laws, this system of records may be excepted from the Privacy Act under the general exemption authority of the Privacy Act.

DATE: Comment due date: February 18, 1983.

ADDRESS: Interested persons are invited to submit comments regarding this rule to the Office of General Counsel, Rules Docket Clerk, Room 10278, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Robert E. English, Privacy Act Officer, Room 4178, 451 Seventh Street, SW., Washington, D.C. 20410, Telephone Number (202) 755-5320. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The Privacy Act of 1974 (5 U.S.C. 552(a)) was enacted "to assure that personal information about individuals collected by Federal agencies is limited to that which is legally authorized and necessary and is maintained in a manner which precludes unwarranted intrusions upon individual privacy," section 32.100, Paragraph 1 of the OMB Privacy Guidelines, as published on July 9, 1975 at 40 F.R. 28948. The OMB Privacy Guidelines also require each agency to publish rules implementing the Privacy Act for that agency, section 32.100, Paragraph 5(a)(10).

The Department's implementation of the Privacy Act is set forth in Part 16 of Title 24, Code of Federal Regulations. The purpose of this Part is to "establish policies and procedures" for the implementation of the Privacy Act, 24 CFR 16.1 Part of that implementation includes the publication of systems of records which are exempt from certain requirements of the Privacy Act, as determined by the Secretary, pursuant to either the general of specific exemption authority of the Act, 5 U.S.C. 552a(j) or (k). A general exemption is set forth at 24 CFR 16.14 and specific exemptions at 24 CFR 16.15.

The specific exemption provision of the Privacy Act authorizes exemption for systems of records from many of the notice and access requirements of the Act but does not affect the applicability of the remaining Privacy Act requirements. HUD's Office of Inspector General, as part of the Department's compliance with the privacy Act, maintains a system of records identified as "Investigation files, HUD/DEPT. 24." A description of the system was last published on November 4, 1981 at 46 FR 54878 at 54885. HUD's specific exemptions listed in 24 CFR 16.15 identify this system of records as exempt from certain Privacy Act requirements pursuant to 5 U.S.C. 552a(k) (2) and (5). These two specific exemption categories cover investigative material compiled: (1) For law enforcement purposes (other than material within the scope of the general exemption provision); and (2) for the purpose of determining suitability, eligibility or qualification for Federal civilian employment or Federal contracts.

The general exemption provision authorizes exemption from all of the Privacy Act's requirements except for certain recordkeeping and publication requirements, 5 U.S.C. 552a(j). It is applicable to any system of records maintained by an agency or component thereof which performs as its principal function activity pertaining to the enforcement of criminal laws. In addition, such records must consist of one of three categories of criminal records. One such category, applicable to HUD's OIG system of records, involves information compiled for the purpose of a criminal investigation and associated with an identifiable individual.

HUD's Office of Inspector General—in particular, the Assistant Inspector General for Investigation—performs, as its principal function, activities pertaining to enforcement of criminal laws, including efforts to prevent, control or reduce crime. The "Investigation Files" system of records consists primarily of information compiled for the purpose of criminal investigations, including reports of informants and investigators, that are associated with identifiable individuals. The Secretary has determined, therefore, that a general exemption under section 552a(j)(2) of the Privacy Act, is applicable to this system of records. Accordingly, the proposed rule would amend 24 C.F.R. 16.14 by adding a new general exemption (in a new paragraph (b)).

This rule does not constitute a "major rule" as that term is defined in section 1(b) of the Executive Order 12291 on Federal Regulations. An analysis of the rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, state or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD Regulations in 24 CFR Part 50, which implement section 102(2)(c) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 10278, 451 Seventh Street, SW., Washington, D.C. 20410.

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. This finding is based upon the fact that the Privacy Act is hot applicable to corporate and most partnership records unless retrievable by the name of a natural person in which case the business entity itself would not be directly affected. Moreover, the effect of the rule is not to substantively alter existing procedures.

This rule was not listed in the Department's Semi-Annual Agenda of Regulations published in the **Federal Register** on August 7, 1981 (46 FR 41708) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

List of Subjects in 24 CFR Part 16

Privacy.

PART 16—[AMENDED]

Accordingly, the Department would amend 24 CFR Part 16 by adding a new paragraph (b) to § 16.14 to read as follows:

§ 16.14 General exemptions.

* * * * *

(b) The Secretary of Housing and Urban Development has determined that the Office of the Assistant Inspector General for Investigation performs, as its principal function, activities pertaining to the enforcement of criminal laws. The records maintained by that office in a system identified as "HUD/DEPT-24, Investigation Files," primarily consist of information compiled for the purpose of criminal investigations and are associated with identifiable individuals. Therefore, the Secretary has determined that this system of record shall be exempt, pursuant to 5 U.S.C. 552a(j)(2), from all requirements of the Privacy Act except 5 U.S.C. 552a(b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i) unless elsewhere exempted.

(Privacy Act of 1974; 5 U.S.C. 552a(j)(2); Sec. 7(d), Department of Housing and Urban Development Act; 42 U.S.C. 3535(d).

Dated: November 17, 1982.

Samuel R. Pierce, Jr.,

Secretary.

[FR Doc. 82-34425 Filed 12-17-82; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD3-82-31]

Anchorage Grounds; Delaware Bay and River

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: At the request of the Delaware River Port Authority, the U.S. Coast Guard is proposing a change to the existing regulation governing Anchorage A (Big Stone Anchorage) in the Delaware Bay off the entrance to the Mispillion River. At present this regulation states that the anchorage is for the specific purpose of allowing deep draft tankers to anchor and lighter their cargo. This proposal, if adopted, would eliminate all references to tanker lightering in the regulation and designate Anchorage A as a general anchorage. This action would identify the intent that shippers transporting commodities other than oil may utilize Anchorage A as both a holding anchorage and an anchorage for lightering operations.

DATE: Comments must be received on or before February 18, 1983.

ADDRESS: Comments may be mailed to: Captain Daniel B. Charter Jr., Captain of the Port, Philadelphia, U.S. Coast Guard Base, Gloucester City, New Jersey, 08030.

FOR FURTHER INFORMATION CONTACT: Captain Daniel B. Charter Jr., Captain of the Port, Philadelphia, U.S. Coast Guard Base, Gloucester City, NJ 08030 (Tel. 609-456-1370 or 215-923-4320) between 7:00 A.M. and 4:30 P.M. Monday through Friday, except holidays.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD3-82-31), identify the specific section of the proposal to which their comments apply, and give the reasons for each comment. Persons wishing acknowledgment of their comments should include a stamped, self-addressed postcard. All comments received before expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rule making process.

Drafting Information: The principal persons involved in drafting this rule are LTJG George Arbutina, Project Manager, COTP Philadelphia and LCDR James J. D'Alessandro, Project Attorney, Legal Office, Third Coast Guard District.

Discussion of Proposed Regulations: At present, Anchorage A as described in 33 CFR 110.157(a)(1) serves a much broader function than the tanker lightering referred to in the regulation. Coast Guard statistics indicate that less than 22 percent of the vessels in the anchorage at any given time are actually in the process of conducting oil transfer operations. Vessels not conducting transfer operations include vessels waiting to lighter, lightered vessels awaiting a berth at a facility upriver, fully offloaded vessels awaiting sailing orders, and both loaded and fully offloaded Oil/Bulk/Ore ("OBO") vessels carrying various cargoes.

In the 1970's, it appeared there would be increased demands for oil lightering due to continued increases in petroleum usage in this area. Tank vessels frequently had to obtain waivers to anchor outside the established anchorage due to congestion within the anchorage. A notice of proposed rulemaking was issued, a public hearing held and a final rule published in May 1982 to enlarge the anchorage. The language regarding tankship lightering was unchanged in the amendment.

Statistics provided to the Delaware River Port Authority by the Philadelphia Maritime Exchange indicate that Anchorage A was utilized by an average of only two vessels at any given time during the July-December 1981 period. This statistic and the May 1982 enlargement of Anchorage A to approximately three times its previous size suggest that overutilization of Anchorage A is presently not a concern. The President of the Pilots Association for the Delaware Bay and River has suggested that the enlarged anchorage is suitable for at least twelve large vessels. Only six times during the period of the Philadelphia Maritime Exchange survey were there four or more vessels at anchor in the anchorage. There is also some additional safe holding ground adjacent to the current anchorage which could be utilized if required. Expanded operations involving cargoes other than oil will not create space management problems in the anchorage and oil tanker lightering operations in the anchorage will continue unimpeded. If space management is required due to increased future operations, adequate authority exists to control utilization of the area. Coast Guard observations indicate the Maritime Exchange survey may understate the actual utilization of Anchorage A. However, these observations also confirm the assumption that congestion is not a problem.

This proposed regulation is nonsignificant in accordance with guidelines set forth in "Policies and Procedures for Simplification, Analysis and Review of Regulations" (DOT Order 2100.5 of May 22, 1980). An economic evaluation of the proposal has not been conducted as its impact will be minimal. An assessment of the probable environmental impacts of removing the specific designation for this anchorage is being prepared. The redesignation of Anchorage A as a general anchorage does not impact on business competition, State or local government, or the regulations of other programs or agencies. Moreover, this proposal is not a major rule as defined by Executive Order 12291 of February 17, 1981. This proposal once enacted, will not adversely affect the economy, result in any increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions, or result in any adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States based enterprises to compete with foreign enterprises in domestic or export markets.

In accordance with Section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164) it is certified that these proposed rules would not have a significant impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 110 of Title 33, Code of Federal Regulations, as set forth below.

PART 110—ANCHORAGE REGULATIONS

By revising 33 CFR 110.157(a)(1) to read as follows:

§ 110.157 Delaware Bay and River.

(a) *The anchorage grounds.*—(1) *Anchorage A off the entrance to the Mispillion River.* In Delaware Bay southwest of Brandywine Channel beginning at latitude 38°53'57" N., longitude 75°08'00" W.; thence northwesterly to latitude 39°01'22" N., longitude 75°13'25" W., thence southwesterly to latitude 39°00'49" N., longitude 75°14'57" W., thence southeasterly to latitude 38°53'22" N., longitude 75°09'26" W. thence northeasterly to the point of beginning. Supervision over the anchoring of vessels and over all cargo transfer operations in Anchorage A is exercised by the Captain of the Port, Philadelphia. The regulations in paragraph (b)(1) and (b)(2) of this section do not apply to this anchorage.

* * * * *

(Sec. 7, 38 Stat. 1053 as amended (33 U.S.C. 471); sec. 6(g)(1), 80 Stat. 940 (49 U.S.C. 1655(g)(1) 49 CFR 1.26(c)(1))

Dated: December 9, 1982.

J. L. Fear,

Captain, United States Coast Guard, Deputy Commander, Third Coast Guard District.

[FR Doc. 82-34354 Filed 12-17-82; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[AMS-FRL-2271-6]

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Designation of High-Altitude Locations

AGENCY: Environmental Protection Agency.

ACTION: Notice of public hearing.

SUMMARY: EPA will hold a public hearing on the Notice of Proposed Rulemaking (NPRM) for the designation of high-altitude locations published on November 10, 1982 (47 FR 50929). That proposed action would revise the present designation of high-altitude locations to exclude those counties in states which do not have an auto-related air quality problem.

DATES: The hearing will be held on January 11, 1983 and will convene at 9:00 a.m. and adjourn at such time as is necessary to complete the testimony. Written comments on the proposal will be accepted until February 10, 1983.

ADDRESSES: The hearing will be held at the Federal Court of Appeals, Division Two, Fourth Floor, U.S. Courthouse, 1921 Stout Street, Denver, Colorado. Written comments should be submitted (preferaby 4 copies) to: Central Docket Section (A-130), Environmental Protection Agency, Docket No. A-82-31, 401 M Street, SW., Washington, D.C. 20460. Docket No. A-82-31 is located at the U.S. EPA, Central Docket Section, West Tower Lobby, Gallery 1, 401 M Street, SW., Washington, D.C. 20460. The docket may be inspected between 8:00 a.m. and 4:00 p.m. on weekdays. As provided in 40 CFR Part 2, a reasonable fee may be charged for photocopying.

FOR FURTHER INFORMATION CONTACT: Mr. Daniel P. Heiser, Emission Control Technology Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, MI 48105, (313) 668-4274.

SUPPLEMENTARY INFORMATION:

I. Background

The proposed rulemaking action would revise the present designation of counties in which high-altitude vehicles are required to be sold. The new designation criteria would exclude all current high-altitude counties in a given state, when no such county in that state is projected to be in violation of the NAAQS for CO and ozone by the end of 1982. As a result of the new criteria, vehicles complying with high-altitude emission standards would only be required to be sold in portions of four states (Colorado, Nevada, New Mexico, and Utah).

In the NPRM (47 FR 50929), EPA stated that it would hold a hearing only if it was requested to do so by November 22, 1982. A request for a hearing was received by the Agency from the Nevada franchised Auto Dealers Association. EPA is therefore responding to that request and will hold a hearing on the date and at the place described above.

II. Participation

Any person desiring to make a statement at the hearing should provide written notice of such intention to the contact person indicated above by January 6, 1983. This notice should include an estimate of the length of the testimony and any need for audio-visual equipment. If possible, we request that an advance copy of the proposed statement or material be included.

The record of the hearing will be left open for 30 days (through February 10, 1983) following the close of the hearing to allow submission of rebuttal and supplementary information. Any documents submitted during this period of time should be sent to the EPA Central Docket Section at the address shown above. It is also requested, but not required, that a copy of this submittal be sent directly to the contact person indicated above.

Commenters desiring to submit proprietary information should separate it from the other comments to the greatest extent possible, and label it "Confidential Business Information." Submissions containing such proprietary information should be sent directly to the appropriate Agency contact indicated above, and not to the Docket, to ensure that proprietary information is not inadvertently placed in the public docket.

Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 CFR Part 2. If no claim of confidentiality accompanies the information when it is received by EPA, it may be made available to the public without further notice to the commenter.

Mr. Charles L. Gray is hereby designated as the Presiding Officer of the hearing. He will be responsible for maintaining order, excluding irrelevant or repetitious material, scheduling presentations and notifying participants of the time at which they may appear.

The hearing will be conducted informally. Technical rules of evidence will not apply. A written transcript of the hearing will be taken. Anyone desiring to purchase a copy of this transcript should make arrangements individually with the court reporter recording the hearing.

Dated: December 10, 1982.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise and Radiation.

[FR DOC. 82-34419 Filed 12-17-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 228

[WH-FRL 1990-6]

Ocean Dumping; Proposed Site Designation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA today proposes to designate the existing 106 Mile Ocean Dump Site, located in an area in the Atlantic Ocean about 100 nautical miles off Delaware Bay, as an approved ocean dumping site for the authorized disposal of aqueous industrial materials. EPA also proposes to designate this site as an approved ocean dumping site for the authorized disposal of municipal sewage treatment sludges ("municipal sludge") for a period of five years during which time studies on the environmental effects of dumping the sludge will be conducted.

EPA also today announces in a separate notice that it is considering petitions for commencement of rulemaking to amend 40 CFR 228.12(b)(4) to redesignate the Sewage Sludge Dump Site in the New York Bight Apex (the 12 Mile Site) and is also considering redesignation of the Alternate Sewage Sludge Dump Site in the New York Bight (the 60 Mile Site). The designation of both sites expired on December 31, 1981.

DATE: Comments on this action must be received on or before February 18, 1983.

ADDRESSES: Send comments to: Mr. T. A. Wastler, Chief, Marine Protection Branch (WH-585), EPA, Washington, D.C. 20460.

The Environmental Impact Statement and the Assessment Report are available for public inspection at the following locations:

EPA Public Information Reference Unit (PIRU), Room 2404 (rear), 401 M Street Southwest, Washington, DC

EPA Region II Library, Room 1002, 26 Federal Plaza, New York, New York

FOR FURTHER INFORMATION CONTACT: Mr. T. A. Wastler, 202/755-0356.

SUPPLEMENTARY INFORMATION:

I. Background

A. Statute

Title I of the Marine Protection, Research, and Sanctuaries Act, as amended ("MPRSA" or "the Act"), 33 U.S.C. 1401 et seq., provides that "no person shall transport from the United States * * * any material for the purpose of dumping it into ocean waters" without an ocean dumping permit. 33 U.S.C. 1411. Additionally, the Act specifically prohibits the dumping after December 31, 1981, of "sewage sludge" and, with limited exceptions, "industrial waste." In this context "sewage sludge" is defined as wastes from municipal treatment plants, the ocean dumping of which "may unreasonably degrade or endanger human health or welfare, or amenities, or the marine environment, ecological systems, and economic potentialities." 33 U.S.C. 1412a(d). Similarly, "industrial waste" is defined as the waste generated by a manufacturing or processing plant, the ocean dumping of which "may unreasonably degrade or endanger human health or welfare, or amenities, or the marine environment, ecological systems, and economic potentialities." 33 U.S.C. 1412a(d).

Section 102(a) of the MPRSA provides that "the Administrator may issue permits * * * for the transportation * * * of material for the purpose of dumping it into ocean waters, or for the dumping of material into [ocean] waters * * * where the Administrator determines that such dumping will not unreasonably degrade or endanger human health, welfare, or amenities or the marine environment, ecological systems, or economic potentialities." Section 102(a) requires the Administrator to promulgate criteria to be used in evaluating all such permit applications.

Section 102(c) of the MPRSA provides that the "Administrator may, considering the criteria established pursuant to subsection (a) of this section, designate recommended sites or times for dumping and, when he finds it necessary to protect critical areas, shall, after consultation with the Secretary [of the Army], also designate sites or times within which certain materials may not be dumped."

B. Regulations

Pursuant to provisions of the Act, EPA has promulgated implementing regulations which provide criteria both for the issuance of ocean dumping permits (Part 227) and for the designation and management of approved sites (Part 228) for the disposal of wastes.

40 CFR Part 228 establishes criteria to be applied in the designation of ocean dumping sites for use in permitted activities. Section 228.5 of these criteria requires that a site be chosen so that its use will not significantly interfere with other activities in the ocean; that areas of fisheries, shellfisheries, and heavy commercial or recreational navigation be avoided; that the dumping not adversely affect any beach, shoreline, or marine sanctuary; that sites be defined so as to localize any adverse impacts of the dumping and to permit adequate monitoring; and that sites beyond the Continental Shelf be selected, where feasible. Section 228.6 of the criteria specifies in greater detail the factors to be considered, such as the location of the site in relation to breeding or feeding areas of aquatic species, beaches, or areas of scientific or historical importance; the potential for disposal to interfere with navigation, fishing, or mineral extraction; and other factors relating to the geologic and hydrologic condition of the site.

The regulations provide that such sites will be designated by publication of a list of approved sites in 40 CFR 228.12. A list of Approved Interim and Final Ocean Dumping Sites was published on January 11, 1977, 42 FR 2461 et seq. and updated as new sites were designated or designations extended. The latest update was made on December 9, 1980, 45 FR 81042 et seq. Even after designation, the use of a site for dumping must be authorized by a permit issued pursuant to Part 227.

C. Proposed Action

By this action EPA is proposing to designate as an "Approved Ocean Dumping Site" for continuing use the Ocean Waste Dump Site (106 Mile Site) in the Atlantic Ocean located about 100 nautical miles due east of Delaware Bay. The proposed rulemaking regarding the 106 Mile Site is another in the series of ocean disposal site designations performed in compliance with a consent agreement entered in "National Wildlife Federation v. Costle," No. 80-0405, D.D.C.

D. Available Information

Descriptions and analyses of waste disposal at the 106 Mile Site are contained in the "Final Environmental Impact Statement for 106-Mile Ocean Waste Disposal Site Designation" ("the EIS"), which was published in February 1980. The National Oceanic and Atmospheric Administration (NOAA) has conducted several studies on the effects of ocean dumping, including municipal sludge, at this site. Most of this work was included in "Assessment Report on the effects of Waste Dumping in 106-Mile Ocean Waste Disposal Site: Dumpsite Evaluation Report 81-1" (May 1981). The results of some of the monitoring conducted at the 106 Mile Site are included in "Ocean Dumping of

Industrial Wastes," (B. H. Ketchum, D. R. Kester, and P. K. Park, eds., 1981). These studies have shown no significant adverse impacts resulting from the dumping of aqueous industrial wastes which comply with the Part 227 Criteria at the 106 Mile Site. Although studies of municipal sludge dumping to date have been limited in scope, they present no data that municipal sludge dumping would be harmful at that site.

II. The 106 Mile Site

A. Site Location and Characteristics

The 106 Mile Site is located off the Continental Shelf approximately 196 kilometers southeast of Ambrose Light, New York, and 167 kilometers east of Cape Henlopen, Delaware. The site occupies an area of approximately 1,648 square kilometers with coordinates of 38d 40' to 39d 00' N latitude and 72d 00' to 72d 30' W longitude. The depth of the site ranges from 1,440 to 2,750 meters. There is significant dispersion and a permanent thermocline (temperature gradient) at this site.

B. History of Dumping at the Site

Since 1961 the 106 Mile Site generally has been used for the disposal of aqueous industrial wastes and digester cleanout sludges. In 1973, EPA designated this area as an "interim" site to be used primarily for the disposal of such industrial wastes. A site is designated as "interim" when the environmental studies to designate it for continuing use have not been completed. As part of the studies necessary to designate this site, EPA initiated the preparation of a draft EIS to evaluate the use of this site for continued disposal of industrial wastes.

Although the 106 Mile Site was initially considered primarily as a site for industrial wastes, the possibility of its use for the dumping of municipal sludges generated by a number of treatment plants in New Jersey and New York created significant interest. These plants now dump their municipal sludges at the 12 Mile Site.

C. Public Hearing

On May 31 and June 1, 1977, EPA conducted a public hearing in Toms River, New Jersey (Toms River Hearing), to gather information and obtain public comment on the possible relocation of municipal sludge dumping farther offshore. The hearing included discussion of whether such dumping should occur at sites such as the 106 Mile Site which are off the Continental Shelf. Testimony on this issue was inconclusive, and the final decision of the hearing directed that the 106 Mile Site EIS include an assessment of municipal sludge disposal at the site.

As a result of the Toms River Hearing and a subsequent settlement agreement in "American Littoral Society v. Costle," Civil Action No. 77–11073 (D.N.J.), the EIS contained an evaluation of the feasibility of dumping municipal sludges generated in the New York-New Jersey Metropolitan area at the 106 Mile Site. The EIS recommended designation of the 106 Mile Site as an ocean dumping site for receipt of both aqueous industrial wastes and municipal sludge. (EIS at xxii to xxiv.)

D. Application of Regulatory Criteria

This site has been evaluated in light of the factors listed in §§ 228.5 and 288.6 of the Ocean Dumping Regulations and Criteria. These criteria require, first, that a site be chosen so that its use will only minimally, if at all, interfere with other activities in the ocean, and that areas of fisheries, shellfisheries, and heavy commercial or recreational navigation be avoided. Section 228.5(a). The 106 Mile Site is not near significant shellfish beds, fish habitat, breeding, spawning, or nursery grounds, public recreation areas, or sites of major commercial fishing or navigation. (EIS at 3–8 to 3–11.) Further, the existence of significant dispersive currents and a permanent thermocline at the 106 Mile Site permits rapid dilution or dispersion of toxic suspended or dissolved materials, which should minimize adverse impacts to marine life at that site. (EIS at 2–37.)

The criteria also require that the dumping not adversely affect any beach, shoreline, marine sanctuary or shellfishery. Section 228.5(b). The 106 Mile Site is not in close proximity to any such areas and therefore would not be expected to adversely affect them. The expected rapid dilution and dispersion of materials dumped at this site should render the materials harmless before they reach any areas of environmental or economic significance. (EIS at 2–36.)

Sites are to be defined so as to localize impacts of the dumping and to permit adequate monitoring. Section 228.5(d). Although the dispersive nature of the 106 Mile Site may not localize impacts, it is expected to minimize impacts to the marine environment. Monitoring is feasible at the 106 Mile Site (EIS at 2–36) although more costly than at shallower, nearshore sites.

The criteria also require the selection of sites beyond the Continental Shelf where feasible. Section 228.5(e). The 106 Mile Site is located off the Shelf.

Thus, EPA believes that the 106 Mile Site satisfies the site designation criteria for an approved ocean dumping site. However, there are some differences between the aqueous wastes currently dumped at this site, which have been throughly studied, and municipal sludges. Therefore, EPA believes that the designation of the site should be treated differently for each of these types of wastes.

The wastes presently permitted to be dumped at the 106 Mile Site are primarily aqueous solutions and are discharged slowly over a large area, permitting extensive dilution and dispersion. Monitoring by acoustic means has shown that pycnoclines (density gradients) act as barriers to downward movement of these liquid waste materials and of some suspended particulate waste materials. Therefore, EPA is proposing to designate the 106 Mile Site to allow the continued disposal of aqueous industrial materials at that site. Aqueous industrial materials are those that are miscible with seawater and will not form or do not include a significant solid phase and which have been determined to comply with the Part 227 criteria. EPA will not propose to designate this site for the disposal of other industrial materials until adequate studies of the probable impacts of those materials on the site have been completed.

Unlike the aqueous industrial materials, however, municipal sludge has solid components which can be expected to settle out. Since materials with solid components have not been dumped in significant amounts at the 106 Mile Site and only limited research has been conducted to date on their impacts, the fate of such settleable materials cannot be predicted with absolute certainty. While the high level of dispersion, great depths, and thermocline at this site make it unlikely that there would be significant deposition on the seabed, the presence of southwesterly currents may result in some settling on the Outer Continental Shelf.

In light of the knowledge that any deposition would occur at a very slow rate (EIS at 5–9 to 5–12), EPA is proposing to designate this site for the disposal of municipal sludges for five years to permit further studies of the site and careful monitoring of the impacts of any municipal sludge disposal at the site.

III. Request for Comments on the Proposed Action

Comments are sought on a *proposal to designate the existing 106 Mile Site for the receipt of aqueous industrial wastes and municipal sewage treatment sludges*, including restricting the

disposal of municipal treatment sludges to a period of five years.

All comments and any relevant information or studies which EPA should consider should be submitted to the addressee identified at the beginning of this notice by February 18, 1983.

IV. Review Under the Regulatory Flexibility Act and Executive Order 12291

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. Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis.

EPA has determined that this proposal will not have a significant impact on small entities and it is not a "major" regulation under Executive Order 12291, since the proposed actions will not result in an annual effect on the economy of $100 million or more, a major increase in costs or prices for consumers, industries, Federal, State, or local government agencies or geographic regions, or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The proposal will have the effect of providing additional disposal options to a limited number of industrial and municipal sources, but does not impose any additional regulatory requirements on those sources. Consequently, this proposal does not trigger the requirements for a Regulatory Flexibility Analysis or Regulatory Impact Analysis.

This regulation 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.).

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 a paragraph (b)(16) for an ocean dumping site under the management of the EPA Region II Regional Office as follows:

§ 228.12 Delegation of management authority for interim ocean dumping sites.

* * * * *

(b) * * *

(16) 106 Mile Ocean Waste Site—Region II. Location: Latitude—38d 40′ to 39d 00′ N; Longitude—72d 00′ to 72d 30′ W. Size: 1,648 square kilometers. Depth: Ranges from 1,440 to 2,750 meters. Primary Use: Aqueous industrial materials and municipal sewage treatment sludges (note restriction below). Period of Use: Continuing use for aqueous industrial materials; five years for municipal sewage treatment sludges. Restriction: Aqueous industrial materials are those that are miscible with seawater and will not form or include a significant solid phase, the ocean dumping of which will not unreasonably degrade or endanger human health or welfare, or amenities, or the marine environment, ecological systems, and economic potentialities. Municipal sewage treatment sludges are sludges generated in a publicly owned treatment works, the ocean dumping of which will not unreasonably degrade or endanger human health or welfare, or amenities, or the marine environment, ecological systems, and economic potentialities. This site may not be used for the disposal of other materials (except for the purpose of research or under emergency conditions) until adequate studies of their probable impacts at the site have been completed.

[FR Doc. 82-34081 Filed 12-17-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 228

[WH-FRL 1990-6a]

Ocean Dumping; Receipt of Petitions To Redesignate a Site and Request for Comments on the Possible Redesignation of Another Site

AGENCY: Environemental Protection Agency (EPA).

ACTION: Notice of petitions for rulemaking and announcement of consideration of commencement of rulemaking.

SUMMARY: EPA today requests comments on petitions for commencement of rulemaking to amend 40 CFR 228.12(b)(4) to redesignate the Sewage Sludge Dump Site in the New York Bight Apex (the 12 Mile Site) for continuing use. EPA is also considering redesignating the Alternate Sewage Sludge Dump Site in the New York Bight (the 60 Mile Site). The designation of both sites expired on December 31, 1981.

In a separate action, EPA today also proposes to designate for continuing use the existing interim-designated 106 Mile Ocean Waste Dump Site located in the Atlantic Ocean about 100 nautical miles off Delaware Bay (the "106 Mile Site) as an approved ocean dumping site for the authorized disposal of aqueous industrial materials. EPA also proposes to designate that site as an approved ocean dumping site for the authorized disposal of municipal sewage treatment sludges ("municipal sludge") for a period of five years, during which time studies on the environmental effects of dumping sludge will be conducted.

DATE: Comments on these actions must be received on or before February 18, 1983.

ADDRESSES: Send comments to: Mr. T. A. Wastler, Chief, Marine Protection Branch (WH-585), EPA, Washington, DC 20460.

The Environmental Impact Statement and petitions are available for public inspection at the following locations:

EPA Public information Reference Unit (PIRU), Room 2404 (rear), 401 M Street Southwest, Washington, DC; or

EPA Region II Library, Room 1002, 26 Federal Plaza, New York, New York.

FOR FURTHER INFORMATION CONTACT: Mr. T. A. Wastler, 202/755-0356.

SUPPLEMENTARY INFORMATION:

I. Background

A. Statute

Title I of the Marine Protection, Research, and Sanctuaries Act, as amended ("MPRSA" or "the Act"), 33 U.S.C. 1401 et seq., provides that "no person shall transport from the United States * * * any material for the purpose of dumping it into ocean waters" without an ocean dumping permit. 33 U.S.C. 1411. Additionally, the Act specifically prohibits the dumping after December 31, 1981, of "sewage sludge." In this context "sewage sludge" is defined as wastes from municipal treatment plants, the ocean dumping of which "may unreasonably degrade or endanger human health or welfare, or amenities, or the marine environment ecological systems, and economic potentialities." 33 U.S.C. 1412a(d).

Section 102(a) of the MPRSA provides that "the Administrator may issue permits * * * for the transportation * * * of material for the purpose of dumping it into ocean waters, or for the dumping of material into (ocean) waters * * * where the Administrator determines that such dumping will not unreasonably degrade or endanger human health, welfare, or amenities or the marine environment, ecological systems, or economic potentialities."

Section 102(a) also requires the Administrator to promulgate criteria to be used in evaluating all such permit applications.

Section 102(c) of the MPRSA provides that the "Administrator may, considering the criteria established pursuant to subsection (a) of this section, designate recommended sites or times for dumping and, when he finds it necessary to protect critical areas, shall, after consultation with the Secretary (of the Army), also designate sites or times within which certain materials may not be dumped."

B. Regulations

Pursuant to provisions of the Act, EPA has promulgated implementing regulations which provide criteria both for the issuance of ocean dumping permits (Part 227) and for the designation and management of approved sites (Part 228) for the disposal of wastes.

40 CFR Part 228 establishes criteria to be applied in the designation of ocean dumping sites for use in permitted activities. Section 228.5 of these criteria requires that a site be chosen so that its use will not significantly interfere with other activities in the ocean; that areas of fisheries, shellfisheries, and heavy commercial or recreational navigation be avoided; that the dumping not adversely affect any beach, shoreline, or marine sanctuary; that sites be defined so as to localize any adverse impacts of the dumping and to permit adequate monitoring; and that sites beyond the Continental Shelf be selected, where feasible. Section 228.6 of the criteria specifies in greater detail the factors to be considered, such as the location of the site in relation to breeding or feeding areas of aquatic species, beaches, or areas of scientific or historical importance; the potential for disposal to interfere with navigation, fishing, or mineral extraction; and other factors relating to the geologic and hydrologic condition of the site.

The regulations provide that such sites will be designated by publication of a list of approved sites in 40 CFR 228.12. A list of Approved Interim and Final Ocean Dumping Sites was published in January 11, 1977, 42 FR 2461 et seq., and updated as new sites were designated or designations extended. The latest update was made on December 9, 1980, 45 FR 81042 et seq. Even after designation, the use of a site for dumping must be authorized by a permit issued pursuant to Part 227.

C. Actions Under Consideration

EPA is considering whether to redesignate the Sewage Sludge Dump Site in the New York Bight Apex (the 12 Mile Site) and the Alternate Sewage Sludge Dump Site in the New York Bight (the 60 Mile Site). Consideration of the proposal to redesignate the 12 Mile Site is based on petitions submitted by New York City and six New Jersey sewerage authorities (the Bergen County Utilities Authority, the Joint Meeting of Essex and Union Counties, the Linden Roselle Sewerage Authority, the Middlesex County Utilities Authority, the Passaic Valley Sewerage Commissioners, and the Rahway Valley Sewerage Authority) to commence rulemaking proceedings to extend that designation. Since the 60 Mile Site was designated as an alternate to the 12 Mile Site and since both designations expired December 31, 1981, EPA is requesting public comment on the possible redesignation of one or both sites.

D. Available Information

Descriptions of the 12 Mile Site and the 60 Mile Site and analyses of the effects of waste disposal at the 12 Mile Site are contained in the "Final Environmental Impact Statement on the Ocean Dumping of Sewage Sludge in the New York Bight" ("the EIS"), which was issued in September 1978. Since then, the 12 Mile Site has been carefully studied and monitored by both EPA and the National Oceanic and Atmospheric Administration (NOAA). These studies have shown that the 12 Mile Site is seriously degraded, as is the entire New York Bight Apex area.

The 60 Mile Site has not been the focus of any monitoring programs since no ocean dumping has occurred at that site to date. Therefore, the available information on the 60 Mile Site is primarily that contained or referred to in the EIS.

II. Sites

A. 12 Mile Site

1. *Site location and characteristics.* The 12 Mile Site is located in the New York Bight Apex on the Continental Shelf approximately 20 kilometers south of Long Island and east of New Jersey. The site occupies an area of approximately 22.7 square kilometers with coordinates of 40d 22' 30" to 40d 25' 00"N latitudes and 73d 41' 30" to 73d 45' 00"W longitudes. The depth of the site is about 27 meters. Currents are variable, with a general onshore bottom drift, and surface currents driven by wind and river flow.

As described in more detail in EIS, the Bight Apex is subject to contamination from many sources, such as the open water disposal of dredged materials and municipal sludges and estuarine discharges of municipal and industrial wastes. Municipal sludge ocean dumping is estimated to account for only one to ten percent of the total contaminant input to the New York Bight Apex. However, it may account for significantly more of the PCB's and mercury in that area.

2. *History of dumping at the site.* Municipal sludge has been dumped at the 12 Mile Site since 1924 by communities in New York and New Jersey. Under EPA's regulations implementing the Act, over 200 communities have ceased the ocean dumping of municipal sludges at the 12 Mile Site and implemented land-based disposal methods. Less than a dozen authorities (30 treatment plants) are now dumping at the site.

Although the number of municipal sludge dumpers has decreased since passage of the Act, the volume of sludge dumped at the 12 Mile Site has increased from 4.6 million tons in 1973 to 6.7 million tons in 1981. This increase is primarily due to the upgrading of plants from primary to secondary treatment and the resultant increase in production of municipal sludge in the New York-New Jersey Metropolitan area for which disposal was required.

On May 18, 1979, the 12 Mile Site was designated as an approved municipal sludge disposal site. (45 FR 29052.) At the same time, an alternate site, the 60 Mile Site, was designated in case dumping at the nearshore site became unacceptable for environmental or public health reasons. Both designations expired December 31, 1981. These designations were based on the information and analysis presented in the EIS, including the assumption that ocean dumping at either site would end on December 31, 1981. Since that date the ocean dumping of municipal sludge has been permitted as a direct result of a court order in which the judge allowed continued ocean dumping under specific conditions while EPA takes action on petitions that the designation of the 12 Mile Site be extended and evaluates applications for continued dumping of municipal sludges.

3. *Petitions.* The petitions filed by New York City and six New Jersey authorities for commencement of rulemaking to extend the designation of the 12 Mile Site cite the lack of degradation outside the dumpsite, the unlikelihood of improvement if dumping were stopped there, and the additional cost of moving to a new dumpsite as reasons for extending the designation of the 12 Mile Site. No additional factual information on the site was presented. EPA has requested that the petitioners

provide technical information to support their petition and has allowed 90 days for its submission. EPA will provide an opportunity for public review and comment, including a possible public hearing on that information when it is available.

4. *Environmental issues.* Those opposed to the continued use of the 12 Mile Site fear that sludge is responsible for high levels of toxicants in fish and shellfish, repetive algal blooms, fish kills, fin rot, and beach washups which adversely affect recreational use of the shore and adjacent waters. Those in favor of continued use of the site claim that continued use would not further degrade the area and that cessation of municipal sludge dumping at the site will not significantly improve the environment of the area around the site. Further, they argue that moving the dumping farther offshore would result in additional costs and the degradation of a less degraded, or undegraded, site.

The major issues to be considered regarding redesignation of the 12 Mile Site are highlighted below, and comments are solicited on these issues.

a. *Shellfish contamination.* There is serious bacterial contamination of edible commercial and sport shellfish in the New York Bight Apex, to the extent that shellfishing has been prohibited by the Food and Drug Administration (FDA) in most of the area. (EIS at 45.) This contamination may be due to the large volume of inadequately treated sewage being discharged to the Hudson-Raritan estuary, runoff, dredged material dumping, and municipal sludge dumping. Sludge dumping is not a major contributor to the bacterial contamination of the Apex as a whole. (EIS at 34, Table 10, and 36–40.) However, it is believed that shellfishing may be reopened in the eastern third of the Apex if dumping at the 12 Mile Site were discontinued.

b. *Benthic impacts.* Studies by EPA, NOAA, and FDA indicate that the benthic community at and near the 12 Mile Site has been adversely impacted by heavy metal and organic contaminants (EIS at 145 and 151.) This is due, at least in part, to the fact that the 12 Mile Site is located in busy navigation channels which restricts the permissible dumping rate, resulting in less immediate dispersion than would be possible if a slower dumping rate could be used. Consequently, the solid components of the sludge settle at and around this site to a greater extent than they otherwise would. More importantly, the site is small in area, shallow, and receives a significant amount of sludge each year. Since the area of impact (in excess of 15 square nautical miles) is more than twice the size of the site and includes portions of the sensitive Hudson Shelf Valley, the assimilative capacity of the site has been exceeded. Other sources of contamination in the area may also contribute to this degradation.

c. *Public health hazard.* Despite public concern, studies by EPA, NOAA, and FDA do not demonstrate that continued use of the site poses a current health hazard other than through contamination of shellfish. These studies show that there is only a slight potential for these wastes from the 12 Mile Site to reach nearshore waters and that no bacterial (coliform) contamination of coastal beaches can be shown to result from the dumping. Little or no data are available in the EIS on the potential for bioaccumulation of heavy metals and synthetic organics or their impact on health risks.

d. *The effects of cessation of dumping.* Municipal sludge may be the source of most of the pollutants at and near the 12 Mile Site, but of less than 10 percent of most of the pollutants in the New York Bight Apex. (EIS at 38, Figure 4.) The quality of the existing site and its surrounding area could not be expected to improve significantly even if sludge dumping were terminated. (EIS at 4.) New York City and other petitioners argue that the cessation of dumping municipal sludge will not alleviate any of the above conditions in the Apex as a whole, although there might be some improvement at the immediate area of the site. Further, the petitioners argue that there is no evidence that the sludge is responsible for bacterial contamination at the beaches, or has any relationship to the regularly occurring algal blooms or large fish kills which have occurred in the area, such as in 1976. They also argue that, until the numerous other sources of pollution in this area are eliminated, there is reason to believe that the continued use of this site for the dumping of municipal sludge will not further degrade the New York Bight Apex or the site. New York City's petition states that, "while the dumping * * * is currently harmless in the manner and location in which it is practiced, there is no justification for shifting the dumpsite and causing possible contamination of currently unaffected areas." There is concern, however, about the potential effects of the expected dumping of greatly increased volumes of sludge at this site. The City of New York is currently constructing two new treatment plants, North River and Red Hook, which are estimated to produce 300,000 tons of sludge annually when completed.

B. 60 Mile Site

1. Site location and characteristics. The 60 Mile Site is located in the northern area of the New York Bight on the Continental Shelf approximately 46 kilometers south of Long Island. The site occupies an area of approximately 676 square kilometers with coordinates of 40d 10' 30" to 40d 13' 30"N latitudes and 72d 40' 30" to 72d 43' 30"W longitudes. The depth of the site is 40 to 60 meters.

The area of the site, as currently defined, is not large enough to provide rapid dilution of multiple sludge discharges to acceptable concentrations. Therefore, dumping activities would have to be spaced several hours apart in order to avoid violation of EPA's environmental standards. This problem might be avoided by enlarging the site. An area much larger than the defined site has been studied (EIS at 87–139), so that the information needed to redefine the boundaries of the site is available. Therefore, EPA is considering redefining the boundaries of the 60 Mile Site to enlarge it if it is redesignated.

2. History of dumping at the Site. On May 18, 1979, the 60 Mile site was designated as an alternate to the 12 Mile Site for municipal sludge disposal. This designation, like the designation for the 12 Mile Site, expired December 31, 1981.

Since the 60 Mile Site was designated in 1979 as an alternate site only, and since the need for its use has not arisen, no ocean dumping has occurred at the site to date. However, in considering the petitions to redesignate the 12 Mile Site, EPA is considering whether the 60 Mile Site is also an appropriate site for the disposal of municipal sludge.

3. Environmental issues. Environmental conditions at the 60 Mile Site are described in detail in the EIS.

The major issues to be considered regarding redesignation of the 60 Mile Site are highlighted below, and comments are solicited on these issues.

a. *Public health hazard.* At the time of EIS preparation, there was no significant commercial fishing of bottom-dwelling species or recreational use at this site; this would have minimized the potential for adverse impacts of ocean dumping to the public health or welfare. However, since 1978, significant commercial harvesting of scallops, black bass, flounder, lobster, and tilefish has been noted in the area of the site.

b. *The potential effects of dumping.* The 60 Mile Site is in an undegraded area with highly dispersive currents. The use of the 60 Mile Site would adversely affect the benthos at and near the site by adding heavy metals, bacteria, and organic matter. As the benthic community adapted, it would become less diverse. Effects on the benthos would be severe, but localized. Only a small percentage of the sludge would be expected to actually reach the bottom.

Sludge dumping would cause bacterial and viral contamination of shellfish at and near the site. Shellfish (and other benthic organisms) would also concentrate heavy metals in their tissues. To prevent the use of contaminated shellfish, it would be necessary to prohibit shellfishing in the vicinity of the site.

Sludge particles that settled on the bottom could be resuspended under stormy conditions and transported to adjacent areas. However, sensitive marine resources such as the Hudson Shelf Valley are probably far enough from the area to remain uncontaminated by such transported sludge.

Sludge dumping would release materials which would remain in suspension, but none of these materials would be expected to reach any beach in other than trace amounts.

III. Request for Comments on the Proposed Actions

Comments are sought on the petitions of New York City and six New Jersey municipal authorities for *commencement of rulemaking to redesignate the 12 Mile Site* for the disposal of municipal sludges and on EPA's *consideration of redesignating an enlarged 60 Mile Site* for the disposal of municipal sludges.

All comments and any relevant information or studies which EPA should consider should be submitted to the addressee identified at the beginning of this notice by February 18, 1982.

List of Subjects in 40 CFR Part 228

Water pollution control.

(33 U.S.C. 1412 and 1418)

Frederic A. Eidsness, Jr.,

Assistant Administrator for Water.

[FR Doc. 82-34082 Filed 12-17-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6465]

Proposed Base Flood Elevation and Zone Designation Determinations for City of Sunnyvale, Santa Clara County, Calif.; Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited in the proposed base flood elevations and zone designations as described below.

The proposed base flood elevations and zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the floodprone area and the proposed base flood elevations and zone designations are available for review at the Public Library, 665 West Olive Avenue, Sunnyvale, California.

Send comments to: Honorable Dianne McKenna, Mayor, City of Sunnyvale, 456 West Olive Avenue, P.O. Box 60607, Sunnyvale, California 94088.

FOR FURTHER INFORMATION CONTACT: Mr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Office of Natural and Technological Hazards, Federal Emergency Management Agency, Washington, DC 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support, gives notice of the proposed base flood elevations and zone designations for Butler County, Kansas, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67.

These base flood elevations and zone designations together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed special flood hazard area for Calabazas Creek and Guadalupe Slough are contained in the respective channels and have been identified as Zone A. Along the San Francisco Bay, the proposed base flood elevation has been revised from 8 feet National Geodetic Vertical Datum (NGVD) to 7 feet NGVD, and the zone designations remain Zones V1 and A1. In the area located east of Calabazas Creek and south of Kifer Road, the proposed zone designations identified as Zone AO with a depth of 1 foot, and Zone AH with a base flood elevation of 50 feet NGVD, have been added. In the area located between Wildwood Avenue and Route 237 and between Lawrence Expressway and the levee, the proposed zone designation has been revised to 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, herby 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 67

Flood insurance, Flood plains.

(National Flood Insurance Act 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 the Associate Director, State and Local Programs and Support)

Issued: November 30, 1982.

Dave McLoughlin,

Acting Associate Director, State and Local Programs, and Support.

[FR Doc. 82-34358 Filed 12-17-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6464]

Proposed Base Flood Elevation and Zone Designation Determinations for City of Imperial Beach, San Diego County, Calif.; Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designations as described below.

The proposed base flood elevations and zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at the Planning Department, Imperial Beach City Hall, 825 Imperial Beach Boulevard, Imperial Beach, California.

Send comments to: Honorable Brian P. Bilbray, Mayor, City of Imperial Beach, 825 Imperial Beach Boulevard, Imperial Beach, California 92032.

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: The Associate Director, State and Local Programs and Support, gives notice of the proposed base flood elevations and zone designations for the City of Imperial Beach, California, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67.

These base flood elevations and zone designations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required: It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Along the Tijuana River, the proposed base flood elevations range from 6 feet National Geodetic Vertical Datum (NGVD) to 17 feet NGVD, and the zone designation remains Zone A4. Along Oneonta Slough, in the area generally located south of Coronado Avenue and between First Street and Fifth Street, the proposed zone designation is Zone AH, with a proposed elevation of 6 feet NGVD. Along the Pacific Ocean, the proposed zone designations and base flood elevations are as follows: Zone V1 (el 6), Zone A3 (el 7), Zone A2 (el 7), Zone A2 (el 8), Zone A2 (el 9), Zone A4 (el 10), Zone A4 (el 9), Zone A4 (el 8) and Zone A4 (el 7).

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 67

Flood insurance, Flood plains.

(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: November 29, 1982.

Dave McLoughlin,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 82-34359 Filed 12-17-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6466]

Proposed Base Flood Elevation and Zone Designation Determination for Town of Gypsum, Eagle County, Colo.; Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designations as described below.

The proposed base flood elevations and zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at the Gypsum Town Hall, 300 First Street, Gypsum, Colorado.

Send comments to: Honorable Eldon L. Bindley, Mayor, Town of Gypsum, P.O. Box 237, Gypsum, Colorado 81631.

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

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support, gives notice of the proposed base flood elevations and zone designations for the Town of Gypsum, Colorado in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67.

These base flood elevations and zone designations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the

community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base flood elevations and zone designations, in the recently annexed area located in the northwesternmost portion of the Town, are as follows:

Source of flooding and location	Elevation, national geodetic vertical datum (feet)	Zone designation
Eagle River:		
At the western corporate limits.	6,239	A2.
At a point located approximately 225 feet downstream of Price Lane extended.	6,252	A2.
At a point located approximately 975 feet upstream of Price Lane extended.	6,258	A2.

The remaining portion of the annexed area has been identified as 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 67

Flood insurance, Flood plains.

(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 the Associate Director, State and Local Programs and Support)

Issued: November 28, 1982.

Dave McLoughlin,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 82-34364 Filed 12-17-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

Docket No. FEMA-6467]

Proposed Special Flood Hazard Area Determinations for City of Las Vegas, Clark County, Nevada; Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed special flood hazard areas as described below.

The proposed special flood hazard areas are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed special flood hazard areas are available for review at the Land Development and Flood Control Division of the Department of Public Service, 400 East Stewart Avenue, Las Vegas, Nevada.

Send comments to: Honorable William H. Briare, Mayor, City of Las Vegas, 400 East Stewart Avenue, Las Vegas, Nevada 89101.

FOR FURTHER INFORMTION 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: The Associate Director, State and Local Programs and Support, gives notice of the proposed special flood hazard areas for the City of Las Vegas, Nevada in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67.

These special flood hazard areas, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed special flood hazard areas will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed special flood hazard areas, identified as Zones A, AO with a depth of 1 foot, and AO with a depth of 2 feet, have been added throughout the City, on Panels 15, 20 and 25 of 35. Additional annexed areas have been identified as 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 67

Flood insurance, Flood plains.

(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 the Associate Director, State and Local Programs and Support.)

Issued: November 30, 1982.

Dave McLoughlin,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 82-34363 Filed 12-17-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6468]

Proposed Zone Designation and Flood Depth Determinations for Tillamook County, Oregon; Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed zone designation and flood depth as described below.

The proposed zone designation and flood depth are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the floodprone areas and the proposed zone designation and flood depth are available for review at the Office of the County Commissioners, Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, Oregon.

Send comments to: Mr. Franklin E. Knight, Chairman, Board of County Commissioners, Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, Oregon 97141.

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: The Associate Director, State and Local Programs and Support, gives notice of the proposed zone designation and flood depth for Tillamook County, Oregon in Accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67.

The zone designation and flood depth, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed zone designation and flood depth will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed zone designation of Zone A0, with a depth of 2 feet, has been added on Panels 160 and 170, along the Wilson River, in the area generally located between Makinster Road, the Wilson River and Wilson River Loop Road. This new designation would replace the existing Zone C and Zone A1, elevation 10 feet National Geodetic Vertical Datum (NGVD), designation for the above mentioned area. In addition, the corporate limits for the City of Bay City and City of Tillamook have been adjusted to resolve any inconsistencies.

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 67

Flood insurance, Flood plains.

(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 the Associate Director, State and Local Programs and Support.)

Issued: November 29, 1982.

Dave McLoughlin,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 82-34362 Filed 12-17-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6431]

Harris County, Texas; National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations previously published at 47 FR 47890 on October 28, 1982. This correction notice provides a more accurate representation of the Flood Insurance Study and Flood Insurance Rate Map for the City of Seabrook, Harris County, Texas.

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

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected location in the City of Seabrook, Harris County, Texas, previously published at 47 FR 47890 on October 28, 1982, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

Pursuant to the provisions of 5 USC 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new

requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

Under the Source of Flooding of Galveston Bay, the location description "Entire shoreline of Pine Gully within community" has been amended to read as follows. The remainder of the Notice of Proposed Based Flood Elevations remains unchanged.

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Galveston Bay	Entire shoreline of Pine Gully upstream from Todville Road	* 12
	Confluence of Pine Gully with Galveston Bay.	* 18

(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 the Associate Director).

Issued: December 2, 1982.

Dave McLoughlin,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 82-34360 Filed 12-17-82; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 82-811; RM-4207; RM-4233]

FM Broadcast Station in Anchorage, Alaska; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign Class C FM Channels 251 and 255 to Anchorage, Alaska, in response to petitions by KENI Associates and Borealis Broadcasting, Inc.

DATES: Comments must be filed on or before January 24, 1983, and reply comments on or before February 8, 1983.

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

FOR FURTHER INFORMATION CONTACT: Philip S. Cross, Broadcast Bureau (202) 632–5414.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: November 29, 1982.

Released: December 13, 1982.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Anchorage, Alaska), BC Docket No. 82–811, RM–4207, RM–4233.

1. The Commission has before it two separate petitions to add FM Class C Channel 256 to Anchorage, Alaska, filed by KENI Associates and by Borealis Broadcasting, Inc. Channel 256 is not available for the assignment to Anchorage inasmuch as it would be mutually exclusive with Channel 259 which has been recently assigned to Wasilla, Alaska (BC Docket No. 82–358), released November 16, 1982. Our engineering staff has determined that two other Class C channels are available for assignment to Anchorage, *i.e.*, Channels 251 and 255.

2. The two proposed assignments could provide a ninth and tenth FM broadcast service to Anchorage. Both petitioners have stated they would apply for an Anchorage channel.

3. These assignments would be contingent on avoiding interference to the FCC monitoring station at Anchorage.

4. The proposed amendments to the Table of Assignments, *infra*, also reflect a pending proceeding to substitute Channel 287 for Channel 288A (BC Docket 82–709).

5. In view of the above, we believe that it is appropriate to solicit comments on the proposed amendment of the FM Table of Assignments, § 73.202(b) of the Commission's Rules as follows:

City	Channel No.	
	Present	Proposed
Anchorage, Alaska	263, 267, 271, 276A, 281, 288A, 293, 298	251, 255, 263, 267, 271, 276A, 281, 287, 293, 298

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before January 24, 1983, and reply comments on or before February 8, 1983, and are advised to read the Appendix for the proper procedures.

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

9. For further information concerning this proceeding, contact Philip S. Cross, Broadcast Bureau, (202) 632–5414. However, members of the public should note that from the times a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

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

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assigment is also expected to

file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

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

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

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

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

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

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

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 82-34347 Filed 12-17-82; 8:45 am]
BILLING CODE 6712-10-M

47 CFR Parts 81 and 83

[PR Docket No. 82-798; FCC 82-526]

Removal of Unnecessary Reporting and Recordkeeping Requirements

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This Notice proposes to eliminate certain reporting and record keeping requirements in the Maritime Services. These proposals result from the FCC's program to reduce paperwork requirements. The proposed amendments are intended to eliminate unnecessary regulations.

DATES: Comments must be received on or before January 13, 1983, and reply comments must be received on or before January 28, 1983.

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

FOR FURTHER INFORMATION CONTACT: Robert H. McNamara, Private Radio Bureau (202) 632-7175.

SUPPLEMENTARY INFORMATON:

List of Subjects

47 CFR Part 81

Coast stations, Radio, Telegraph, Telephone.

47 CFR Part 83

Reporting and recordkeeping requirements, Vessels.

Adopted: December 2, 1982.

Released: December 14, 1982.

In the matter of amendment of Parts 81 and 83 of the rules to eliminate unnecessary reporting, recordkeeping and record retention requirements. PR Docket No. 82-798, FCC 82-526.

1. In this Notice of Proposed Rule Making we are proposing to eliminate reporting, recordkeeping and record retention requirements in the Maritime Services (Parts 81 and 83 of the Commission's rules) which we believe impose unnecessary burdens on the maritime community.

Part 81

2. In Part 81 (Stations on Land in the Maritime Services and Alaska-Public Fixed Stations) we are proposing to amend 29 rule sections.[1] In regard to recordkeeping and record retention requirements, we are proposing to delete the necessity to maintain logs and reduce the mandated documentation for all maritime stations other than public coast stations. These records are seldom if ever utilized for any regulatory purpose. Under this proposal, licensees of limited coast stations, marine utility stations, marine fixed stations, marine receiver stations and shipyard stations would no longer be required to maintain logs. Additionally, the list of documents required to be available at such stations would be reduced or deleted entirely. For example, the requirement to have on hand Parts 81 and 83 of the rules is being eliminated for these stations as well as Alaska-public fixed stations. We are also proposing to simplify the log and documentation requirements affecting public coast telephone and public coast telegraph stations. However, since these stations are common carriers providing a public correspondence service for the maritime industry, we are not proposing such major changes as indicated for other maritime stations. Further, certain record retention requirements are imposed on these common carriers by Part 42 of the rules.

2. We are proposing to eliminate or simplify notification requirements concerning: certain changes in station location, station operations during emergencies, discontinuance of station operations (other than public coast stations), and the cooperative use of limited coast station facilities. No use has been made of the subject information. Accordingly, we feel these notification requirements are unnecessary.

4. In addition, we are proposing to simplify a number of rule sections relating to the filing of applications for stations licensed under Part 81 and to clarify and edit various rule sections which reference or relate to other sections proposed to be amended.

Part 83

5. In Part 83 (Stations on Shipboard in the Maritime Services) we are proposing to amend 18 rule sections [2] which relate to record keeping or reporting requirements imposed on licensees of ship radio stations. In essence, we are seeking to eliminate the requirement for ships to maintain radio logs and specified documents except where the

[1] The specific sections of Part 821 proposed to be amended are: 81.24, 81.26, 81.31, 81.41, 81.49, 81.70, 81.73, 81.74, 81.75, 81.76, 81.115, 81.194, 81.224, 81.314, 81.352, 81.369, 81.370, 81.457, 81.458, 81.477, 81.521, 81.522, 81.523, 81.524, 81.525, 81.535, 81.536, 81.552, and 81.703.

[2] The specific sections of Part 83 proposed to be amended are: 83.2, 83.70, 83.115, 83.157, 83.184, 83.331, 83.340, 83.367, 83.368, 83.369, 83.405, 83.406, 83.456, 83.556, 83.819, 83.1015, 83.1016, and 83.1017.

requirement is contained in a treaty or statute.[3] Also, simplification of a number of notification and record keeping requirements for vessels compelled to be equipped with radio are proposed.

6. The proposed changes will delete the necessity for recreational boaters to maintain a radio station log and have Part 83 of the rules. Specified documentation relating to emergency position indicating radiobeacons (EPIRB's) and auto alarms are proposed to be deleted. We are also proposing to simplify a number of log, documentation and notification requirements pertaining to compulsory radio-equipped ships as well as survival craft stations and on-board stations.[4] Like similar requirements under Part 81, the subject information is seldom utilized and, therefore, we consider these rules to be an unnecessary burden on the maritime public. In addition, we have included editorial amendments where appropriate.

7. The proposed amendments to the Commission's rules as set forth in the attached Appendix are issued under the authority contained in sections 4(i) and 300(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r).

8. Under procedures set out in § 1.415 of the Rules and Regulations, 47 CFR 1.415, interested persons may file comments on or before January 13, 1983, and reply comments on or before January 28, 1983. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commision may take into consideration information and ideas not contained in the comments provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the

9. In accordance with the provisions of § 1.419 of the Rules and Regulations, 47 CFR 1.419, formal participants shall file an original and 5 copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

10. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally Section 1.1231 of the Commission's rules, 47 CFR 1.1231.

11. The rule amendments proposed in this proceeding, while expected to benefit the maritime public by eliminating unnecessary reporting and record keeping requirements will not result in a significant economic impact on any person or entity. Therefore, the Commission has determined that Sections 603 and 604 of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) do not apply to this rule making proceeding, because the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.

12. Regarding questions on matters covered in this document contact Robert H. McNamara (202) 632–7175.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Parts 81 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

1. Section 81.24 is revised to read as follows:

§ 81.24 Applications made on prescribed forms.

Applications for authorizations for stations on land in the maritime services shall be submitted on the prescribed forms which may be obtained from the Commission at Washington, D.C. 20554 or from any of its field offices. Applications should be filed at least 60 days prior to the date the grant of an authorization is desired.

§ 81.26 [Removed]

2. Part 81 is amended by removing § 81.26.

3. Section 81.31 is amended by adding a new paragraph (d) to read as follows:

§ 81.31 Supplemental information required.

* * * * *

(d) Each application for a new public coast station operating on frequencies in the band 156–162 MHz shall include as supplementary information a chart, with supporting data, showing the service area contour computed in accordance with Subpart R of this part.

4. Section 81.41 is revised to read as follows:

§ 81.41 Application for special temporary authority.

(a) Applications for special temporary authority may be filed either formally (by submission of an FCC Form 503) or informally (by letter or telegram) to operate new facilities, or to operate existing facilities in a manner beyond that authorized in the current authorization. The nature of the emergency, equipment failure or other circumstances which, in the opinion of the applicant justifies issuance of a special temporary authorization, must be fully described in the request.

[3] The International Radio Regulations, the International Convention for the Safety of Life at Sea, the Great Lakes Agreement, the Cummunications Act and the Bridge-to-Bridge Radiotelephone Act all impose certain radio requirements on specific classes of vessels.

[4] Survival craft stations are located on lifeboats, liferafts or other survival equipment and are used solely for safety purposes. On-board stations include mobile units and repeaters used for intraship communications primarily on large ships.

(b) Informal requests for special temporary authority shall contain the following information:

(1) Name, address, and citizenship status of applicant;

(2) Statement of facts on which the request is based, including estimated duration of proposed use;

(3) Class of station and nature of service;

(4) Location of station including, when appropriate, geographical coordinates;

(5) Equipment to be used, specifying manufacturer and model number, frequencies desired, types of emission, power, and other pertinent information; and

(6) Description of proposed antenna structure, if any.

(c) Information presently on file with the Commission may be included by reference.

§ 81.49 [Removed]

5. Part 81 is amended by removing § 81.49

§ 81.70 [Amended]

6. In § 81.70 paragraphs (c), (d) and (e) are removed.

7. Section 81.73 is revised to read as follows:

§ 81.73 Operation during emergency.

The licensee of any station subject to this part may, during a period of emergency in which the normal communication facilities are disrupted as a result of hurricane, flood, earthquake, or similar disaster, utilize such station for emergency communication service in a manner other than that specified in the instrument of authorization or in the rules and regulations governing the operation of such stations. As soon as possible after the beginning of such emergency use, notice shall be sent to the Commission's Engineer in Charge of the radio district in which the station is located, stating the nature of the emergency and the emergency use made of the station. The Commission may, at any time, order the discontinuance of any such emergency communication undertaken under this section.

8. Section 81.74 is revised to read as follows:

§ 81.74 Notice of discontinuance, reduction, or impairment of service.

(a) Applications by public coast stations for authority to discontinue, reduce or impair service shall comply with the provisions of Part 63 of the Commission's rules. If such changes in station operation include discontinuance, reduction or suspension of a watch required to be maintained on 500 kHz. 2182 KHz, or 156.8 MHz, notification thereof shall be given by the licensee to the nearest district office of the U.S. Coast Guard as soon as practicable. Where applicable, such notification shall include the estimated or known time of resumption of the subject watch.

(b) In the event that a limited coast station reduces or suspends a watch required to be kept on 500 kHz, 2182 kHz or 156.8 MHz, notification thereof shall be given by the licensee to the nearest district office of the U.S. Coast Guard as soon as practicable.

§ 81.76 [Removed]

9. Part 81 is amended by removing § 81.75.

10. Section 81.76 is revised to read as followed:

§ 81.76 Cancellation of license.

When stations subject to this part permanently discontinue operation, the licensee shall send the station license to the Commission's office at P.O. Box 1040 Gettysburg, Pennsylvania 17325.

11. Section 81.115(a) is revised to read as follows:

§ 81.115 Retention and availability of radio station logs.

(a) Station logs required by this part shall be retained by the licensee for a period of one year from the date of entry, and when applicable for such additional periods as required by the following subparagraphs:

(1) Station logs relating to a distress situation or disaster shall be retained for 3 years from the date of entry:

(2) Station logs relating to an investigation by the Commission, of which the licensee has been notified shall be retained until the licensee is specifically authorized in writing to destroy them.

(3) Station logs relating to any claim or complaint of which the station licensee has notice shall be retained until the claim or complaint has been satisfied or barred by statute limiting the time for filing suits upon such claims.

* * * * *

12. Section 81.194 is revised to read as follows:

§ 81.194 Maintenance of station log.

(a) Where a radio station log is required, the log shall be kept in an orderly manner, and in such detail that the information required for particular class of station concerned is readily available. Key letters or abbreviations may be used if their proper meaning or explanation is contained elsewhere in the same log. The log or any portion thereof shall not be erased, obliterated, or wilfully destroyed within the period of retention required by § 81.115. Corrections may be made by the person originating the entry by striking out the erroneous portion, initialing the correction made, and indicating the date of correction.

(b) For each station whose antenna structure is required to the illuminated, appropriate entries shall be made in the station log in conformity with the requirements of Part 17 of this chapter.

(c) The station licensee and the licensed radio operator in charge of the station shall be responsible for compliance with this section

13. Section 81.224 is revised to read as follows:

§ 81.224 Station logs.

Public coast stations using telegraphy shall maintain an accurate radiotelegraph log during their hours of service as specified below:

(a) The entry "on duty" shall be made by the operator beginning a duty period, followed by his signature. The entry "off duty" shall be made by the operator being relieved or terminating a duty period, followed by his signature. All log entries shall be currently completed and all entries shall, unless otherwise stated, be made by a licensed operator on duty.

(b) The date and time of making an entry shall be shown opposite the entry.

(c) Coast stations which are required under Subpart G to maintain a watch on the designated radiotelegraph distress and calling frequency (500 kHz) shall enter the time this watch is begun, suspended or ended.

(d) All distress or safety related calls transmitted or received shall be entered, together with the frequency used and the position if available, of any vessel in need of assistance.

(e) Failure of apparatus to operate as required, failure of power supply, and incidents tending to unduly delay communication shall be entered.

(f) All measurements of the transmitter frequency(s) shall be entered, including such deviations from the assigned frequency(s) as may be observed, and a statement of any corrective action taken.

(g) Entries shall be made giving pertinent details of all installation, service, or maintenance work performed which may affect the proper operation of the station. The entry shall be made, signed and dated by the responsible licensed operator who supervised or performed the work, and unless he is regularly employed on a full-time basis at the station and has his operator license properly posted, shall also include his mail address and the class,

serial number, and expiration date of his license.

(h) Entries shall be made concerning the operation of the antenna tower lights when such entries are required by § 81.193.

14. Section 81.314 is revised to read as follows:

§ 81.314 Station logs.

Public coast stations using telephony shall maintain an accurate radiotelephone log during their hours of service as specified below:

(a) the entry "on duty" shall be made by the operator beginning a duty period, followed by his signature. The entry "off duty" shall be made by the operator being relieved of or terminating a duty period, followed by his signature. All log entries shall be currently completed and all entries shall, unless otherwise stated, be made by a licensed operator on duty.

(b)The date and time of making an entry shall be shown opposite the entry.

(c) Failure of apparatus to operate as required, failure of power supply, and incidents tending to unduly delay communication shall be entered.

(d) All measurements of the transmitter frequency(s) shall be entered, including such deviations from the authorized carrier frequency(s) as may be observed, and a statement of any corrective action taken.

(e) An entry shall be made giving pertinent details of all installation, service, or maintenance work performed which may affect the proper operation of the station. The entry shall be made, signed and dated by the responsible licensed operator who supervised or performed the work, and unless he is regularly employed on a full-time basis at the station and has his operator licensed properly posted, shall also include his mail address and the class, serial number, and expiration date of his license.

(f) Entries shall be made concerning the operation of the antenna tower lights when such entries are required by § 81.193.

§ 81.352 [Amended]

15. Section 81.352 is amended by: (A) in paragraph (a) (1) removing the proviso clause; (B) removing paragraph (a)(3); and (C) in paragraph (b)(2) removing the last sentence.

§ 81.369 [Removed]

16. Part 81 is amended by removing § 81.369.

§ 81.370 [Removed]

17. Part 81 is amended by removing § 81.370.

§ 81.457 [Removed]

18. Part 81 is amended by removing § 81.457.

§ 81.458 [Removed]

19. Part 81 is amended by removing § 81.458.

§ 81.477 [Removed]

20. Part 81 is amended by removing § 81.477.

21. Section 81.521 is revised to read as follows:

§ 81.521 Eligibility for shipyard base stations.

A license to operate a shipyard base station will be issued only as a secondary use for licensed limited coast stations serving a shipyard regularly engaged in construction or repair of commercial transport vessels and/or Government vessels.

22. Section 81.522 is revised to read as follows:

§ 81.522 Eligibility for shipyard mobile stations.

A license to operate shipyard mobile stations will be issued only to the licensee of a shipyard base station.

§ 81.523 [Removed]

23. Part 81 is amended by removing § 81.523.

§ 81.524 [Amended]

24. Part 81 is amended by removing § 81.524.

§ 81.525 [Removed]

25. Section 81.525 is amended by removing the words "pursuant to the provisions of §§ 81.522 and 81.524" from paragraph (a).

§ 81.535 [Removed]

26. Part 81 is amended by removing § 81.535.

§ 81.536 [Removed]

27. Part 81 is amended by removing § 81.536.

§ 81.552 [Removed]

28. Part 81 is amended by removing § 81.522.

§ 81.703 [Removed]

29. Part 81 is amended by removing § 81.703.

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

§ 83.2 [Amended]

1. Section 83.2 is amended by removing paragraph (z).

§ 83.70 [Amended]

2. Section 83.70 is amended by removing paragraph (f).

§ 83.115 [Amended]

3. Section 83.115 is amended by removing and reserving paragraph (c) and the "note" at the end of the section.

§ 83.157 [Amended]

4. Section 83.157 is amended by removing paragraph (b)(3).

5. Section 83.184 is revised to read as follows:

§ 83.184 Maintenance of station log.

(a) The log shall be kept in an orderly manner, and in such detail that the information required for the particular class of station concerned is readily available. Key letters or abbreviations may be used if their proper meaning or explanation is contained elsewhere in the same log.

(b) The log or any portion thereof shall not be erased, obliterated, or wilfully destroyed within the period of retention required by § 83.115. Correction may be made of such log but only by the person originating the entry by striking out the erroneous portion, initialing the correction made, and indicating the date of correction.

(c) The station licensee and the licensed radio operator in charge of the station shall be responsible for compliance with this section.

§ 83.331 [Removed]

6. Part 83 is amended by removing § 83.331.

7. Section 83.340 is amended by removing paragraphs (d) and (e) by adding the words "subject to Title III, Part II of the Communications Act or the radio provisions of the Safety of Life at Sea Convention, which is" after the third word "station" in paragraph (a)(1), and by adding new paragraph (a)(13) to read as follows:

§ 83.340 Station logs.

(a) * * *

(13) Ship stations authorized to transmit on frequencies within the band 405–535 kHz, shall maintain a written record of the adjustments to the transmitting and receiving equipment used for operation on the assigned frequencies 410 kHz and 500 kHz and at least two authorized working frequencies within this band.

* * * * *

8. Section 83.367 is amended by removing footnote 1 and revising paragraph (b) to read as follows:

§ 83.367 Station documents.

* * * * *

(b) Ship radiotelephone stations not subject to the Safety Convention shall be provided with documents listed in

paragraphs (a)(1), (2), (3), and (6) of this section. However, ship radiotelephone stations not subject to compulsory equipment requirements of the Communications Act, Great Lakes Agreement, or other applicable statute or treaty, need only be provided with the documents listed in paragraphs (a) (1) and (2) of this section.

9. Section 83.368 is amended by removing paragraphs (f) and (g), and by revising paragraph (a) and the introductory text of paragraph (b) to read as follows:

§ 83.368 Radiotelephone station log.

(a) Ship radiotelephone stations subject to Title III, Part II of the Communications Act or the radio provisions of the Safety of Life at Sea Convention shall maintain a station log. Pages of the log shall be numbered in sequence and each page shall include the name of the vessel and the radio call sign of the station. All entries which show transmitter operation shall be made and signed by the licensed operator. Watch entries, and signature of each person keeping the required watch, shall be so related that they constitute a certification by each such person as to when he began and ended each period of his watch during the voyage. The date and time of each occurrence or incident required to be entered in the log shall be shown opposite the entry, and the time shall be counted from 0000 to 2400, beginning at midnight. Stations on board vessels engaged on international voyages, other than on the Great Lakes or inland waters, shall use Greenwich mean time (G.m.t.); stations on board vessels navigated on the Great Lakes and subject to the Great Lakes Agreement shall use eastern standard time (e.s.t.); other stations may use G.m.t. or local standard time. The appropriate symbol, G.m.t., e.s.t., c.s.t., P.s.t., etc., shall be entered at the head of the column in which time is entered.

(b) The ship radiotelephone station log shall include the following entries:

* * * * *

§ 83.369 [Removed]

10. Part 83 is amended by removing § 83.369.

11. Section 83.405 is amended by removing paragraph (f) and revising the introductory text of paragraph (d) to read as follows:

§ 83.405 Special provisions applicable to ship-radar stations.

* * * * *

(d) The following requirements apply to ship-radar stations provided for compliance with the Safety of Life at Sea Convention:

* * * * *

§ 83.406 [Removed]

12. Part 83 is amended by removing § 83.406.

§ 83.456 [Removed]

13. Part 83 is amended by removing § 83.456.

14. In § 83.556 paragraph (e) is revised to read as follows:

§ 83.556 General requirements for survival craft radio equipment.

* * * * *

(e) Simple instructions for the operation of the equipment shall be prominently and permanently attached to it. These instructions shall include information concerning the erection of the antenna(s), automatic transmission and manual transmission of the international distress and alarm signals on the frequency 500 kHz.

* * * * *

§ 83.819 [Amended]

15. Section 83.819 is amended by removing paragraphs (a)(4), (a)(5) and (a)(6), and paragraph (b) and renumbering paragraph (c) as (b).

16. Section 83.1015 is revised to read as follows:

§ 83.1015 (VHF Marine Rule 15) Do I have to keep a radio log?

You do not have to keep a radio log.

17. In § 83.1016 paragraph (a) is revised to read as follows:

§ 83.1016 (VHF Marine Rule 16) Do I need a copy of the FCC's rules?

(a) You do not need to keep a copy of the FCC's rules. However, you are responsible for compliance with the FCC's rules.

* * * * *

§ 83.1017 [Amended]

18. In § 83.1017 the words "radio log," are removed.

[FR Doc. 82-34165 Filed 12-17-82; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 95

[PR Docket No. 82-799; FCC 82-527]

Amendment To Eliminate Individual Station Licenses in the Radio Control (R/C) Radio Service and the Citizens Band (CB) Radio Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This notice of Proposed Rule Making proposes to amend the Radio Control (R/C) Radio Service Rules and the Citizens Band (CB) Radio Service Rules to discontinue the issuance of individual station licenses. These amendments are proposed to relieve applicants of an unnecessary paperwork burden and would substantially decrease the Commission's administrative costs.

DATES: Comments are due by January 19, 1983, and replies by February 3, 1983.

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

FOR FURTHER INFORMATION CONTACT: John Borkowski, Private Radio Bureau, Washington, D.C. 20554.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 95

Radio.

Adopted: December 2, 1982.
Released: December 14, 1982.

In the matter of amendment of Part 95 of the Commission's Rules to Eliminate Individual Station Licenses in the Radio Control (R/C) Radio Service and the Citizens Band (CB) Radio Service. Pr Docket No. 82-799, FCC 82-527.

I. Introduction

1. The Federal Communications Commission proposes to eliminate individual licensing of stations in the Radio Control (R/C) Radio Service and the Citizens Band (CB) Radio Service and, instead, to permit operation of these radio stations without individual licenses.[1]

II. Background

2. The CB Radio Service was created to make available to the public a low-cost, short-range, two-way voice radio service for both personal and business communications.[2] The R/C Radio Service was created to make available to the public a private, one-way short-distance, non-voice communications service for the remote operation of devices. Its primary use has been for the control of model aircraft, model boats, and model cars.

3. Although there have been some modifications to the technical and operational rules governing both the R/C and CB services, they have remained essentially unchanged in purpose since

[1] Individual station licenses, in this context, refer to R/C or CB radio station licenses now issued to eligible persons, including individuals, corporations, partnerships, associations or governmental entities other than those specifically prohibited by statute from holding such licenses. See Footnote 3, *infra*.

[2] *See California Citizens Band Assn., Inc.* v. *United States*, 375 F2d. 43, 9 RR2d 2037 (9th Cir. 1967), *cert. denied*, 389 U.S. 844. (1967).

their inception. These services have attracted millions of users. There are approximately 6 million R/C and CB licensees. The Commission expects to receive some 600,000 applications in FY 1983 for new, renewed, and modified licenses in both the R/C and CB Radio Services.

4. Licensing of R/C and CB stations has always differed from licensing of other private radio stations because of the broad eligibility and operational provisions of these services. Individualized R/C and CB licensing is not used to assign specific frequencies, output power or hours of operation. All R/C and CB licensees are authorized to operate on legal R/C or CB frequencies with legal power at any time of the day. Applicants are not required to show financial or technical qualifications, and need only meet minimal eligibility requirements (12 years of age for R/C, 18 years of age for CB, and not a foreign government or a representative thereof or a federal government agency).[3] Each application in these services is computer processed with minimal review.

5. Spectrum management in the R/C and CB radio services is accomplished by way of type acceptance and operating rules, rather than by licensing. R/C and CB transmitters are type accepted to assure that they can only be operated on legal frequencies with legal power. Frequency assignments, power limitations and antenna height restrictions are determined by rule making, not by licensing.

6. We have estimated that in Fiscal Year (FY) 1983 we will spend approximately $361,000 for R/C and CB radio station licensing. This includes costs for ten full time permanent positions within the Private Radio Bureau, two computer-related positions within the Managing Director's Office, and additional miscellaneous expenses for forms, postage, computer operation and microfiche licensing records.

III. Discussion

7. Recognizing that the high costs for licensing individual stations in the R/C and CB radio Services may not justify the limited public interest benefits of such licensing, Congress recently amended the Communications Act of 1934 to permit us to grant authority to operate R/C and CB radio stations without individual licenses. *See* Public Law (Pub. L.) 97–259, Section 113(a), enacted September 13, 1982. *See also* 47 U.S.C. 307(e)

[3] 47 U.S.C. 310(a) prohibits the issuance of a license to a foreign government or a representative thereof. 47 U.S.C. 305 prohibits the issuance of a license to stations "belonging to and operated by" the United States.

8. It appears that licensing individual stations in the R/C and CB Radio Services provides only a minimal public interest benefit, at best. Spectrum management in both services is assured by type acceptance and operating standards. Yet individual station licensing in these services costs us about $361,000 a year, and requires user preparation and submission of, literally, hundreds of thousands of applications for new, modified and renewed licenses, all of which receive, necessarily, only cursory review. Elimination of individual station licensing in the R/C and CB Radio Services will reduce the associated paperwork burden on the public for filling out temporary permits, application forms, and change of name and address forms by 68,000 burden hours in FY 1983 and each fiscal year thereafter.

9. Thus, we believe it would be in the public interest to eliminate licensing of individual R/C and CB radio stations, and have proposed to do this in the Notice.

IV. Proposal

10. We propose to eliminate all individual station licenses in the R/C and CB Radio Services.[4] Instead, we would, by rule, authorize operation of these stations without individual licenses. As of the day an *Order* adopting these rules would be issued, all existing R/C and CB licenses would be void. All pending applications for such licenses, and all applications for such licenses subsequently received, would result in no official Commission action.[5]

11. We also propose to eliminate all individual station call signs in the R/C and CB Radio Services. In the Citizens Band Radio Service, in lieu of call sign identification, we would instead require identification by the license plate number of any truck, automobile or motorcycle registered in the CB operator's name. If the operator does not have a registered truck, automobile or motorcycle we would require identification by the operator's residence street address. We recognize that international regulations require identification and we believe this proposal complies with that requirement.[6] However, we seek comment on whether it is desirable to require identification of CB radio communications. We also seek comment on whether rules regarding identification of CB communications would assist in the resolution of interference problems without Commission intervention, and on whether identification would facilitate the effective utilization of voluntary and uncompensated Citizens Band radio operators under new paragraph 4 of 47 U.S.C. 154(f). Additionally, if CB identification is desirable, we seek comment on whether license plate numbers are the most appropriate unique identifiers, and, if not, what alternative identifier is preferable. In the Radio Control Radio Service, we would retain rules not requiring identification of communications (*see* 47 CFR 95.227).[7]

12. Eliminating individual R/C and CB station licenses should not seriously affect our international treaty agreements. International Telecommunication Union Regulations require federal licensing of radio stations. However, Pub. L. 97–259 exempted R/C and CB radio stations from the individual licensing provisions of the Act. This enables the Commission to proposed to broadly authorized the general operation of R/C and CB radios without the necessity of processing individual licenses. We believe this satisfies ITU licensing regulations. See Footnote, 4, *infra*. International requirements for unique station identification can also be satisfied. The Commission herein proposes a method to comply with alternative means of station identification without assigning individual call signs. The removal of individually assigned station identifiers (call signs), however, would make it impossible to meet with International Frequency Registration Board (IFRB) notification requirements. To place this

[4] Although not yet ratified by the United States, Radio Regulation No. 2020 (Article 24), was amended in 1979, effective January 1, 1982, to permit licenses issued "in an appropriate form." It is our view that this permits other than individual station licenses.

[5] In this regard, during the pendency of this proceeding, all R/C and CB stations must be licensed. However, we intend to strictly adhere to the time constraints for filing of renewal applications set forth at 47 CFR 1.926(c): "within 90 days but not later than 30 days prior to the end of the license term."

[6] ITU Radio Regulation No. 737, Mar 2 (Article 19) states: "A station shall be identified by a call sign or other recognized means of identification. Such recognized means of identification may be one or more of the following necessary for complete identification: name of station, location of station, operating agency, official registration mark, flight identification number, selective call number or signal, selective call identification number or signal, characteristic of emission or other clearly distinguishing features recognized internationally." This provision survives in substance as Radio Regulation No. 2069, Geneva, 1979.

[7] While Article 19 of the ITU Radio Regulations requires identification of stations, Footnote 1 to Radio Regulation 735 of Article 19 recognizes that "identifying signals for certain radio systems (e.g., radiodetermination, radio relay systems and space systems) is not always possible." We believe that systems used in the Radio Control Service, which are typically designed to transmit signals to control mechanical devices, fall within this exception.

concern in perspective, the United States has never given notification of CB call signs to the IFRB. Because of the large number of CB licensees, the task is impossible without automated techniques that are not now available. This has not caused any significant problems *per se*, however, because violators rarely identify by call sign and cross-checking of IFRB data would not generally be helpful. The actual reaction of the international community to a proposal to eliminate individual R/C and CB station licenses, however, is not known.

13. We would retain, with appropriate modifications, the requirement that manufacturers pack a copy of the CB rules with each transmitter. *See* 47 CFR 95.645(f). This should tend to insure that the public will continue to be apprised of the substance of our Rules and the necessity to abide by them.

14. Finally, we propose to delete minimum age requirements for operating in the R/C and CB Radio Services. In the past, when we have proposed reductions of the age requirement for CB licenses, we have, notwithstanding comments largely in support thereof, refrained from changing the minimum age due to inability to absorb the likely additional resource impact from the projected number of additional license applications. *See Citizens Radio Service*, 60 FCC2d 762, 767 (July 29, 1976). With the elimination of individual station licenses in these services, Commission resource impact no longer stands in the way of deleting minimum age requirements.

15. We emphasize that the elimination of individual station licenses would result in no diminution of the operating privileges or responsibilities of R/C and CB users. An operator of an R/C and CB radio station would still be required to comply with the Act and with the rules of each service. *See* 47 U.S.C. 307(e)(2). While we "would no longer have the ability to revoke" and R/C or CB license, *Congressional Record—House*, H 6539, August 19, 1982, forfeitures and cease and desist orders would be used as enforcement tools. Congress has mandated that if we choose to eliminate individual station licenses in "the (CB) service, forfeiture authority should be exercised in a way that demonstrates a commitment to preserving the integrity of the CB service through enforcement." *Id.* Upon eliminating individual R/C and CB station licenses, we would continue to exercise our forfeiture authority in these services in exactly the same manner as we have in the past.

16. We would, for compliance purposes, treat persons violating R/C or CB rules while using non-modified, type accepted equipment as persons operating in either of the respective services but in violation of Commission rules. Conversely, a person violating R/C or CB rules which could be violated only by alteration of equipment, will, if using modified or non-type-accepted equipment, be considered as operating without proper autnorization in violation of sections 301 and 302 of the Act.

17. We recognize that this proposal would necessarily impact upon Canadian, Mexican and United States CB'ers travelling between countries. During the course of this proceeding we intend to coordinate the proposed elimination of R/C and CB station licenses in the United States with Canada and Mexico.

V. Conclusion

18. Notice is hereby given that it is proposed to amend 47 CFR Part 95 of the Commission's Rules as set forth in the attached appendix.[8]

VI. Procedural Matters

19. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the time a Public Notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final Order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of the oral presentation, that written summary must be served on the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the secretary has been served, and must also state by docket number the proceeding to which it relates. *See generally* Section 1.1231 of the Commission's Rules, 47 CFR 1.1231. A summary of the Commission's procedures governing *ex parte* contacts in informal rule makings is available from the Commission's Consumer Assistance Office, FCC, Washington, D.C. 20554, (202) 632–7000.

20. Authority for issuance of this Notice is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). Pursuant to applicable procedure set forth in § 1.415 of the Commission's Rules, interested persons may file comments on or before January 19, 1983 and reply comments on or before February 3, 1983.[9] All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information is placed in the public file and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

21. In accordance with Section 1.419 of the Commission's Rules, 47 CFR 1.419, formal participants must file an original and five copies of their comments and other materials. Participants who wish each Commissioner to have a personal copy of their commens should file an original and eleven copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

22. The Commission hereby certifies the rules proposed would not, if promulgated, have a significant economic impact on a substantial number of small entities, since they merely eliminate a licensing requirement that imposed little economic burden on individual applicants. Accordingly, pursuant to Section 605 of the Regulatory Flexibility Act of 1980, 5 U.S.C. 605, we have determined that sections 603 and 604 of the Regulatory Flexibility Act, 5 U.S.C. 603 and 604, do not apply to this rule making proceeding.

[8] In the interest of clarity, we have set forth new Subparts C and D of Part 95 in the Appendix in their entirety.

[9] Extensions of time for mailing difficulties over the forthcoming holiday seasons will not be granted. Commenters are encouraged to plan ahead to avoid such difficulties.

23. It is ordered that the Secretary shall cause a copy of this Notice to be served upon the Chief Counsel for Advocacy of the Small Business Administration, and that the Secretary shall also cause a copy of this Notice to be published in the **Federal Register.**

24. For further information about this proceeding contact John Borkowski, Personal Radio Branch, Special Services Division, FCC, Washington, D.C. 20554, (202) 632-7197 or (202) 632-4964.

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

Federal Communication Commission.

William J. Tricarico,

Secretary.

Appendix

The FCC proposes to amend Part 95 of its Rules, Subpart C [47 CFR 95.210 and following), Subpart D [47 CFR 95.401 and following), and 47 CFR 95.645(f] in Subpart E, as set forth below:

1. Subpart C. Radio Control (R/C) Radio Service is completely revised to read as follows:

PART 95—PERSONAL RADIO SERVICES

* * * * *

Subpart C—Radio Control (R/C) Radio Service

General Provisions

Sec.

95.201 (R/C Rule 1) What is the Radio Control (R/C) Radio Service?
95.202 (R/C Rule 2) How do I use these rules?
95.203 (R/C Rule 3) Do I need a license?
95.204 (R/C Rule 4) Am I eligible to operate an R/C station?
95.205 (R/C Rule 5) Are there any special restrictions on the location of my R/C station?

How To Operate an R/C Station

95.206 (R/C Rule 6) On what channels may I operate?
95.207 (R/C Rule 7) How high may I put my antenna?
95.208 (R/C Rule 8) What equipment may I use at my R/C station?
95.209 (R/C Rule 9) How much power may I use?
95.210 (R/C Rule 10) What communications may be transmitted?
95.211 (R/C Rule 11) What communications are prohibited?
95.212 (R/C Rule 12) May I be paid to use my R/C station?
95.213 (R/C Rule 13) Who is responsible for R/C communications I make?
95.214 (R/C Rule 14) Do I have to limit the length of my communications?
95.215 (R/C Rule 15) Do I identify my R/C communications?
95.216 (R/C Rule 16) May I operate My R/C station transmitter by remote control?

Other Things You Need To Know

Sec.

95.217 (R/C Rule 17) What are the penalties for violating these rules?
95.218 (R/C Rule 18) How do I answer a discrepancy notice?
95.219 (R/C Rule 19) What must I do if the FCC tells me that my R/C station is causing interference?
95.220 (R/C Rule 20) How do I have my R/C station transmitter serviced?
95.221 (R/C Rule 21) May I make any changes to my R/C station transmitter?
95.222 (R/C Rule 22) Do I have to make my R/C station available for inspection?
95.223 (R/C Rule 23) What are my station records?
95.224 (R/C Rule 24) How do I contact the FCC?

Authority: Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.

Subpart C—Radio Control (R/C) Radio Service

General Provisions

§ 95.201 (R/C Rule 1) What is the Radio Control (R/C) Radio Service?

The R/C Service is a private, one-way, short distance non-voice communications service for the operation of devices at remote locations.

§ 95.202 (R/C Rule 2) How do I use these rules?

(a) You must comply with rules (see R/C Rule 17 for the penalties for violations) when you operate a station in the R/C service from:

(1) Within or over the territorial limits of places where radio services are regulated by the FCC (see R/C Rule 3);

(2) Aboard any vessel or aircraft registered in the United States; *OR*

(3) Aboard any unregistered vessel or aircraft owned or operated by a United States citizen or company.

(b) Your R/C station must comply with technical rules found in Subpart E of Part 95.

(c) Where the rules use the word "you", "you" means a person operating an R/C station.

(d) Where the rules use the word "person," the rules are concerned with an individual, a corporation, a partnership, an association, a joint stock company, a trust, a state, territorial or local government unit, or other legal entity.

(e) Where the rules use the term "FCC," that means the Federal Communications Commission.

(f) Where the rules use the term "R/C station," that means a radio station transmitting in the R/C Radio Service.

§ 95.203 (R/C Rule 3) Do I need a license?

You do not need an individual license to operate an R/C station.

You are authorized to operate your R/C station from:

(a) Within or over any area of the world where radio services are regulated by the FCC. Those areas are within the territorial limits of:

(1) The fifty United States.

(2) The District of Columbia.

Caribbean Insular Areas

(3) Commonwealth of Puerto Rico.

(4) Navassa Island.

(5) United States Virgin Islands (50 islets and cays).

Pacific Insular Areas

(6) American Samoa (seven islands).

(7) Baker Island.

(8) Commonwealth of Northern Mariannas Islands.

(9) Guam Island.

(10) Howland Island

(11) Jarvis Island.

(12) Johnston Island (Islets East, Johnston, North and Sand).

(13) Kingman Reef.

(14) Midway Island (Islets Eastern and Sand).

(15) Palmyra Island (more than 50 islets).

(16) Wake Island (Islets Peale, Wake and Wilkes).

(b) Any other area of the world, except within the territorial limits of areas where radio services are regulated by—

(1) An agency of the United States other than the FCC. (You are subject to its rules.)

(2) Any foreign government. (You are subject to its rules.)

(c) An aircraft or ship, with the permission of the captain, within or over any area of the world where radio services are regulated by the FCC or upon or over international waters. You must operate your R/C station according to any applicable treaty to which the United States is a party.

§ 95.204 (R/C Rule 4) Am I eligible to operate an R/C station?

You may operate an R/C station unless:

(a) You are a foreign government, a representative of a foreign government, or a federal government agency; *OR*

(b) The FCC has issued a cease and desist order to you, and the order is still in effect.

§ 95.205 (R/C Rule 5) Are there any special restrictions on the location of my R/C stations?

(a) If your R/C station is located on premises controlled by the Department of Defense, you may be required to comply with additional regulations imposed by the commanding officer of the installation.

(b) If your R/C station will be constructed on land of environmental or historical importance (such as a location significant in American history, architecture or culture), you may be required to provide information and to comply with §§ 1.1305–1.1319 of the FCC's Rules.

How To Operate an R/C Station

§ 95.206 (R/C Rule 6) On what channels may I operate?

(a) Your R/C station may transmit only on the following channels (frequencies):

Frequencies (MHz)	To operate—
26.995, 27.045, 27.095, 27.145, 27.195, 27.255	Any kind of device (any object or apparatus, except an R/C transmitter).
26.995, 27.045, 27.095, 27.145, 27.195, 27.255, 72.01, 72.03, 72.05, 72.07	A model aircraft device (any small imitation of an aircraft).
72.08, 72.09	See paragraph (e).
72.11, 72.13, 72.15	
72.16, 72.17	See paragraph (e).
72.19, 72.21, 72.23	
72.24, 72.25	See paragraph (e).
72.27, 72.29, 72.31	
72.32, 72.33	See paragraph (e).
72.35, 72.37, 72.39	
72.40, 72.41	See paragraph (e).
72.43, 72.45, 72.47, 72.49, 72.51, 72.53, 72.55, 72.57, 72.59, 72.61, 72.63, 72.65, 72.67, 72.69, 72.71, 72.73, 72.75, 72.77, 72.79, 72.81, 72.83, 72.85, 72.87, 72.89, 72.91, 72.93, 72.95	
72.96, 72.97	See paragraph (e).
72.99, 75.64	See paragraph (e).
26.995, 27.045, 27.095, 27.145, 27.195, 27.255	A model surface craft device (any small imitation of a boat, car or vehicle except aircraft, for carrying people or objects).
72.16	See paragraph (e).
72.32	See paragraph (e).
72.96	See paragraph (e).
75.41, 75.43, 75.45, 75.47, 75.49, 75.51, 75.53, 75.55, 75.57, 75.59, 75.61, 75.63, 75.65, 75.67, 75.69, 75.71, 75.73, 75.75, 75.77, 75.79, 75.81, 75.83, 75.85, 75.87, 75.89, 75.91, 75.93, 75.95, 75.97, 75.99	

(b) You must share the channels with other R/C stations. You must cooperate in the selection and use of the channels. You must share the channel 27.255 MHz with stations in other radio services. There is no protection from interference on any of these channels.

(c) Your R/C station may not transmit simultaneously on more than one channel in the 72–76 MHz band when your operation would cause harmful interference to the operation of other R/C stations.

(d) Your R/C station must stop transmitting if it interferes with:

(1) Authorized radio operations in the 72–76 MHz band; *OR*

(2) Televison reception on TV channels 4 or 5.

(e) Authorization for the use of the following frequencies is withdrawn effective December 20, 1982: 72.08, 72.16, 72.24, 72.32, 72.40, 72.96 and 75.64 MHz.

§ 95.207 (R/C Rule 70 How high may I put my antenna?

(a) "Antenna" means the radiating system (for transmitting, receiving or both) and the structure holding it up (tower, pole or mast). It also means everything else attached to the radiating system and the structure.

(b) If your antenna is mounted on a hand-held portable unit, none of the following limitations apply.

(c) If your antenna is installed at a fixed location, it (whether receiving, transmitting or both) must comply with either one of the following:

(1) The highest point must not be more than 6.10 meters (20 feet) higher than the higest point of the building or tree on which it is mounted; *OR*

(2) The highest point must not be more than 18.3 meters (60 feet) above the ground.

(d) If your R/C station is located near an airport, and if your antenna structure is more than 6.1 meters (20 feet) high, you may have to obey additional restrictions. The highest point of your antenna must not exceed one meter above the airport elevation for every hundred meters of distance from the nearest point of the nearest airport runway. Differences in ground elevation between your antenna and the airport runway may complicate this formula. If your R/C station is near an airport, you may contact the nearest FCC filed office listed in Section 0.121 of the Commission's Rules for a worksheet to help you figure the maximum allowable height of your antenna. Consult Part 17 of the FCC's Rules for more information.

Warning: Installation and removal of R/C station antennas near powerlines is dangerous. For your safety, follow the installation directions included with your antenna.

§ 95.208 (R/C Rule 8) What equipment may I use at my R/C station?

(a) Your R/C station may transmit only with:

(1) An FCC type accepted (or type approved) R/C transmitter (Type accepted means the FCC has determined that certain radio equipment is capable of meeting recommended standards for operation); *OR*

(2) A non-type accepted R/C transmitter on channels 26.995–27.255 MHz, *IF*;

(i) It is "crystal controlled", *AND*

(ii) It complies with the technical standards (See Part 95, Subpart E).

(3) Use of a transmitter outside of the band 26.995–27.255 MHz which is not type accepted (or type approved) voids your authority to operate the station. Use of a transmitter in the band 26.995–27.255Mhz which is not crystal controlled or which does not comply with the technical standards voids your authority to operate the station.

(b) You mau examine a list of type accepted transmitters at any FCC field office.

(c) Your R/C station may transmit with a transmitter assembled from a kit.

(d) You must not make, or have made, any internal modification to a type-accepted transmitter. (See R/C Rule 21.) Any internal modification to a type-accepted transmitter cancels the type-acceptance, and use of such a transmitter voids your authority to operate the station.

§ 95.209 (R/C Rule 9) How much power may I use?

(a) Your R/C station transmitter power output must not exceed the following value under any conditions:

Channel	Transmitter power (carrier power)
27.255 MHz	25 watts.
26.995–27.195 MHz	4 watts.
72–76 MHz	0.75 watts.

(b) Use of a transmitter which has power output in excess of that authorized voids your authority to operate the station.

§ 95.210 (R/C Rule 10) What communications may be transmitted?

(a) You may only use your R/C station to transmit one-way communications. (One-way communications are transmissions which are not entended to establish communication with another station.)

(b) You may only use your R/C station for the following purposes:

(1) The operator turns on and/or off a device at a remote location (Refer to Diagram 1); *OR*

(2) A sensor at a remote location turns on and/or off an indicating device for the operator. (Refer to Diagram 2.) Only channels 26.995 to 27.255 MHz (see R/C Rule 16) may be used for this purpose. (A remote location means a place distant from the operator.)

(c) Your R/C station may only transmit non-voice:

(1) Amplitude modulated emissions (A9);

(2) Unmodulated on-off emissions (A9); *OR*

(3) Frequency (or phase) modulated emissions (F9) on the 72–76 MHz channels only.

§ 95.211 (R/C Rule 11) What communications are prohibited?

You must not use an R/C station—

(a) In connection with any activity which is against federal, state or local law;

(b) To transmit any message other than for operation of devices at remote locations (no voice, telegraphy, etc.);

(c) To intentionally interfere with another station's transmissions;

(d) To operate another R/C transmitter by remote control (See R/C Rule 16); *OR*

(e) To transmit two-way communications.

§95.212 (R/C Rule 12) May I be paid to use my R/C station?

(a) You may not accept direct or indirect payment for transmitting with an R/C station.

(b) You may use an R/C station to help you provide a service, and be paid for that service, as long as you are paid only for the service and not for the actual use of the R/C station.

§95.213 (R/C Rule 13) Who is responsible for R/C communications I make?

You are responsible for all communications which are made by you from an R/C station.

§ 95.214 (R/C Rule 14) Do I have to limit the length of my communications?

(a) You must limit your R/C communications to the minimum practical time.

(b) The only time your R/C communications may be a continuous signal for more than 3 minutes is when operation of the device requires at least one or more changes during each minute of the communications.

(c) Your R/C station may transmit a continuous signal without modulation only if:

(1) You are using it to operate a model aircraft device; *AND*

(2) The presence or absence of the signal operates the device.

(d) If you show that you need a continous signal to insure the immediate safety of life or property, the FCC may make an exception to the limitations in this rule.

§ 95.215 (R/C Rule 15) Do I identify my R/C communications?

You need not identify your R/C communications.

§ 95.216 (R/C Rule 16) May I operate my R/C station transmitter by remote control?

(a) You may not operate an R/C transmitter by radio remote control. (See R/C Rule 11.)

(b) You may operate an R/C transmitter by wireline remote control if you obtain specific approval in writing from the FCC. To obtain FCC approval, you must show why you need to operate your station by wireline remote control. Send your request and justification to FCC, Gettysburg, Pa. 17325. If you receive FCC approval, you must keep the approval as part of your station records. (See R/C Rule 23.)

(c) Remote control means operation of an R/C transmitter from any place other than the location of the R/C transmitter. Direct mechanical control or direct electrical control by wire from some point on the same premises, craft or vehicles as the R/C transmitter is not considered remote control.

Other Things You Need to Know

§ 95.217 (R/C Rule 17) What are the penalties for violating these rules?

(a) If the FCC finds that you have willfully or repeatedly violated the Communications Act or the FCC Rules, you may have to pay as much as $2,000 for each violation, up to a total of $5,000. (See section 503(b) of the Communications Act.)

(b) If the FCC finds that you have violated the Communications Act or the FCC Rules, you may be ordered to stop whatever action caused the violation. (See section 312(b) of the Communications Act.)

(c) If the federal court finds that you have willfully and knowingly violated any FCC Rule, you may be fined up to $500 for each day you committed the violation. (See section 6502 of the Communications Act.)

(d) If a federal court finds that you have willfully and knowingly violated any provision of the Communications Act, you may be fined up to $10,000, or you may be imprisoned for one year, or both. (See section 501 of the Communications Act.)

§ 95.218 (R/C Rule 18) How do I answer discrepancy notices?

(a) If it appears to the FCC that you have violated the Communications Act or FCC rules, the FCC may send you a discrepancy notice.

(b) Within the time period stated in the notice, you must answer with:

(1) A complete written statement about the apparent discrepancy;

(2) A complete written statement about any action you have taken to correct the apparent violation and to prevent it from happening again; *AND*

(3) The name of the person operating at the time of the apparent violation.

(c) You must not shorten your answer by references to other communications or notices.

(d) You must send your answer to the FCC office which sent you the notice.

(e) You must keep a copy of your answer in your station records (See R/C Rule 23).

§ 95.219 (R/C Rule 19) What must I do if the FCC tells me that my R/C station is causing interference?

(a) If the FCC tells you that your R/C station is causing interference for technical reasons, you must follow all

instructions in the official FCC notice. (This notice may require you to have technical adjustments made to your equipment.)

(b) You must comply with any restricted hours of R/C station operation which may be included in the official FCC notice.

§ 95.220 (R/C Rule 20) How do I have my R/C station transmitter serviced?

(a) You may adjust an antenna to your R/C transmitter and you may make radio checks. (A radio check means a one-way transmission for a short time in order to test the transmitter.)

(b) Each internal repair and each internal adjustment to your FCC type accepted R/C transmitter (see R/C Rule 8) must be made by or under the direct supervision of a person licensed by the FCC as a General Radiotelephone Operator.

(c) Except as provided in paragraph (d) of this section, each internal repair and each internal adjustment of an R/C transmitter in which signals are transmitted must be made using a nonradiating ("dummy") antenna.

(d) Brief test signals (signals not longer than one minute during any five minute period) using a radiating antenna may be transmitted in order to:

(1) Adjust a transmitter to an antenna;

(2) Detect or measure radiation of energy other than the intended signal; *OR*

(3) Tune a receiver to your R/C transmitter.

§ 95.221 (R/C Rule 21) May I make any changes to my R/C station transmitter?

(a) You must not make or have anyone else make any internal modification to your R/C transmitter.

(b) Internal modification does not include:

(1) Repair or servicing of an R/C station transmitter (see R/C Rule 20); *OR*

(2) Changing plug-in modules which were type-accepted as part of your R/C transmitter.

(c) You must not operate an R/C transmitter which has been modified by anyone in any way, including modification to operate on unauthorized frequencies or with illegal power. (See R/C Rules 8 and 9.)

§ 95.222 (R/C Rule 22) Do I have to make my R/C station available for inspection?

(a) If an authorized FCC representative requests to inspect your R/C station, you must make your R/C station and records available for inspection.

(b) An R/C station includes all of the radio equipment you use.

§ 95.223 (R/C Rule 23) What are my station records?

Your station records include the following documents, as applicable:

(a) A copy of each response to an FCC violation notice. (See R/C Rule 18.)

(b) Each written permission received from the FCC. (See R/C Rule 16.)

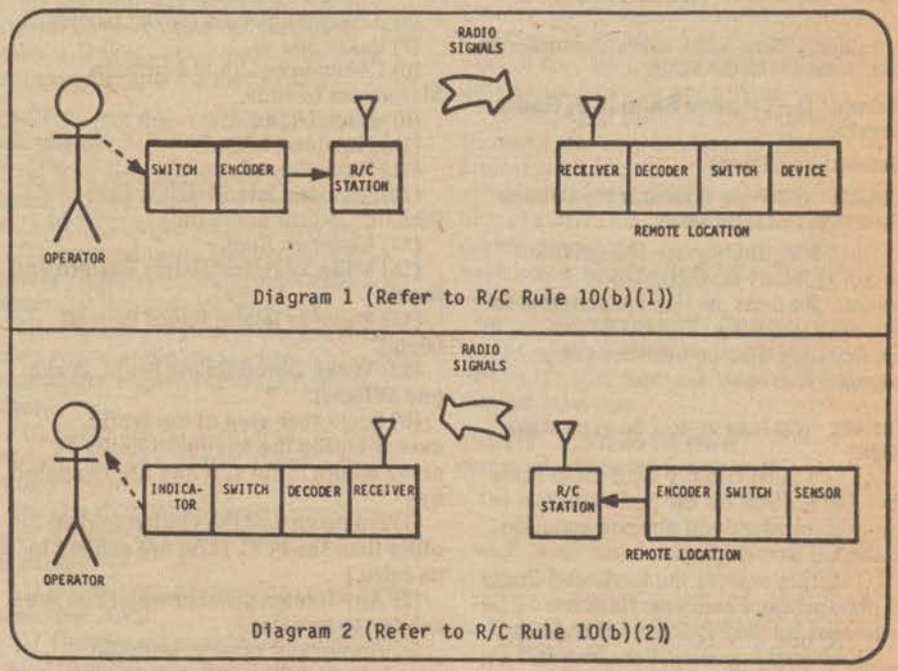
§ 95.224 (R/C Rule 24) How do I contact the FCC?

(a) Write to your nearest FCC Field Office listed in Section 0.121 of the Commission's Rules if you:

(1) Want to report an interference complaint; *OR*

(2) Want to know if the FCC has type-accepted a transmitter for R/C.

(b) Write to the FCC, Private Radio Bureau, Personal Radio Branch, Washington, D.C. 20554 if you have questions about the R/C Rules.



2. Subpart D, Citizens Band (CB) Radio Service is completely revised to read as follows:

Subpart D—Citizens Band (CB) Radio Service

General Provisions

Sec.

95.401 (CB Rule 1) What is the Citizens Band (CB) Radio Service?
95.402 (CB Rule 2) How do I use these rules?
95.403 (CB Rule 3) Do I need a license?
95.404 (CB Rule 4) Am I eligible to operate a CB station?
95.405 (CB Rule 5) Are there any special restrictions on the location of my CB station?

How To Operate a CB Station

95.406 (CB Rule 6) On what channels may I operate?
95.407 (CB Rule 7) How high may I put my antenna?
95.408 (CB Rule 8) What equipment may I use at my CB station?
95.409 (CB Rule 9) How much power may I use?
95.410 (CB Rule 10) May I use power amplifiers?
95.411 (CB Rule 11) What communications may be transmitted?
95.412 (CB Rule 12) What communications are prohibited?
95.413 (CB Rule 13) May I be paid to use my CB station?
95.414 (CB Rule 14) Who is responsible for CB communications I make?
95.415 (CB Rule 15) Do I have to limit the length of my communications?
95.416 (CB Rule 16) How do I identify my CB communications?
95.417 (CB Rule 17) How do I use my CB station in an emergency or to assist a traveler?
95.418 (CB Rule 18) May I operate my CB station transmitter by remote control?
95.419 (CB Rule 19) May I connect my CB station transmitter to a telephone?

Other Things You Need To Know

95.420 (CB Rule 20) What are the penalties for violating these rules?

Sec.
95.421 (CB Rule 21) How do I answer a discrepancy notice?
95.422 (CB Rule 22) What must I do if the FCC tells me that my CB station is causing interference?
95.423 (CB Rule 23) How do I have my CB station transmitter serviced?
95.424 (CB Rule 24) May I make changes to my CB station transmitter?
95.425 (CB Rule 25) Do I have to make my CB station available for inspection?
95.426 (CB Rule 26) What are my station records?
95.427 (CB Rule 27) How do I contact the FCC?

Authority: Secs. 4,303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154,303.

Subpart D—Citizens Band (CB) Radio Service

General Provisions

§ 95.401 (CB Rule 1) What is the Citizens Band (CB) Radio Service?

The CB Radio Service is a private, two-way, short-distance voice communications service for personal or business activities. The CB Radio Service may also be used for voice paging.

§ 95.402 (CB Rule 2) How do I use these rules?

(a) You must comply with these rules (See CB Rule 20 for the penalties for violations) when you operate a station in the CB Service from:

(1) Within or over the territorial limits of places where radio services are regulated by the FCC (see CB Rule 3);

(2) Aboard any vessel or aircraft registered in the United States; *OR*

(3) Aboard any unregistered vessel or aircraft owned or operated by a United States citizen or company.

(b) Your CB station must comply with technical rules found in Subpart E of Part 95.

(c) Where the rules use the word "you", "you" means a person operating a CB station.

(d) Where the rules use the word "person," the rules are concerned with an individual, a corporation, a partnership, an association, a joint stock company, a trust, a state, territorial or local government unit, or other legal entity.

(e) Where the rules use the term "FCC", that means the Federal Communications Commission.

(f) Where the rules use the term "CB station", that means a radio station transmitting in the CB Radio Service.

§ 95.403 (CB Rule 3) Do I need a license?

You do not need an individual license to operate a CB station. You are authorized to operate your CB station from:

(a) Within or over any area of the world where radio services are regulated by the FCC. Those areas are within the territorial limits of:

(1) The fifty United States.

(2) The District of Columbia.

Caribbean Insular Areas

(3) Commonwealth of Puerto Rico.

(4) Navassa Island.

(5) United States Virgin Islands (50 islets and cays).

Pacific Insular Areas

(6) American Samoa (seven islands).

(7) Baker Island.

(8) Commonwealth of Northern Mariannas Islands.

(9) Guam Island.

(10) Howland Island

(11) Jarvis Island.

(12) Johnston Island (Islets East, Johnston, North and Sand).

(13) Kingman Reef.

(14) Midway Island (Islets Eastern and Sand).

(15) Palmyra Island (more than 50 islets).

(16) Wake Island (Islets Peale, Wake and Wilkes).

(b) Any other area of the world, except within the territorial limits of areas where radio services are regulated by—

(1) An agency of the United States other than the FCC. (You are subject to its rules.)

(2) Any foreign government. (You are subject to its rules.)

(c) An aircraft or ship, with the permission of the captain, within or over any area of the world where radio services are regulated by the FCC or upon or over international waters. You must operate your CB station according to any applicable treaty to which the United States is a party.

§ 95.404 (CB Rule 4) Am I eligible to operate a CB station?

You may operate a CB station unless:

(a) You are a foreign government, a representative of a foreign government, or a federal government agency; *OR*

(b) The FCC has issued a cease and desist order to you, and the order is still in effect.

§ 95.405 (CB Rule 5) Are there any special restrictions on the location of my CB station?

(a) If your CB station is located on premises controlled by the Department of Defense you may be required to comply with additional regulations imposed by the commanding officer of the installation.

(b) If your CB station will be constructed on land of environmental or historical importance (such as a location significant in American history, architecture or culture), you may be required to provide information and to comply with §§ 1.1305–1.1319 of the FCC's Rules.

How to Operate a CB Station

§ 95.406 (CB Rule 6) On what channels may I operate?

(a) Your CB station may transmit only on the following channels (frequencies):

Channel	Frequency (megahertz-MHz)
1	26.965
2	26.975
3	26.985
4	27.005
5	27.015
6	27.025
7	27.035
8	27.055
9	[1]27.065
10	27.075
11	27.085
12	27.105
13	27.115
14	27.125
15	27.135
16	27.155
17	27.165
18	27.175
19	27.185
20	27.205
21	27.215
22	27.225
23	27.255
24	27.235
25	27.245
26	27.265
27	27.275
28	27.285
29	27.295
30	27.305
31	27.315
32	27.325
33	27.335
34	27.345
35	27.355
36	27.365
37	27.375
38	27.385
39	27.395
40	27.405

[1] See paragraph (b).

(b) Channel 9 may be used only for emergency communications or for traveler assistance.

(c) You must, at all times and on all channels, give priority to emergency communication messages concerning the immediate safety of life or the immediate protection of property.

(d) You may use any channel for emergency communications or for traveler assistance.

(e) You must share each channel with other users.

(f) The FCC will not assign any channel for the private or exclusive use of any particular CB station or group of stations.

(g) The FCC will not assign any channel for the private or exclusive use

of CB stations transmitting single sideband or AM.

§ 95.407 (CB Rule 7) How high may I put my antenna?

(a) "Antenna" means the radiating system (for transmitting, receiving or both) and the structure holding it up (tower, pole or mast). It also means everything else attached to the radiating system and the structure.

(b) If your antenna is mounted on a hand-held portable unit, none of the following limitations apply.

(c) If your antenna is installed at a fixed location, it (whether receiving, transmitting or both) must comply with either one of the following:

(1) The highest point must not be more than 6.10 meters (20 feet) higher than the highest point of the building or tree on which it is mounted; *OR*

(2) The highest point must not be more than 18.3 meters (60 feet) above the ground.

(d) If your CB station is located near an airport, and if your antenna structure is more than 6.1 meters (20 feet) high, you may have to obey additional restrictions. The highest point of your antenna must not exceed one meter above the airport elevation for every hundred meters of distance from the nearest point of the nearest airport runway. Differences in ground elevation between your antenna and the airport runway may complicate this formula. If your CB station is near an airport, you may contact the nearest FCC field office listed in Section 0.121 of the Commission's Rules for a worksheet to help you figure the maximum allowable height for your antenna. Consult Part 17 of the FCC's Rules for more information.

Warning: Installation and removal of CB station antennas near powerlines is dangerous. For your safety follow the installation directions included with your antenna.

§ 95.408 (CB Rule 8) What equipment may I use at my CB station?

(a) You must use an FCC type-accepted CB transmitter at your CB station. You can identify an FCC type-accepted transmitter by the type-acceptance label placed on it by the manufacturer. You may examine a list of type-accepted equipment of any FCC Field Office or at FCC Headquarters. Use of a transmitter which is not FCC type-accepted voids your authority to operate the station.

(b) You must not make, or have made, any internal modification to a type-accepted CB transmitter. (See CB Rule 24.) Any internal modification to a type-accepted CB transmitter cancels the type-acceptance, and use of such a transmitter voids your authority to operate the station.

§ 95.409 (CB Rule 9) How much power may I use?

(a) Your CB station transmitter power output must not exceed the following values under any conditions:

AM (A3)–4 watts (carrier power).

SSB—12 watts (peak envelope power).

(b) If you need more information about the power rule, see the technical rules in Subpart E of Part 95.

(c) Use of a transmitter which has carrier or peak envelope power in excess of that authorized voids your authority to operate the station.

§ 95.410 (CB Rule 10) May I use power amplifiers?

(a) You may not attach the following items (power amplifiers) to your type-accepted CB transmitter in any way:

(1) External radio frequency (RF) power amplifiers (sometimes called linears or linear amplifiers); *OR*

(2) Any other devices which, when used with a radio transmitter as a signal source, are capable of amplifying the signal.

(b) There are no exceptions to this rule and use of a power amplifier voids your authority to operate the station.

(c) The FCC will presume you have used a linear or other external RF power amplifier if—

(1) It is in your possession or on your premises; *AND*

(2) There is other evidence that you have operated your CB station with more power than allowed by CB Rule 9.

(d) Paragraph (c) of this section does not apply if you hold a license in another radio service which allows you to operate an external RF power amplifier.

§ 95.411 (CB Rule 11) What communications may be transmitted?

(a) You may use your CB station to transmit two-way plain language communications. Two-way plain language communications are communications without codes or coded messages. Operating signals such as "ten codes" are not considered codes or coded messages. You may transmit two-way plain language communications only to other CB stations, to units of your own CB station or to authorized government stations on CB frequencies about—

(1) Your personal or business activities or those of members of your immediate family living in your household;

(2) Emergencies (see CB Rule 17);

(3) Traveler assistance (see CB Rule 17); *or*

(4) Civil defense activities in connection with official tests or drills conducted by, or actual emergencies announced by, the civil defense agency with authority over the area in which your station is located.

(b) You may use your CB station to transmit a tone signal only when the signal is used to make contact or to continue communications. (Examples of circuits using these signals are tone operated squelch and selective calling circuits.) If the signal is an audible tone, it must last no longer than 15 seconds at one time. If the signal is a subaudible tone, it may be transmitted continuously only as long as you are talking.

(c) You may use your CB station to transmit *one-way communications* (messages which are not intended to establish communications between two or more particular CB stations) only for emergency communications, traveler assistance, brief tests (radio checks) or voice paging.

(d) You may use your CB station to transmit in a foreign language, as long as you identify your CB station in the English language.

§ 95.412 (CB Rule 12) What communications are prohibited?

(a) You must not use a CB station—

(1) In connection with any activity which is against federal, state or local law;

(2) To transmit obscene, indecent or profane words, language or meaning;

(3) To interfere intentionally with the communications, of another CB station;

(4) To transmit one-way communications, except for emergency communications traveler assistance, brief tests (radio checks), or voice paging;

(5) To advertise or solicit the sale of any goods or services;

(6) To transmit music, whistling, sound effects or any material to amuse or entertain;

(7) To transmit any sound effect solely to attract attention;

(8) To transmit the word "MAYDAY" or any other international distress signal, except when your station is located in a ship, aircraft or other vehicle which is threatened by grave and imminent danger and you are requesting immediate assistance;

(9) To communicate with, or attempt to communicate with, any CB station more than 250 kilometers (155.3 miles) away;

(10) To advertise a political candidate or political campaign; (you may use your CB radio for the business or organizational aspects of a campaign, if you follow all other applicable rules);

(11) To communicate with stations in other countries, except General Radio Service stations in Canada; *or*

(12) To transmit a false or deceptive communication.

(b) You must not use a CB station to transmit communications for live or delayed rebroadcast on a radio or television broadcast station. You may use your CB station to gather news items or to prepare programs.

§ 95.413 (CB Rule 13) May I be paid to use my CB station?

(a) You may not accept direct or indirect payment for transmitting with a CB station.

(b) You may use a CB station to help you provide a service, and be paid for that service, as long as you are paid only for the service and not for the actual use of the CB station.

§ 95.414 (CB Rule 14) Who is responsible for CB communications I make?

You are responsible for all communications which are made by you from a CB station.

§ 95.415 (CB Rule 15) Do I have to limit the length of my communications?

(a) You must limit your CB communications to the minimum practical time.

(b) If you are communicating with another CB station or stations, you, and the stations communicating with you, must limit each of your conversations to no more than five continuous minutes.

(c) At the end of your conversation, you, and the stations communicating with you, must not transmit again for at least one minute.

§ 95.416 (CB Rule 16) How do I identify my CB communications?

(a) You must identify your CB communications by the license plate number of any truck, automobile or motorcycle registered in your name. If you do not have a truck, automobile or motorcycle registered in your name, you must use your residence street address for identification instead.

(b) You must identify your CB transmissions at the end of each communication.

(c) Your identification must be clearly given in the English language. A phonetic alphabet may be used as an aid for identification. A "handle," unit designator or special identifier may be used in addition to, but not instead of, your required identification.

§ 95.417 (CB Rule 17) How do I use my CB station in an emergency or to assist a traveler?

(a) You must at all times and on all channels, give priority to emergency communications.

(b) When you are directly participating in emergency communications, you do not have to comply with the rule about length of transmissions (CB Rule 15). You must obey all other rules.

(c) You may use your CB station for communications necessary to assist a traveler to reach a destination or to receive necessary services. When you are using your CB station to assist a traveler, you do not have to obey the rule about length of transmissions (CB Rule 15). You must obey all other rules.

§ 95.418 (CB Rule 18) May I operate my CB station transmitter by remote control?

(a) You may not operate a CB station transmitter by radio remote control.

(b) You may operate a CB transmitter by wireline remote control if you obtain specific approval in writing from the FCC. To obtain FCC approval, you must show why you need to operate your station by wireline remote control. Send your request and justification to FCC, Gettysburg, Pa. 17325. If you receive FCC approval, you must keep the approval as part of your station records. (See CB Rule 26.)

(c) Remote control means operation of a CB transmitter from any place other that the location of the CB transmitter. Direct mechanical control or direct electrical control by wire from some point on the same premises, craft or vehicle as the CB transmitter is not considered remote control.

§ 95.419 (CB Rule 19) May I connect my CB station transmitter to a telephone?

(a) You may connect your CB station transmitter to a telephone if you comply with all of the following:

(1) You or someone else must be present at your CB station and must—

(i) Manually make the connection (the connection must not be made by remote control);

(ii) Supervise the operation of the transmitter during the connection;

(iii) Listen to each communication during the connection; *and*

(iv) Stop all communications if there are operations in violation of these rules.

(2) Each communication during the telephone connection must comply with all of these rules.

(3) You must obey any restriction that the telephone company places on the connection of a CB transmitter to a telephone.

(b) The CB transmitter you connect to a telephone must not be shared with any other CB station.

(c) If you connect your CB transmitter to a telephone, you must use a phone patch device which has been registered with the FCC.

Other Things You Need To Know

§ 95.420 (CB Rule 20) What are the penalties for violating these rules?

(a) If the FCC finds that you have willfully or repeatedly violated the Communications Act or the FCC Rules, you may have to pay as much as $2,000 for each violation, up to a total of $5,000. (See section 503(b) of the Communications Act.)

(b) If the FCC finds that you have violated any section of the Communications Act or the FCC Rules, you may be ordered to stop whatever action caused the violation. (See section 312(b) of the Communications Act.)

(c) If a federal court finds that you have willfully and knowingly violated any FCC Rule, you may be fined up to $500 for each day you committed the violation. (See section 502 of the Communications Act.)

(d) If a federal court finds that you have willfully and knowingly violated any provision of the Communications Act, you may be fined up to $10,000, or you may be imprisoned for one year, or both. (See section 501 of the Communications Act.)

§ 95.421 (CB Rule 21) How do I answer a discrepancy notice?

(a) If it appears to the FCC that you have violated the Communications Act or these rules, the FCC may send you a discrepancy notice.

(b) Within the time period stated in the notice, you must answer with:

(1) A complete written statement about the apparent discrepancy;

(2) A complete written statement about any action you have taken to correct the apparent violation and to prevent if from happening again: *AND*

(3) The name of the person operating at the time of the apparent violation.

(c) You must not shorten your answer by references to other communications or notices.

(d) You must send your answer to the FCC office which sent you the notice.

(e) You must keep a copy of your answer in your station records. (See CB Rule 26.)

§ 95.422 (CB Rule 22) What must I do if the FCC tells me that my CB station is causing interference?

(a) If the FCC tells you that your CB station is causing interference for technical reasons you must follow all instructions in the official FCC notice. (This notice may require you to have technical adjustments made to your equipment.)

(b) You must comply with any restricted hours of CB station operation which may be included in the official notice.

§ 95.423 (CB Rule 23) How do I have my CB station transmitter serviced?

(a) You may adjust an antenna to your CB transmitter and you may make radio checks. (A radio check means a one way transmission for a short time in order to test the transmitter.)

(b) Each internal repair and each internal adjustment to your FCC type-accepted CB transmitter (See CB Rule 8) must be made by or under the direct supervision of a person licensed by the FCC as a General Radiotelephone Operator.

(c) Except as provided in paragraph (d) of this section, each internal repair and each internal adjustment of a CB transmitter in which signals are transmitted must be made using a nonradiating ("Dummy") antenna.

(d) Brief test signals (signals not longer than one minute during any five minute period) using a radiating antenna may be transmitted in order to:

(1) Adjust an antenna to a transmitter;

(2) Detect or measure radiation of energy other than the intended signal; *OR*

(3) Tune a receiver to your CB transmitter.

§ 95.424 (CB Rule 24) May I make any changes to my CB station transmitter?

(a) You must not make or have any one else make any internal modification to your CB transmitter.

(b) Internal modification does not include:

(1) Repair or servicing of a CB station transmitter (see CB Rule 23); *OR*

(2) Changing plug-in modules which were type accepted as part of your CB transmitter.

(c) You must not operate a CB transmitter which has been modified by anyone in any way, including modification to operate on unauthorized frequencies or with illegal power. (See CB Rules 8 and 10.)

§ 95.425 (CB Rule 25) Do I have to make my CB station available for inspection?

(a) If an authorized FCC representative requests to inspect your CB station, you must make your CB station and records available for inspection.

(b) A CB station includes all of the radio equipment you use.

§ 95.426 (CB Rule 26) What are my station records?

Your station records include the following documents, as applicable.

(a) A copy of each response to an FCC violation notice. (See CB Rule 21.)

(b) Each written permission received from the FCC. (See CB Rule 18.)

§ 95.427 (CB Rule 27) How do I contact the FCC?

(a) Write to your nearest FCC Field Office listed in Section 0.121 of the Commission's Rules if you:

(1) Want to report an interference complaint; *OR*

(2) Want to know if the FCC has type-accepted a transmitter for CB.

(b) Write to the FCC, Private Radio Bureau, Personal Radio Branch, Washington, D.C. 20554 if you have questions about the CB Rules.

3. Paragraph (f) of § 95.645 of the Rules is revised to read:

§ 95.645 Additional requirements for type acceptance.

* * * * *

(f) A copy of Subpart D of Part 95 of the Commission's Rules, to be current at the time of packing of the transmitter, shall be furnished with each transmitter.

* * * * *

[FR Doc. 82-34344 filed 12-17-82; 8:45 am]
BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 47, No. 244
Monday, December 20, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Senior Executive Service Bonuses

AGENCY: Agriculture Department.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. Department of Agriculture will be paying Senior Executive Service bonuses no earlier than December 20, 1982, and no later than December 31, 1982.

FOR FURTHER INFORMATION CONTACT: Earl C. Hadlock, Chief, Executive Resources, Performance Appraisal and Merit Pay Staff, Office of Personnel, Department of Agriculture, 14th Street and Independence Avenue, SW., Washington, D.C. 20250 (202/447–2830).

John R. Block,

Secretary of Agriculture.

December 15, 1982.

[FR Doc. 82–34451 Filed 12–17–82; 8:45 am]

BILLING CODE 3410–01–M

COMMISSION ON CIVIL RIGHTS

Appointments of Individuals To Serve as Members of the Performance Review Board; Senior Executive Service

The Civil Service Reform Act of 1978, 5 U.S.C. 4314(c)(4) requires that notice of the appointments of individuals to serve as members of performance review boards be published in the **Federal Register.** Therefore, in compliance with this requirement, notice is hereby given that the individuals whose names and position titles appear below have been appointed to serve as members of the performance review board for the U.S. Commission on Civil Rights for the rating year beginning October 1, 1981, and ending September 30, 1982.

Caroline Gleiter, Assistant Staff Director for Program and Policy Review, USCCR
Lawrence B. Glick, Solicitor, USCCR
John Hope III, Acting Staff Director, USCCR (Chair)
Anthony W. Hudson, Staff Director, Personnel, Headquarters, Defense Logistics Agency
Harriett Jenkins, Assistant Administrator for Equal Opportunity Programs, NASA

John Hope III,

Acting Staff Director.

[FR Doc. 82–34356 Filed 12–17–82; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Certain Softwood Products From Canada; Postponement of Countervailing Duty Preliminary Determinations

AGENCY: Department of Commerce.

ACTION: Postponement of Countervailing Duty Preliminary Determinations.

SUMMARY: The countervailing duty preliminary determinations involving certain softwood products (see Appendix A) from Canada are being postponed as the investigations have been determined to be extraordinarily complicated. We intend to issue the countervailing duty preliminary determinations not later than March 7, 1983.

EFFECTIVE DATE: December 20, 1982.

FOR FURTHER INFORMATION CONTACT: Roland MacDonald, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th & Constitution Avenue, NW., Washington, DC 20230/(202) 377–4087.

SUPPLEMENTARY INFORMATION: On November 3, 1982, we announced our initiation of countervailing duty investigations to determine whether producers, manufacturers, or exporters of certain softwood products from Canada receive any benefits from the federal and provincial governments of Canada that are subsidies (47 FR 49878). The notice stated that we would issue preliminary determinations by December 31, 1982.

As detailed in the notices of initiation of the countervailing duty investigations, the petition alleges that the federal and provincial governments of Canada provide various programs which constitute subsidies to producers, manufacturers, or exporters of certain softwood products. The alleged subsidy practices are numerous and raise complex and novel issues. For these reasons we determine that these investigations are extraordinarily complicated in accordance with section 703(c)(1)(B)(i) and that additional time is necessary to make these preliminary determinations in accordance with section 703(c)(1)(B)(ii) of the Tariff Act of 1930, as amended ("the Act"). We intend to issue these preliminary determinations not later than March 7, 1983.

(Sec. 703(c)(2) of the Act)

Dated: December 9, 1982.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

Appendix A—Description of Products

For purposes of these investigations:

1. The term *"softwood lumber"* covers those products included in the *Tariff Schedules of the United States Annotated (1982) (TSUSA)* in items 202.03–202.30 (rough, dressed, or worked softwood lumber) specifically excluded are drilled and treated lumber, wood siding, and edge-glued or end-glued wood not over 6 feet in length or over 15 inches in width. "Rough lumber" is "lumber just as it comes from the saw; whether in its original sawed size or edged, resawn, crosscut, or trimmed to smaller sizes." "Dressed lumber" is "lumber which has been dressed or surfaced by planing on at least one edge or face." "Worked lumber" is "lumber which has been matched (tongue-and-grooved), shiplapped (rabbeted or lapped joint), or patterned on a matching machine, sticker, or molder."

2. The term *"softwood shakes and shingles"* "refers to wood products most frequently made from red cedar, that are used for roofing or siding." Softwood shakes, "approved durable wood of random widths ranging from 4 inches to 14 inches come in four types: Hand-split and resawn, taper split, straight-split and taper sawn. "Softwood shingles are tapered pieces of approved durable wood, sawed both sides, of random widths ranging from 3 inches to 14 inches and in lengths of 16 inches, 18 inches or 24 inches: for purposes of this investigation, the term softwood shakes and shingles refers only to those products designated in *Tariff Schedules of the United States Annotated (1982) (TSUSA)* as item 200.85.

3. The term *"software fence"* refers to three types of fences: picket, stockade, and rail. Picket fences are made of wood pickets

nailed to horizontal back rails which are fastened to the supporting posts. The pickets vary in length and thickness, lengths range from 24" to 92", and thickness varies from ½" to 3". The species of wood fences is usually cedar for the post and conifers or softwoods for the backrails and pickets. Rail fences consist of line post and horizontal rails. Cedar is generally used for the line posts and cedar or conifers or northern softwoods are used for the rails. Stockade fences vary in height from 3 feet to 10 feet. Widths are usually 7 feet or 8 feet. Line posts are generally cedar, and stockade sections are made from northern softwoods. This investigation covers softwood fences both assembled and unassembled, which fall under *TSUSA* item 200.75.

[FR Doc. 82-34427 Filed 12-17-82; 8:45 am]

BILLING CODE 3510-25-M

Computer Systems Technical Advisory Committee; Partially Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Computer Systems Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981, in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Committee advises the Office of Export Administration with respect to questions involving (A) Technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer systems or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States establishes or in which it participates including proposed revisions of any such controls.

TIME AND PLACE: January 12, 1983, at 1:00 p.m. The meeting will take place at the Main Commerce Building, Room 3708, 14th Street and Constitution Ave., NW., Washington, D.C.

AGENDA:

General Session

(1) Opening remarks by the Acting Chairman.

(2) Presentation of papers or comments by the public.

(3) Nomination and election of a chairman.

(4) Report on the current work program of the subcommittees:

(a) Foreign Availability;

(b) Hardware; and

(c) Licensing Procedures.

(5) New business.

Executive Session

(6) Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

PUBLIC PARTICIPATION: The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, 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 the 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. 552b(c)(1) and are properly classified under Executrive Order 12356.

A copy of the Notice of Determination to close 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 OR COPIES OF THE MINUTES CONTACT: Mrs. Margaret A. Cornejo, Committee Control Officer, Office of Export Administration, Room 2613, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202-377-2583.

Dated: December 14, 1982.

John K. Boidock,

Director, Office of Export Administration.

[FR Doc. 82-34429 Filed 12-17-82; 8:45 am]

BILLING CODE 3510-25-M

Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee; Open Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Computer Systems Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on October 5, 1981 pursuant to the charter of the Committee. The Foreign Availability Subcommittee was formed to ascertain if certain kinds of equipment are available in non-COCOM and Communist countries, and if such equipment is available, then to ascertain if it is technically the same or similar to that available elesewhere.

TIME AND PLACE: January 11, 1983, at 1:30 p.m. The meeting will take place at the Main Commerce Building, Room 3708, 14th Street and Constitution Ave., NW., Washington, D.C.

AGENDA:

General Session

(1) Opening remarks by the Subcommittee Chairman.

(2) Presentation of papers or comments by the public.

(3) Discussion of proposed changes to the Export Administration Act.

(4) Status of the Department of Commerce foreign availability implementation plan.

(5) Discussion of the agenda for 1983.

PUBLIC PARTICIPATION: The meeting will be open for public observation and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written Statements may be submitted at any time before or after the meeting.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT: Mrs. Margaret A. Cornejo, Committee Control Officer, Office of Export Administration, Room 2613, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202-377-2583.

Dated: December 14, 1982.

John K. Boidock,

Director, Office of Export Administration.

[FR Doc. 82-34431 Filed 12-17-82; 8:45 am]

BILLING CODE 3510-25-M

Hardware Subcommittee of the Computer Systems Technical Advisory Committee; Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Computer Systems Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on October 5, 1981

pursuant to the charter of the Committee.

The Hardware Subcommittee was formed to continue the work of the Performance Characteristics and Performance Measurements Subcommittee, pertaining to (1) Maintenance of the processor performance tables and further investigation of total systems performance; and (2) investigation of array processors in terms of establishing the significance of these devices and determining the differences in characteristics of various types of these devices.

TIME AND PLACE: January 12, 1983, at 9:00 a.m. The meeting will take place at the Main Commerce Building, Room 3708, 14th Street and Constitution Avenue, NW., Washington, D.C.

The Subcommittee will meet only in Executive Session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, 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 the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and properly classified under Executive Order 12356. A copy of the Notice of Determination to close 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: Mrs. Margaret A. Cornejo, Committee Control Officer, Office of Export Administration, Room 2613, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202–377–2583.

Dated: December 14, 1982.

John K. Boidock,

Director, Office of Export Administration.

[FR Doc. 82–34432 Filed 12–17–82; 8:45 am]

BILLING CODE 3510–25–M

Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee; Open Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Computer Systems Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on October 5, 1981 pursuant to the charter of the Committee. The Licensing Procedures Subcommittee was formed to review the procedural aspects of export licensing and recommend areas where improvements can be made.

TIME AND PLACE: January 11, 1983, at 10:00 a.m. The meeting will take place at the Main Commerce Building, Room 3708, 14th Street and Constitution Ave., NW., Washington, D.C.

AGENDA:

General Session

1. Opening remarks by the Subcommittee Chairman.
2. Presentation of papers or comments by the public.
3. Review the minutes of the previous meeting.
4. Outstanding communications to OEA:
   a. Procedures on licences for exhibits.
   b. Acceleration of post-COCOM procedures.
5. Report on the re-write of the Export Administration Regulations.
6. Report on processing time for front-door licensing.
7. Report on the study of the Distribution License.
8. New business.

PUBLIC PARTICIPATION: The meeting will be open for public observation and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT: Mrs. Margaret A. Cornejo, Committee Control Officer, Office of Export Administration, Room 2613, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202–377–2583.

Dated: December 14, 1982.

John K. Boidock,

Director, Office of Export Administration.

[FR Doc. 82–34430 Filed 12–17–82; 8:45 am]

BILLING CODE 3510–25–M

Prestressed Concrete Steel Wire Strand From the United Kingdom; Final Determination of Sales at Less Than Fair Value

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Determination of Sales at Less Than Fair Value.

SUMMARY: We have determined that prestressed concrete steel wire strand ("PC strand") from the United Kingdom is being, or is likely to be, sold in the United States at less than fair value. The U.S. International Trade Commission ("ITC") will determine within 45 days of publication of this notice whether these imports are materially injuring, or are threatening to materially injure, a U.S. industry.

EFFECTIVE DATE: December 20, 1982.

FOR FURTHER INFORMATION CONTACT: Brian Kelly, Office of Compliance, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230 (202–377–2923).

SUPPLEMENTARY INFORMATION:

Case History

On March 4, 1982, we received a petition in proper form from counsel on behalf of American Spring Wire Corporation of Bedford Heights, Ohio; Armco Inc., of Middletown, Ohio; Florida Wire and Cable Company of Jacksonville, Florida; Bethlehem Steel Corporation of Bethlehem, Pennsylvania; Pan American Ropes, Inc., of Houston, Texas; and Shinko Wire America, Inc., of Houston, Texas; filed on the behalf of the U.S. industry producing PC strand. The petitioners alleged that PC strand from the United Kingdom is being or is likely to be sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930 ("the Act") (19 U.S.C. 1673), and that such sales are materially injuring, or are threatening to materially injure, a U.S. industry.

On October 6, 1982, we preliminarily determined that PC strand from the United Kindom is being, or is likely to be, sold in the United States at less than fair value (47 FR 44132–33). Our preliminary notice gave interested parties an opportunity to submit views in writing and orally, and on November 17, 1982, we held a public hearing.

Scope of the Investigation

For the purpose of this investigation, the term "prestressed concrete steel wire strand" covers wire strand of steel, other then stainless steel, for prestressing concrete, as currently

provided for in item 642.1120 of the *Tariff Schedules of the United States Annotated.*

To the best of our knowledge a single British firm, Bridon Wire, Ltd., produced all of the PC strand exported from the United Kingdom to the United States during the review period, and we limited our investigation to that firm.

This investigation covers the period from July 1 to December 31, 1981, for purchase price sales, and from October 1, 1981 to March 31, 1982, for exporter's sales price transactions.

Methodology of Fair Value Comparisons

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price with the foreign market value.

United States Price

We used purchase price, as defined in section 772(b) of the Act, to represent the United States price for a portion of the sales by Bridon Wire in which the merchandise was sold to unrelated purchasers prior to its importation into the United States. For the remainder of Bridon's sales we used exporter's sales price, because the merchandise was sold to unrelated purchasers in the United States after the date of importation.

We calculated both purchase price and exporter's sales price, as appropriate, on the basis of the ex-warehouse U.S. price; c.i.f. landed, duty paid price; or the delivered customer's works, packed price to unrelated purchasers in the United States. We made deductions, where applicable, for foreign inland freight, ocean freight and insurance, U.S. duty, brokerage charges, and U.S. inland freight and insurance. Where we used exporter's sales price, we made additional deductions for credit expenses and other selling expenses.

Foreign Market Value

There were sufficient sales in the home market to allow the use of home market prices as the basis for foreign market value. For the purposes of determining such or similar merchandise under section 771 of the Act, we made comparisons using strand of the same grade as that sold in the United States, and used the dimensions closest to those of the product sold in the United States.

The home market prices for Bridon Wire were based on delivered or ex-works packed prices to unrelated purchasers. From these prices we deducted, where appropriate, discounts and U.K. inland freight and insurance. We made adjustments, where appropriate, for differences between home market and U.S. credit costs, recoiling charges, and packing charges.

Where we compared exporter's sales price with foreign market value, we deducted credit expenses and recoiling charges, instead of adjusting for the differences. We subtracted an amount for indirect selling expenses equal to that found for United States sales.

Verification

We verified, to the extent possible, all information used in making this final determination. We were granted access to the books and records of the British manufacturer and the related U.S. company. We used standard verification procedures, including on-site inspection of the manufacturer's operations and examination of accounting records and randomly selected documents containing relevant information.

Results of Investigation

We made fair value comparisons on all of the sales to the United States made by Bridon Wire, Ltd. We found margins on all of the sales compared. The margins range from 15.37 to 150.49 percent. The overall weighted average margin on all sales compared is 33.89 percent.

Petitioner's Comments

Comment 1

The Department cannot adjust home market price for differences in circumstances of sale without a causal link between the differences in the cost of selling the merchandise in the home and U.S. markets and the differences in home and U.S. prices. In its preliminary analysis, the Department failed to establish this causal link, and no evidence has subsequently been presented to justify it. The Department therefore should not make the adjustment.

DOC Position

In accord with past practice, we adjusted for circumstances of sale based on our conclusion that differences in cost constitute a reasonable indication of the differences in price. Section 353.15(d) of the Commerce Regulations states that reasonable allowances will be made for the differences in cost to the seller of differences in circumstances of sale. The regulation is consistent with section 773(a)(4) of the Act, which states that any allowance will be made for any price difference "wholly or partly" due to differences in circumstances of sale. See *Brother Industries, Ltd., et al. v. United States,* 3 C.I.T. ——, Slip Op. 82–34 (April 30, 1982).

Comment 2

To the extent that the ITA made deductions for inland freight and discounts in the computation of foreign market value without establishing that such adjustments were directly related to the sales under consideration, petitioners object to the deductions.

DOC Position

Where necessary, the Department has, in accordance with longstanding administrative practice, relied on averaged figures for home market adjustments, including freight and some discounts. The Department has the authority to use averaged figures for establishing foreign market value during an investigation. For both freight and discounts the figures used were directly traceable to the product under investigation, though not to particular sales.

Comment 3

Average U.S. credit costs should not be used. The Department should obtain and use sale-specific credit costs.

DOC Position

The Department received a sale by sale breakdown of U.S. credit expenses during the verification of Bridon's American affiliate, Springfield Industries, Inc., and applied it in computing these final results.

Comment 4

The Department erred in deducting credit expenses and recoiling charges from both the U.S. and home market prices in exporter's sales price situations. The law only allows adjustments for the differences in circumstances of sale.

DOC Position

Section 772(e) of the Act gives the Department the authority to make deductions for direct expenses on the U.S. side. See *Brother Industries, Ltd., et al. v. United States,* 3 C.I.T. ——, Slip Op. 82–34 (April 30, 1982).

Comment 5

The Department did not have the authority to investigate the classification of selling expenses during verification. This constitutes gathering new information, which is not the purpose of verification.

DOC Position

The Department is under an obligation to verify as much information as possible in an investigation. This

includes verifying claims of no expenses as well as those of positive figures. Therefore, if either direct or indirect expenses are reported as zero, we verify the figure as we would any other.

Comment 6

The Department underestimated U.S. interest expenses incurred by Springfield by failing to account for the time the goods spent in transit to the United States, and ignoring in general the inventory interest expense associated with selling the goods from warehouse.

DOC Position

The Department uses actual credit expenses in making any difference in credit expense adjustments. We did not impute credit charges to a period in which the firm was not actually covering the sale of goods directly with short-term debt. Any interest expenses incurred for inventory prior to sale of the goods were captured through the inclusion of Springfield's overhead within U.S. selling expenses. These are properly categorized as indirect selling—not credit—expenses.

Comment 7

The Department should adjust U.S. price for any commission paid by Bridon to Springfield.

DOC Position

The commission was simply an intra-corporate transfer of funds. In determining the costs of bringing the merchandise to the U.S. customer, we are interested in actual costs incurred by the corporate entity as a whole, not in simple funds transfers.

Comment 8

The Department should not accept the additional information submitted on November 30, 1982.

DOC Position

We did not use the supplemental submission of November 30 because it was untimely.

Comment 9

The Department should further investigate to ascertain whether it has covered all manufacturers exporting PC Strand to the U.S.

DOC Position

We have referred to both British sources and our own import statistics. We have found no evidence that firms other than Bridon actually sold PC strand in the United States during the review period.

Final Determination

Based on our investigation and in accordance with section 735(a) of the Act, we have reached a final determination that prestressed concrete steel wire strand from the United Kingdom is being, or is likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act.

Continuation of Suspension of Liquidation

Liquidation will continue to be suspended on all entries of PC strand that are entered into the United States, or withdrawn from warehouse, for consumption. The U.S. Customs Service will continue to require the posting of a cash deposit, bond, or other security in the amount of the weighted average margin of the FOB price for the listed firm and 33.89 percent of the FOB price for all other British producers. The security amounts established in our preliminary determination of October 6, 1982, are no longer in effect.

ITC Notification

We are notifying the ITC and making available to it all nonprivileged and nonconfidential information relating to this determination. We will allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information, either publicly or under and administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration. If the ITC determines that material injury or threat of material injury does not exist, this proceeding will be terminated and all securities posted as a result of the suspension of liquidation will be refunded or cancelled. If the ITC determines that such injury does exist, we will issue an antidumping order, directing Customs officers to assess an antidumping duty on prestressed concrete steel wire strand from the United Kingdom entered, or withdrawn from warehouse, for consumption after the suspension of liquidation, equal to the amount by which the foreign market value exceeds the United States price. This determination is being published pursuant to section 735(d) of the Act (19 U.S.C. 1673(d)).

Dated: December 14, 1982.

Lawrence J. Brady,

Assistant Secretary for Trade Administration.

[FR Doc. 82-34928 Filed 12-17-82; 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.

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, but the Council will also meet in joint public session with the Alaska Board of Fisheries.

DATES: The Council and Alaska Board of Fisheries meeting will convene on Tuesday, January 4, 1983, at 9 a.m., in the Gold Room of the Baranof Hotel, Juneau, Alaska, to hear technical reports on the status of the salmon resource. On Wednesday, January 5, and Thursday, January 6, 1983, the Council and the Board will reconvene to hear public testimony on proposed 1983 amendments to the Troll Salmon Fishery Management Plan (FMP), discuss regulations for 1983, and select preferred options for public review. This joint session is expected to adjourn at approximately 5 p.m., on January 6. The Council will meet in separate public session on Friday, January 7, 1983, from 9 a.m. to noon, in the Gastineau Room of the Baranof Hotel, to conclude Council business.

The SSC meeting will convene on Monday, January 3, 1983, at approximately 1:30 p.m., in the Capitol Room of the Baranof Hotel and will adjourn at approximately 5 p.m., on Tuesday, January 4, 1983. The AP will meet on Monday, January 3, 1983, at approximately 1 p.m., in the Gastineau Room of the Baranof Hotel, adjourning at approximately 5 p.m.; reconvene on Tuesday, January 4, 1983, at approximately 9 a.m., and adjourn at approximately 5 p.m. The meetings may be lengthened or shortened depending upon progress on the agenda items.

PROPOSED AGENDA: *Council*—A detailed agenda will be sent to the public around December 17, 1982. The Council will consider the 1983 amendment package for the troll salmon fishery off Alaska, which includes alternatives regarding optimum yield, time and area closures and gear restrictions. The Council will

select its preferred options for the 1983 amendment package, and will also review and possibly give final approval for Secretarial review of Amendment #9 to the Tanner Crab FMP. The proposed amendment would increase the National Marine Fisheries Service's Regional Director's flexibility in setting seasons. The Council may also give the plan development team direction on frameworking the FMP. Time permitting, the Council may also consider FMP's and amendments for herring, king crab, Gulf of Alaska groundfish and Bering Sea/Aleutian Islands groundfish, applications from ships of foreign nations to fish in the fishery conservation zone off Alaska, as well as various contracts. All or parts of this meeting may be conducted in joint session with the Alaska Board of Fisheries.

SSC and AP—Same as Council.

FOR FURTHER INFORMATION CONTACT: North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510, Telephone: (907) 274–4563.

Dated: December 15, 1982.

Joe P. Clem,

Acting Chief, Operations Coordination Group, National Marine Fisheries Service.

[FR Doc. 82–34464 Filed 12–17–82; 8:45 am]

BILLING CODE 3510–22–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Privacy Act of 1974; System of Records Amendment

AGENCY: Department of the Air Force (AF), DoD.

ACTION: Amendment of Air Force System of Record Notice.

SUMMARY: The Air Force is amending one system of records notice to conform to the requirements of the "Debt Collection Act of 1982" to permit use of that Act to collect debts owed the government. The notice is also being substantially rewritten in the interest of clarity, accuracy and readability.

EFFECTIVE DATE: The amendments will be effective on January 19, 1983 unless public comments are received which result in a contrary determination.

FOR FURTHER INFORMATION CONTACT: Mr. Jon Updike, HQ USAF/DAD(S), The Pentagon, Washington, D.C. 20330, telephone 202/694–3431.

SUPPLEMENTARY INFORMATION: These amendments are necessary to conform to the requirements of the "Debt Collection Act of 1982" (Pub. L. 97–365; 96 Stat. 1749 *et seq.*).

The Air Force systems of records inventory subject to the Privacy Act of 1974, Title 5, United States Code, Section 552a (Pub. L. 93–579; 44 Stat. 1896 *et seq.*), has been published in the **Federal Register** as follows:

FR Doc. 81–897 (47 FR 6443) January 21, 1981
FR Doc. 82–674 (47 FR 2544) January 18, 1982
FR Doc. 82–2886 (47 FR 5285) February 4, 1982
FR Doc. 82–4481 (47 FR 7478) February 19, 1982
FR Doc. 82–9886 (47 FR 14936) April 7, 1982
FR Doc. 82–10539 (47 FR 16827) April 20, 1982
FR Doc. 82–3029 (47 FR 5004) November 4, 1982

None of these amendments require a new or altered system report under the provisions of 5 U.S.C. 552a(o).

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

December 13, 1982.

Amendments

F17708 OEACYVD

System Name:

Indebtedness and Claims (46 FR 6580).

Changes:

System Identification:

Change to, "F177 AFAFC G."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

In addition to the previous provisions, which have been completely rewritten, the following new uses are added: "Data necessary to identify an individual involved in a claim is disclosed to a consumer reporting agency whenever a financial status report is requested for use in pursuing collection under the Federal Claims Collection Act. Whenever AFAFC has exhausted its internal collection actions, the debt may be forwarded to a private collection agency for collection servicing."

F177 AFAFC G

SYSTEM NAME:

Indebtedness and Claims.

SYSTEM LOCATION:

Air Force Accounting and Finance Center, Lowry Air Force Base, Denver, CO 80279. Denver Federal Archives and Record Center, Bldg 48, Denver Federal Center, Denver, CO 80225.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty and retired military personnel, Air Force civilian employees and former employees, Air Force Reserve and Air National Guard personnel, Air Force Academy cadets, dependents of military personnel, exchange officers and foreign nationals.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of current and former military members and civilian employees pay accounts showing entitlements, deductions, payments made, and any indebtedness resulting from deductions and payments exceeding entitlements. These records include, but are not limited to: individual military pay records, substantiating documents such as military pay orders, pay adjustment authorizations, military master pay account print out from Joint Uniform Military Pay System (JUMPS), records of travel payments, financial record data folders, miscellaneous vouchers, personal financial records, credit reports, promissory notes, individual financial statements, and correspondence. Applications for waiver of erroneous payments or for remission of indebtedness with supporting documents, including but not limited to, statements of financial status (personal income and expenses), statements of commanders, statements of Accounting and Finance Officers, correspondence with members and employees. Claims of individuals requesting additional payments for service rendered with supporting documents including, but not limited to, time and attendance reports, leave and earnings statements, travel orders, travel vouchers, statements of non-availability of quarters and mess, paid receipts, and correspondence with members and employees. Delinquent accounts receivable from base Accounting and Finance Officers including, but not limited to, returned checks, medical services billings, collection records, and summaries of the Air Force Office of Special Investigation and Federal Bureau of Investigation reports. Reports from probate courts regarding estates of deceased debtors. Reports from bankruptcy courts regarding claims of the US against debtors.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. Chapter 18—Compromise and Collection of Federal claims; 10 U.S.C. 2774, Claims for overpayment of pay and allowances, other than travel and transportation allowances, 9837 (d), settlement of accounts: deductions from pay; 5 U.S.C. 5584 Claims for overpayment of pay and allowances, other than travel and transportation expenses and allowances and relocation expenses; 12 U.S.C. 1715, Mortgage insurance for servicemen; Pub. L. 97–365, Debt Collection Act of 1982.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Used to determine eligibility for: (1) Waiver of erroneous payments, (2) remission of indebtedness, or (3) payments for services rendered. Also, information is required to attempt collection of all claims from individuals on claims of the United States, for money or property arising out of the activities of the United States Air Force. Claims may be compromised, terminated, or suspended when warranted by information collected. Data necessary to identify an individual involved in a claim is disclosed to a consumer reporting agency whenever a financial status report is requested for use in pursuing collection under the Federal Collection Act. Whenever AFAFC has exhausted its internal collection actions, the debt may be forwarded to a private collection agency for collection servicing. The debt may be referred to the Department of Justice under 31 U.S.C. 952, Federal Claims Collection Act of 1966, for investigation or civil or criminal litigation as appropriate. Information is used to establish debts and respond to letters received from individuals. After action is completed, files are closed and filed in individual records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and in machine-readable form.

RETRIEVABILITY:

Filed by name and Social Security Number (SSN).

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets, protected by guards and controlled by personnel screening and visitor registers.

RETENTION AND DISPOSAL:

Retained in office files for one year after annual cut-off, transferred to the Denver Federal Archives and Record Center for nine additional years, and then sold to salvage paper companies to be destroyed by shredding, tearing, mascerating, pulping or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller of the Air Force, Headquarters United States Air Force. Director, Accounting and Finance, United States Air Force. (USAF).

NOTIFICATION PROCEDURE:

Information as to whether the record system contains information on an individual may be obtained from AFAFC/DAD, Denver, CO 80279, telephone (303) 370–7553. Requester should be able to provide sufficient proof of identity, such as name, Social Security Number, military status, duty station or place of employment, or other information verifiable from the record itself.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to AFAFC/DAD, Denver, CO 80279, telephone (303) 370–7553. Requester should be able to provide sufficient proof of identity, such as name, Social Security Number, military status, duty station or place of employment, or other information verifiable from the record itself.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from financial and medical institutions; automated system interfaces; police and investigating officers; the public media; a state or local government; and source documents such as reports; credit bureaus; Bureau of Employees Compensation, Veterans Administration; Social Security Administration; Internal Revenue Service; Federal Housing Administration; health insurance companies; U.S. Army Finance and Accounting Center; Navy Finance Center; Base Accounting and Finance Officers, Major Comands; Comptroller General; and correspondence with individual concerned or his representative.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 82-34292 Filed 12-17-82; 8:45 am]
BILLING CODE 3910-01-M

DEPARTMENT OF ENERGY

Procurement and Assistance Management Directorate

AGENCY: Department of Energy.

ACTION: Notice of suspension and proposed debarment.

SUMMARY: This notice announces that the Department of Energy (DOE) has suspended Earl R. Postell and all organizations with which he is or may become affiliated, from participating in any new DOE contract or subcontract. In addition, Mr. Postell has been advised that DOE proposes to debar him and all such affiliated organizations for a period not to exceed three years beginning on January 22, 1983.

DATE: The suspension became effective on December 13, 1982, and shall last until the proposed debarment becomes effective or for 12 months, whichever occurs earlier.

FOR FURTHER INFORMATION CONTACT: James Nelson, Procurement and Assistance Management Directorate, Room 1I–018, Forrestal Building, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, telephone 202/252–1150

SUPPLEMENTARY INFORMATION: The suspension and proposed debarment actions are being taken in accordance with the procedures set forth in Federal Procurement Regulations (FPR) Temporary Regulation No. 65, 41 CFR Subpart 1–1.6, 47 FR 43692 (October 4, 1982), and the DOE Procurement Regulations (DOE–PR), 41 CFR Subpart 9–1.6. In addition to Earl R. Postell, the known affiliated organizations affected by the suspension and proposed debarment actions are E&P Associates, Inc., and Alexandria Graphics and Reproduction Service. Mr. Postell's address is 418 Hume Avenue, Alexandria, Virginia 22301. The address of all the known affiliates is the same: 418 Hume Avenue, Alexandria, Virginia 22301.

During the period of suspension and subsequent debarment, DOE will neither accept nor consider a bid or proposal submitted by Mr. Postell or by any organization with which he is affiliated. In addition, DOE will not approve any new contract between him or any such affiliated organization and a DOE contractor.

The suspension and proposed debarment are based on Mr. Postell's November 2, 1982, indictment by a Federal Grand Jury in the United States Disrtrict Court for the Eastern District of Virginia for violation of Title 18 of the United States Code, sections 201(c) and 2. The Federal indictment charges Mr. Postell with 18 counts of mail fraud and bribery. Mr. Postell has been advised that he has right to submit, by no later then January 12, 1983, a written request for a hearing and a reply to the notice of proposed debarment.

As required under DOE–PR 9–1.602, Mr. Postell and the above named affiliated organizations have been placed on the DOE Consolidated List of Debarred, Suspended, and Ineligible Contractors which is distributed periodically to DOE Contracting Officers. DOE has also notified the General Services Administration (GSA) of this suspension action. When the proposed debarment becomes effective, GSA shall be notified in accordance with FPR Temporary Regulation No. 65, 41 CFR Subpart 1–1.6, 47 FR 43692 (October 4, 1982).

Issued in Washington, D.C., on December 13, 1982.

Hilary J. Rauch,

Director, Procurement and Assistance, Management Directorate.

[FR Doc. 82–34462 Filed 12–17–82; 8:45 am]

BILLING CODE 6450–01–M

Dose Assessment Advisory Group; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting.

NAME: Dose Assessment Advisory Group (DAAG).

DATE AND TIME: Thursday, January 6, 1983—8:30 a.m.—5:00 p.m.; Friday, January 7, 1983—8:30 a.m.—4:30 p.m.

PLACE: U.S. Department of Energy, Nevada Operations Office Auditorium, 2753 South Highland Drive, Las Vegas, Nevada.

CONTACT: Marshall Page, Jr., Deputy Project Manager, Off-Site Radiation Exposure Review Project, Nevada Operations Office, U.S. Department of Energy, Box 14100, Las Vegas, Nevada 89114, Telephone: 702–734–3194.

PURPOSE OF GROUP: To provide the Secretary of Energy and the Manager, Nevada Operations Office, (NV) with advice and recommendations pertaining to the Off-Site Radiation Exposure Review Project (ORERP). This project concerns the evaluation and assessment of the amount of radiation received by members of the offsite population surrounding the Nevada Test Site (NTS) as a result of the nuclear test operations conducted at the NTS.

TENTATIVE AGENDA:

January 6, 1983:

- Welcome and Introduction.
- DAAG Recommendations from May meeting.
- Overview of work since meeting of May 6–7, 1982.
- Review of Aerial Surveys of Fallout Fields—1951 through 1958.
- Review of all "Hotspots".
- Evaluation of ANNIE Fallout Pattern.
- Extension of Lifestyle Survey.
- H+12 Hour mR/hr and Time of Arrival Estimates for Dose Modeling.
- ORERP Data Base Update.
- CIC Status.
- Update on NURE and Sticky Paper Data Analyses.
- Progress on External Dose Assessment Model.
- Status on Milk Distribution Study.
- Sensitivity Uncertainty and Accuracy of the PATHWAY Model.
- Progress on Internal Dose Assessment Model.
- Discussion and Comments by DAAG Members.
- Public Comments and Questions (5 minute rule).

January 7, 1983:

- Review of Soil Sampling Sites.
- Site Selection: *in situ* Gamma Measurement Results, Methodology, Grading, and Criteria for Sites Selected for Soil Sampling.
- Review of Soil Collection Efforts—Sampling Techniques and Grading Criteria.
- Review of Soil Preparation Techniques and Results to Date.
- Laboratory Procedures Review.
- Description of Quality Assurance Program.
- Evaluation and Assessment of ORERP Soil Sampling Program.
- Selection Progress of 100 Soil Sampling Sites.
- Discussion of Future Activities and Time Scales.
- Discussion and Recommendations by DAAG to ORERP.
- Public Comments and Questions (5 minute rule).

PUBLIC PARTICIPATION: The meeting is open to the public. The Chairperson of the Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Marshall Page at the address or telephone number listed above.

TRANSCRIPTS: Available for public review and copying at the Public Reading Room, Room 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC, between 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on December 15, 1982.

Howard H. Raiken,

Deputy Advisory Committee, Management Officer.

[FR Doc. 82–34407 Filed 12–17–82; 8:45 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration

Amcole Energy Corp.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order (PRO) which was issued to Amcole Energy Corporation (Amcole) of Dallas, Texas, and several working interest owners (the owners) of a crude oil producing property operated by Amcole. This PRO charges Amcole and the owners with pricing violations in the amount of $207,221.10 connected with the sale of crude oil at prices in excess of those permitted by 10 CFR 212, Subpart D during the same period March 1, 1975 through October 31, 1977.

This PRO supersedes a PRO that was issued to Amcole on August 13, 1982 and subsequently withdrawn by ERA. Notice of the earlier PRO was published in the **Federal Register** at 47 FR 36885 on August 24, 1982.

A copy of the PRO, with confidential information deleted, may be obtained from James A. Martin, Deputy Director, Crude and NGL & Litigation Support Group, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 767–7407. Within fifteen (15) days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 12th & Pennsylvania Ave., N.W., Room 3426, Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas, on the 1st day of December, 1982.

Ben L. Lemos,

Director, Dallas Field Office, Economic Regulatory Administration.

[FR Doc. 82–34402 Filed 12–17–82; 8:45 am]

BILLING CODE 6450–01–M

Anshutz Petroleum Marketing Corp., Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Office of Special Counsel (OSC) of the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to

Anshutz Petroleum Marketing Corporation of New York, New York. This Proposed Remedial Order charges Anshutz with pricing violations in the amount of $1,030,174.00 plus interest, connected with the sale of regular and unleaded motor gasoline during the period May through July 31, 1979.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Robert J. McKee, Jr. Director, Philadelphia Field Office, ERA (215)597–2633. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 12th & Pennsylvania Avenue, N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Philadelphia, Pennsylvania, on the 7th day of December, 1982.

Robert J. McKee, Jr.

Director, Philadelphia Field Office, ERA.

[FR Doc. 82-34406 Filed 12-17-82; 8:45 am]

BILLING CODE 6450-01-M

Consolidated Materials, Inc., et al.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Office of Special Counsel (OSC) of the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Consolidated Materials, Inc. of New Orleans, Louisiana. This Proposed Remedial Order charges Consolidated with pricing violations in the amount of $259,848 plus interest, connected with the sale of regular motor gasoline on April 19, 1974 and No. 2 diesel fuel on November 15, 1973.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Robert J. McKee, Jr., Director, Philadelphia Field Office, ERA, (215) 597–2633. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 1200 Pennsylvania Ave., NW, Washington, DC 20461, in accordance with 10 CFR 205.193.

Issued in Philadelphia, Pennsylvania, on the 7th day of December, 1982.

Robert J McKee, Jr.,

Director, Philadelphia Field Office, Economic Regulatory Administration.

[FR Doc. 82-34403 Filed 12-17-82; 8:45 am]

BILLING CODE 6450-01-M

Cumberland Farms Dairy, Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Office of Special Counsel (OSC) of the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Cumberland Farms Dairy, Inc., of Canton, Massachusetts, Fireline Petroleum, Inc. and Fireline Petroleum Supply Distribution Company, Inc. (collectively "Cumberland"). This Proposed Remedial Order charges Cumberland with pricing violations in the amount of $1,319,715.58 plus interest, connected with the sale of regular and unleaded motor gasoline at its company operated retail stations during the period January 1, 1979 through July 14, 1979.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Robert J. McKee, Jr., Director, Philadelphia Field Office, ERA, (215) 597–2633. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Philadelphia, Pennsylvania, on the 7th day of December, 1982.

Robert J. McKee Jr.,

Director, Philadelphia Field Office, ERA.

[FR Doc. 82-34405 Filed 12-17-82; 8:45 am]

BILLING CODE 6450-01-M

Reinauer Petroleum Co.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Office of Special Counsel (OSC) of the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Reinauer Petroleum Company of Hackensack, New Jersey. This Proposed Remedial Order charges Reinauer with pricing violations in the amount of $269,891.00 plus interest, for the period April 1, 1979 through September 30, 1979. The alleged violations arise from the sales of regular and unleaded motor gasoline at Reinauer's company operated retail stations, as well as its sales to branded, unbranded Quik-stop and commercial customers during the violation period.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Robert J. McKee, Jr., Director, Philadelphia Field Office, ERA (215) 597–2633. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 12th and Pennsylvania Ave., NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Philadelphia, Pennsylvania, on the 7th day of December, 1982.

Robert J. McKee, Jr.,

Director, Philadelphia Field Office, ERA.

[FR Doc. 82-34404 Filed 12-17-82; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-82-032]

Powerplant and Industrial Fuel Use Act of 1978; Electric Utility Conservation Plans

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Approval of Conservation Plans.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) has received a number of electric utility conservation plans developed and submitted for DOE approval pursuant to section 808 of the Powerplant and Industrial Fuel Use Act of 1978, as amended, 42 U.S.C. 8301 *et seq.* ("FUA" or "the Act"). Pursuant to 10 CFR 508.5(b), DOE hereby gives Notice of Approval of Conservation Plans submitted by the electric utility owners or operators listed in the SUPPLEMENTARY INFORMATION section below.

The public file for each of the listed electric utility owners or operators containing this Notice of Approval of Conservation Plans and all other pertinent documents is available for inspection at the Department of Energy, Freedom of Information Reading Room, 1000 Independence Avenue, SW., Room 1E–190, Washington, D.C. 20585, telephone (202) 252–6020. Approval of each conservation plan is based on ERA's consideration of the entire record of the proceeding, including any comments received during the public comment period for each plan.

DATE: In accordance with 10 CFR 508.5(b), this Notice shall take effect on December 20, 1982.

FOR FURTHER INFORMATION CONTACT:

Clifford Tomaszewski, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA–073 F, 1000 Independence Avenue, SW., Washington, D.C. 20585 (202) 252–2201

Henry Garson, Esq., Acting Assistant General, Counsel for Coal Regulations, Office of the General Counsel, Forrestal Building, Room 6D–033, 1000 Independence Avenue, SW., Washington, D.C. 20585 (202) 252–6947

SUPPLEMENTARY INFORMATION: Section 1023 of the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35

(OBRA) amended FUA by adding a new section 808, entitled "Electric Utility Conservation Plan."

Section 808 requires utilities which own or operate any existing electric powerplant which used natural gas as a primary energy source between August 14, 1980 and August 13, 1981, and which also plan to use natural gas in any electric powerplant, to develop and submit to DOE for approval a conservation plan to conserve electric energy. The plan must set forth the means to achieve the conservation of electric energy at a level equal to 10 percent of the electric energy output of the utility sold within its own system which was attributable to natural gas during the four calendar quarters ending on June 30, 1981. Approved plans must be fully implemented during the five year period following DOE approval.

Notices of Receipt of the proposed conservation plans described below, providing for a thirty (30) day public comment period during which interested persons were invited to submit written comments concerning the content of any such proposed conservation plan, were published in the **Federal Register** on August 12 and 27, 1982 and September 17, 1982 (47 FR 35033, 37952 and 41163, respectively). No comments on these proposed plans were received.

Based upon the entire record of this proceeding, ERA has determined that the conservation plans of each of the following utilities meet the requirements for approval contained in 10 CFR 508.8. ERA is restricted by the 120 day time limitation imposed by the Act on the plan approval process as to the amount of information which can be analyzed in order to ascertain the environmental significance of approval of these plans. However, based on the information contained in each utility's submittal, ERA has determined, pursuant to 10 CFR 508.5, that the conservation programs contained in the plan of each utility listed below should not produce environmental consequences significant enough to warrant detailed documentation pursuant to the National Environmental Policy Act or its implementing regulations (40 CFR § 1500 *et seq.)*. Thus this action clearly does not represent a major Federal action significantly affecting the quality of the human environment. Pursuant to CFR 508.5 and section 808(d)(1) of FUA, DOE hereby approves the electric utility conservation plans submitted by the utilities listed below.

Each of the electric utilities whose plans approved herein shall annually submit a report to ERA pursuant to 10 CFR 508.7 identifying the steps taken during the preceding year to implement its approved plan. Each such report shall be submitted within thirty (30) days after the close of a calendar year, beginning with the close of calendar year 1983. The report shall be sent to: Robert L. Davies, Director, Fuels Conversion Division, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA-093, 1000 Independence Avenue, SW., Washington D.C. 20585.

The following utilities' conservation plans are approved:

Utilities and FC Case No.

Carolina Power and Light Company, Raleigh, N.C., 50441-9999-99-49
City of Coffeyville, Coffeyville, Kans., 50610-9999-99-49
City of Farmington, Farmington, N. Mex., 50968-9999-99-49
City Public Service of San Antonio, San Antonio, Tex., 52567-9999-99-49
Commonwealth Edison Company, Chicago, Ill., 50643-9999-99-49
Delmarva Power and Light Company, Wilmington, Del., 54008-9999-99-49
Duke Power Company, Charlotte, N.C., 50816-9999-99-49
El Paso Electric Company, El Paso, Tex., 50868-9999-99-49
Fort Pierce Utilities Authority, Fort Pierce, Fla., 51025-9999-99-49
Iowa-Illinois Gas and Electric Company, Davenport, Iowa, 51406-9999-99-49
Lake Superior District Power Company, Ashland, Wis., 51570-9999-99-49
Missouri Public Service Company, Kansas City, Mo., 51892-9999-99-49
Nevada Power Company, Las Vegas, Nev., 51998-9999-99-49
Oklahoma Gas and Electric Company, Oklahoma City, Okla., 52164-9999-99-49
Orange and Rockland Utilities, Inc., Pearl River N.Y., 52181-9999-99-49
Power Authority of the State of New York New York, N.Y., 52375-9999-99-49
Public Service Company of New Mexico, Albuquerque, N. Mex., 52412-9999-99-49
San Diego Gas and Electric, San Diego, Calif., 52570-9999-99-49
South Mississippi Electric Power Association, Hattiesburg, Miss., 52703-9999-99-49
Southern Indiana Gas and Electric Company, Evansville, Ind., 52727-9999-99-49
Southwestern Public Service Company, Amarillo, Tex., 52748-9999-99-49
Sunflower Electric Cooperative, Inc., Hays, Kans. 52855-9999-99-49
Wolverine Electric Cooperative, Inc., Big Rapids, Mich., 53341-9999-99-49

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

Robert L. Davies,

Director, Fuels Conversion Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 82-34463 Filed 12-17-82; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Cases Filed Week of November 12 Through November 19, 1982

During the Week of November 12 through November 19, 1982, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy. Submissions inadvertently omitted from earlier lists have also been included.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: December 14, 1982.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Nov. 12 through Nov. 19, 1982]

Date	Name and Location of Applicant	Case No.	Type of Submission
Jan. 26, 1982	M&M Minerals Corporation, et al., Jackson, Mississippi	HRZ-0112	Interlocutory Order. If Granted: The Proposed Remedial Order issued by the Southeast District Office of the Economic Regulatory Administration to M&M Minerals Corporation, et al. (Case No. HRO-0018) would be dismissed.
Apr. 2, 1982	M&M Minerals Corporation, et al., Jackson, Mississippi	HRD-0086	Motion for Discovery. If Granted: Discovery would be granted to M&M Minerals Corporation, et al. regarding information on certain other cases pending with the Office of Hearings and Appeals.
May 7, 1982	M&M Minerals Corporation, et al., Jackson, Mississippi	HRD-0087	Motion for Discovery. If granted: Discovery would be granted to M&M Minerals Corporation, et al. regarding information obtained from Traders Oil & Royalty Company (Case No. BRO-1312).

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

[Week of Nov. 12 through Nov. 19, 1982]

Date	Name and Location of Applicant	Case No.	Type of Submission
May 26, 1982	M&M Minerals Corporation, et al., Jackson, Mississippi	HRD-0088	Motion for Discovery. If granted: Discovery would be granted to M&M Minerals Corporation, et al. regarding new information contained in the Economic Regulatory Administration's Response to the firm's Statement of Objections in Case No. HRO-0018.
Sept. 10, 1982	M&M Minerals Corporation, et al., Jackson, Mississippi	HRD-0089	Motion for Discovery. If granted: Discovery would be granted to M&M Minerals Corporation, et al. regarding information contained in the Economic Regulatory Administration's supplement to its Response to the firm's Statement of Objections in Case No. HRO-0018.
Nov. 12, 1982	Crown Central Petroleum Corporation, Baltimore, Maryland	HRS-0019	Request for Stay. If granted: Crown Central Petroleum Corporation would receive a stay of its obligation to respond to a Proposed Remedial Order (Case No. HRO-0072) pending the resolution of a request for a preliminary injunction in a related judicial proceeding before the U.S. District Court for the District of Maryland.
Nov. 12, 1982	State of Mississippi, Jackson, Mississippi	HFA-0097	Appeal of an Information Request Denial. If granted: The October 22, 1982 Information Request Denial issued by the Chicago Office would be rescinded and the State of Mississippi would receive access to the remaining part of the document entitled *Proposed Siting Program For An Exploratory Shaft.*
Nov. 15, 1982	Office of Special Counsel/Texaco, Inc., Washington, D.C.	HRZ-0111	Interlocutory Order. If granted: Texaco, Inc. would be directed to produce to the Office of Special Counsel documents indentified in its privilege indices of September 3, 1982, September 22, 1982, and September 30, 1982.
Nov. 15, 1982	Sage Creek Refining Company, Cowley, Wyoming	HYX-0058	Request for Supplemental Order. If granted: The DOE would review the entitlements exception relief granted to Sage Creek during its fiscal year ending in 1981 to determine whether the level of relief accorded the firm was appropriate.
Nov. 15, 1982	Siler Oil Company, Washington, Indiana	HEE-0049	Exception to the Reporting Requirements. If granted: Siler Oil Company would not be required to file Form EIA-9A, "Monthly No. 2 Distillate Sales Report".
Nov. 16, 1982	Central Louisiana Electric Company, Inc., Pineville, Louisiana.	HEE-0050	Exception to the Reporting Requirements. If granted: Central Louisiana Electric Company would not be required to file Form EIA-782A, "Monthly Petroleum Product Sales Report".
Nov. 16, 1982	Jerry L. Peterson, Arvada, Colorado	HFA-0098	Appeal of an Information Request Denial. If granted: The October 15, 1982, Information Request Denial issued by the Albuquerque Operations Office would be rescinded, and Mr. Jerry L. Peterson would receive access to a copy of the file concerning his clearance at Rockwell International's Rock Flats Plant.
Nov. 16, 1982	Nuclear Fuel, New York, New York	HFA-0099	Appeal of an Information Request Denial. If granted: The October 14, 1982, Information Request Denial issued by the Oak Ridge Operations Office would be rescinded, and Nuclear Fuel would receive access to the names of U.S. utilities that have purchased uranium "constructively delivered" to the Electricity Supply Company Commission (Escom), of South Africa and to the names of utilities that have delivered uranium feedstock to Escom's account along with amounts involved.
Nov. 17, 1982	Department of Interior, Washington, D.C.	HEE-0051	Price Exception. If granted: The Department of Interior would be permitted to recertify the crude oil produced from offshore leases in the Gulf of Mexico to market prices for sales to Laketon Asphalt Refining, Inc.
Nov. 18, 1982	Kreshtool, Wier & Wasterstein, Wilmington, Delaware	HFA-0100	Appeal of an Information Request Denial. If granted: The Information Request Denial would be rescinded, and Kreshtool, Wier & Wasterstein would receive access to the EIA Report entitled *Gasoline Prices.*
Nov. 18, 1982	West Coast Oil Company, Los Angeles, California	HRD-0090	Mortion for Discovery. If granted: Discovery would be granted to West Coast Oil Company in connection with the firm's Statement of Objection submitted in response to the July 30, 1982, Proposed Remedial Order (Case No. HRO-0087) issued to it.
Nov. 19, 1982	Borg-Warner Central Environmental Systems, York, Pennsylvania.	HXE-0052	Exception from the Energy Conservation Program for Consumer Products. If granted: Borg-Warner Central Environmental Systems would receive an exception from the provisions of 10 CFR 430 which would permit the firm to modify the energy efficiency test procedures applicable to its Enmond heat pump.

[FR Doc. 82-34400 Filed 12-17-82; 8:45am]

BILLING CODE 6450-01-M

Cases Filed; Week of November 26 Through December 3, 1982

During the week of November 26 through December 3, 1982, the appeals and applications for other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: December 14, 1982.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Nov. 26 through Dec. 3, 1982]

Date	Name and location of applicant	Case No.	Type of submission
Nov. 30, 1982	P&R Trading Co., Washington, D.C.	HRD-0092	Motion for Discovery. If granted: Discovery would be granted to P&R Trading Company in connection with the Statement of Objections submitted in response to the September 9, 1982 Proposed Remedial Order (Case No. HRO-0091) issued to P&R Trading Company.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

[Week of Nov. 26 through Dec. 3, 1982]

Date	Name and location of applicant	Case No.	Type of submission
Dec. 1, 1982	Indian Wells Oil Co., Kansas City, Mo.	HRD-0093, HRH-0093	Motion for Discovery and Evidentiary Hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the Statement of Objections submitted by Indian Wells Oil Company in response to the June 4, 1982 Proposed Remedial Order (Case No. HRO-0075) issued to Indian Wells Oil Company.
Dec. 3, 1982	State of Illinois, Chicago, Ill.	HEG-0026	Petition for Special Redress. If granted: The Office of Hearings and Appeals would modify the U.S. Treasury refund remedy for alleged crude oil price violations in the CONOCO, INC. consent order.
Dec. 3, 1982	State of Illinois, Chicago, Ill.	HEG-0027	Petition for Special Redress. If granted: The Office of Hearings and Appeals would modify the U.S. Treasury refund remedy for alleged crude oil price violations in the Standard Oil Company of Ohio consent order.

[FR Doc. 82-34401 Filed 12-17-82; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Alternative Fuel Price Ceilings and Incremental Price Threshold for High Cost Natural Gas

The Natural Gas Policy Act of 1978 (NGPA) (Pub. L. 95-621) signed into law on November 9, 1978, mandated a new framework for the regulation of most facets of the natural gas industry. In general, under Title II of the NGPA, interstate natural gas pipeline companies are required to pass through certain portions of their acquisition costs for natural gas to industrial users in the form of a surcharge. The statute requires that the ultimate cost of gas to the industrial facility should not exceed the cost of the fuel oil which the facility could use as an alternative.

Pursuant to Title II of the NGPA, Section 204(e), the Energy Information Administration (EIA) herewith publishes for the Federal Energy Regulatory Commission (FERC) computed natural gas ceiling prices and the high cost gas incremental pricing threshold which are to be effective January 1, 1983. These prices are based on the prices of alternative fuels.

FOR FURTHER INFORMATION CONTACT: Leroy Brown, Jr., Energy Information Administration, 1000 Independence Avenue SW., Room BE-034, Washington, D.C. 20585, Telephone: (202) 252-6077.

Section I

As required by FERC Order No. 50, computed prices are shown for the 48 contiguous States. The District of Columbia's ceiling is included with the ceiling for the State of Maryland. FERC, by an Interim Rule issued on March 2, 1981, in Docket No. RM79-21, revised the methodology for calculating the monthly alternative fuel price ceilings for State regions. Under the revised methodology, the applicable alternative fuel price ceiling published for each of the contiguous States shall be the lower of the alternative fuel price ceiling for the State or the alternative fuel price ceiling for the multistate region in which the State is located.

The price ceiling is expressed in dollars per million British Thermal Units (BTU's). The method used to determine the price ceilings is described in Section III.

State	Dollars per million BTU's
Alabama	3.99
Arizona [1]	4.07
Arkansas [1]	3.82
California	4.04
Colorado [2]	3.99
Connecticut [1]	4.11
Delaware [1]	4.02
Florida	3.90
Georgia [1]	4.04
Idaho [2]	3.99
Illinois	3.88
Indiana	3.69
Iowa [1]	3.95
Kansas [1]	3.95
Kentucky [1]	3.90
Louisiana [1]	3.82
Maine [1]	4.11
Maryland [1]	4.02
Massachusetts	4.03
Michigan	3.64
Minnesota [1]	3.70
Mississippi [1]	4.04
Missouri [1]	3.95
Montana [2]	3.99
Nebraska [1]	3.95
Nevada [1]	4.07
New Hampshire [1]	4.11
New Jersey	3.93
New Mexico	3.40
New YorkD3.99	
North Carolina [1]	4.04
North Dakota [1]	3.95
Ohio	3.77
Oklahoma [1]	3.82
Oregon [1]	4.07
Pennsylvania [1]	4.02
Rhode Island [1]	4.11
South Caroline [1]	4.04
South Dakota [1]	3.95
Tennesse [1]	4.04
Texas	3.79
Utah [2]	3.99
Vermont [1]	4.11
Virginia [1]	4.04
Washington [1]	4.07
West Virginia [1]	3.90
Wisconsin	3.77
Wyoming [2]	3.99

[1] Region based price as required by FERC Interim Rule, issued on March 2, 1981, in Docket No. RM79-21.

[2] Region based price computed as the weighted average price of Regions E, F, and H.

Section II. Incremental Pricing Threshold for High Cost Natural Gas

The EIA has determined that the volume-weighted average price for No. 2 distillate fuel oil landed in the greater New York City Metropolitan area during October 1982 was $43.04 per barrel. In order to establish the incremental pricing threshold for high cost natural gas, as identified in the NGPA, Title II, Section 203(a)(7), this price was multiplied by 1.3 and converted to its equivalent in millions of BTU's by dividing by 5.8. Therefore, the incremental pricing threshold for high cost natural gas, effective January 1, 1983, is $9.42 per milion BTU's.

Sectiion III. Method Used To Compute Price Ceilings

The FERC, by Order No. 50, issued on September 29, 1979, in Docket No. RM79-21, established the basis for determining the price ceilings required by the NGPA. FECR also, by Order No. 167, issued in Docket No. RM81-27 on July 24, 1981, made permanent the rule that established that only the price paid for No. 6 high sulfur content residual fuel oil would be used to determine the price ceilings. In addition, the FECR, by Order No. 181, issued on October 6, 1981, in Docket No. RM81-28, established that price ceilings should be published for only the 48 contiguous States on a permanent basis.

A. Data Collected

The following data were required from all companies identified by the EIA as sellers of No. 6 high sulfur content (greater than 1 percent sulfur content by weight) residual fuel oil: For each selling price, the number of gallons sold to large industrial users in the months of August 1982, September 1982, and October

1982.[3] All reports of volume sold and price were identified by the State into which the oil was sold.

. B. Method Used To Determine Alternative Price Ceilings

(1) *Calculation of Volume-Weighted Average Price.* The prices which will become effective January 1, 1983, (shown in Section I) are based on the reported price of No. 6 high sulfur content residual fuel oil, for each of the 48 contiguous States, for each of the 3 months, August 1982, September 1982, and October 1982. Reported prices for sales in August 1982 were adjusted by the percent change in the nationwide volume-weighted average price from August 1982 to October 1982. Prices for September 1982 were similarly adjusted by the percent change in the nationwide volume-weighted average price from September 1982 to October 1982. The volume-weighted 3-month average of the adjusted August 1982 and September 1982, and the reported October 1982 prices were then computed for each State.

(2) *Adjusted for Price Variation.* States were grouped into the regions identified by the FERC (see Section III.C.). Using the adjusted prices and associated volumes reported in a region during the 3-month period, the volume-weighted standard deviation of prices was calculated for each region. The volume-weighted 3-month average price (as calculated in Section III.B.(1) above) for each State was adjusted downward by two times this standard deviation for the region to form the adjusted weighted average price for the State.

(3) *Calculation of Ceiling Price.* The lowest selling price within the State was determined for each month of the 3-month period (after adjusting up or down by the percent change in oil prices at the national level as discussed in Section III.B.(1) above). The products of the adjusted low price for each month times the State's total reported sales volume for each month were summed over the 3-month period for each State and divided by the State's total sales volume during the 3 months to determine the State's average low price. The adjusted weighted average price (as calculated in Section III.B.(2)) was compared to this average low price, and the higher of the values was selected as the base for determining the alternative fuel price ceiling for each State. For those States which had no reported sales during one or more months of the 3-month period, the appropriate regional volume-weighted alternative fuel price was computed and used in combination with the available State data to calculate the State's alternative fuel price ceiling base. The State's alternative fuel price ceiling base was compared to the alternative fuel price ceiling base for the multistate region in which the State is located and the lower of these two prices was selected as the final alternative fuel price ceiling base for the State. The appropriate lag adjustment factor (as discussed in Section III.B.4) was then applied to the alternative fuel price ceiling base. The alternative fule price (expressed in dollars per gallon) was multiplied by 42 and divided by 6.3 to estimate the alternative fuel price ceiling for the State (expressed in dollars per million BTU's).

There were no reported sales in Region G for the months of August, September, and October 1982. The alternative fuel price ceilings for the States in Reigon G were determined by calculating the volume-weighted average price ceilings for Region E, Region F, and Region H.

(4) *Lag Adjustment.* The EIA has implemented a procedure to partially compensate for the two-month lag between the end of the month for which data are collected and the beginning of the month for which ceiling prices become effective. It was determined that *Platt's Oilgram Price Report* publication provides timely information relative to the subject. The prices found in *Platt's Oilgram Price Report* publication are given for each trading day in the form of high and low prices for No. 6 residual oil in 21 cities thorughout the United States. The low posted prices for No. 6 residual oil in these cities were used to calculate a national and a regional lag adjustment factor. The national lag adjustment factor was obtained by calculating a weighted average price for No. 6 sulfur residual fuel oil for the ten trading days ending December 14, 1982, and dividing that price by the corresponding weighted average price computed from prices published by Platt's for the month of October 1982. A regional lag adjustment factor was similarly calculated for four regions. These are: one for FERC Regions A and B combined; one for FERC Region C; one for FERC Regions D, E, and G combined; and one for FERC Regions F and H combined. The lower of the national or regional lag factor was then applied to the alternative fuel price ceiling for each State in a given region as calculated in Section III.B.(3).

Listing of States by Region

States were grouped by the FERC to form eight distinct regions as follows:

Region A	*Region B*
Connecticut	Delaware
Maine	Maryland
Massachusetts	New Jersey
New Hampshire	New York
Rhode Island	Pennsylvania
Vermont	
Region C	*Region D*
Alabama	Illinois
Florida	Indiana
Georgia	Kentucky
Mississippi	Michigan
North Carolina	Ohio
South Carolina	West Virginia
Tennessee	Wisconsin
Virginia	
Region E	*Region F*
Iowa	Arkansas
Kansas	Louisiana
Missouri	New Mexico
Minnesota	Oklahoma
Nebraska	Texas
North Dakota	
South Dakota	
Region G	*Region H*
Colorado	Arizona
Idaho	California
Montana	Nevada
Utah	Oregon
Wyoming	Washington

Issued in Washington, D.C., December 17, 1982.

Albert H. Linden, Jr.,

Deputy Administrator, Energy Information Administration.

[FR Doc. 82-34608 Filed 12-17-82; 10:35 am]

BILLING CODE 6450-01-M

[3] Large Industrial User—A person/firm which purchases No. 6 fuel oil in quantities of 4,000 gallons or greater for cosumption in a business, including the space heating of the business premises. Electric utilities, governmental bodies (Federal, State, or Local), and the military are excluded.

ENVIRONMENTAL PROTECTION AGENCY

[OPRM-FRL 2270-2]

Agency Forms Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) requires the Agency to publish in the **Federal Register** a notice of proposed information collection requests that have been forwarded to the Office of Management and Budget (OMB) for review. The information collection requests listed are available to the public for review and comment.

FOR FURTHER INFORMATION CONTACT: David Bowers, Office of Standards and Regulations, Information Management Section, (PM-223), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, telephone (202) 382-2742 or FTS 382-2742.

SUPPLEMENTARY INFORMATION:

Solid Waste Programs

• Title: RCRA C Compliance Survey (EPA ID 0944).

Abstract: This is a study by EPA's Office of Policy Analysis of businesses and other nongovernmental institutions that generate hazardous wastes. It is a voluntary, one-time effort that will allow EPA to measure the level of regulatory compliance of the Resource Conservation Recovery Act (RCRA) Phase I hazardous waste program. The results will be used in formulating future RCRA programs.

Respondents: Business and other nongovernment institutions that generate hazardous wastes.

* * * * *

Agency Forms Cleared by OMB Between September 1 and November 15, 1982

—EPA ID 0076, NPDES Permittee Report of Extra Monitoring Data, was cleared on September 20 (OMB #2040–0007).

—EPA ID 0095, Precertification Exemption, Test Exemption, was cleared on October 7 (OMB #2060–0007).

—EPA ID 0097, Stage I Vapor Recovery Inspection Forms, was cleared on October 7 (OMB #2060–0008).

—EPA ID 0101, Vehicle Owners Manuals and Warranty Statements, was cleared on October 8 (OMB #2000–0167).

—EPA ID 0114, Motor Vehicle Tampering Survey, was cleared on October 7 (OMB #2060–0010).

—EPA ID 0115, Request for Testing Exemption, was cleared on October 7 (OMB #2060–0011).

—EPA ID 0163, TSCA Inspection Related Forms, was cleared on October 4 (OMB #2070–0007).

—EPA ID 0182, Unleaded Gasoline Field Inspection, was cleared on October 7 (OMB #2060–0009).

—EPA ID 0229, NDPES Discharge Monitoring Report, was cleared on September 15 (OMB #2040–0004).

—EPA ID 0234, Laboratory Performance Evaluation (Water Samples), was cleared on September 20 (OMB #2000–0044).

—EPA ID 0327, Development and Submission of State Contingency Plans, was cleared on October 8 (OMB #2050–0003).

—EPA ID 0368, Underground Injection Control Federal Reporting, was cleared on October 8 (OMB #2040–0002).

—EPA ID 0553, Exposure Assessment for Mobile Source Pollutants, was cleared on September 9 (OMB #2080–0003).

—EPA ID 0565, Environmental Assessment Data Systems, was cleared on October 7 (OMB #2000–0413).

—EPA ID 0686, Permit Application Requirement—All Major Modifications and Sources in Attainment Areas, was cleared on September 20 (OMB #2060–0003).

—EPA ID 0824, Ocean Dumping—Consolidated Report, was cleared on September 15 (OMB #2040–0008).

—EPA ID 0827, Construction Grants Consolidated Request, was cleared on November 15 (OMB #2040–0027).

—EPA ID 0844, Municipal Wastewater Treatment Facility Construction Grant State Project Priority Lists, was cleared on October 1 (OMB #2000–0414).

—EPA ID 0861, NPDES—Compliance Inspection Report Forms, was cleared on September 15 (OMB #2040–0003).

—EPA ID 0943, Cooperative Agreement with States for Removal, was cleared on October 13 (OMB #2050–0004).

—EPA ID 0976, Annual Reports by Hazardous Waste Management Facilities, was cleared on September 20 (OMB #2050–0005).

—EPA ID 1001, PCB Exemptions for Closed and Controlled Waste Manufacturing Processes, was cleared on October 13 (OMB #2070–0008).

—EPA ID 1007, Notice of Purges for New Coal Preparation Plants, was cleared on October 15 (OMB #2040–0026).

* * * * *

Comments on all parts of this notice should be sent to:

David Bowers, U.S. Environmental Protection Agency, Office of Standards and Regulations (PM–223), 401 M Street, SW., Washington, D.C. 20460, and

Anita Ducca, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3228), 726 Jackson Place, NW., Washington, D.C. 20503.

Dated: December 7, 1982.

C. Ronald Smith,

Director, Office of Standards and Regulations.

[FR Doc. 82–34158 Filed 12–17–82; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 82–814, File No. 20844–CD–P(3)–81 et al.]

Rogers L. Dennis d.b.a. Dennis Mobilfone, et al.; Order Designating Applications for Hearing

Adopted: December 7, 1982.

Released: December 16, 1982.

In re applications of Rogers L. Dennis d.b.a. Dennis Mobilfone, for a construction permit for a new station to operate on frequencies 454.100, 454.1750, 454.200, 454.2500, 454.275, and 454.300 MHz in the Domestic Public Land Mobile Radio Service (DPLMRS) at Abilene, Texas, CC Docket No. 82–814, File No. 20844–CD–P–(3)–81; for a construction permit for a new station for to operate on frequencies 454.025, 454.075 and 454.150 MHz in the DPLMRS at Trent, Texas, CC Docket No. 82–815, File No. 20847–CD–P–(3)–81; Mobile Phone of Texas, Inc., for a construction permit to add a new location for Station KKX709 to operate on frequencies 454.025, 454.075, 454.150 and 454.325 MHz in the DPLMRS at Abilene, Texas, CC Docket No. 82–816, File No. 21234–CD–P–(4)–81; for a construction permit to add a new location for Station KWT985 to operate on frequencies 454.100 and 454.200 MHz in the DPLMRS at Albany, Texas, CC Docket No. 82–817, File No. 21217–CD–P–(6)–81; for a construction permit to add a new location for Station KFL902 to operate on frequencies 454.225, 454.250 and 454.300 MHz for in the DPLMRS at Breckenridge, Texas, CC Docket No. 82–818, File No. 21582–CD–P–(3)–81; for a construction permit to add a new station to operate on frequencies 454.175 and 454.275 MHz in the DPLMRS at Coleman, Texas, CC Docket No. 82–819, File No. 21238–CD–P–(2)–82; for a construction permit to add a new station on frequencies 454.300 and 454.350 MHz in the DPLMRS at Hamlin, Texas, CC Docket No. 82–820, File No. 21236–CD–P–(2)–81; for a construction permit to add a new station on frequencies 454.175 and 454.275 MHz in the DPLMRS at Stamford, Texas, CC Docket No. 82–821, File No. 21237–CD–P–(2)–81; for a construction permit to add a new station to operate on frequencies 454.225 and 454.250 MHz in the DPLMRS at Winters, Texas, CC Docket No. 82–822, File No 21215–CD–P–(2)–81; and Wilbur, Inc. d.b.a. Western Communication Service for a construction permit to add a new location for Station KKG416 to operate on frequencies 454.225 and 454.300 MHz in the DPLMRS at San Angelo, Texas, CC Docket No. 82–823, File No. 21395–CD–P–(2)–81; designating applications for consolidated hearing on stated issues.

Adopted December 7, 1982.

Released December 16, 1982.

1. Presently before the Chief, Mobile Services Division, pursuant to delegated authority are the captioned applications of Western Communication Service (WCS), Rogers L. Dennis d.b.a. Dennis

Mobilfone (DM) and Mobile Phone of Texas, Inc. (MPT). In various combinations these applications are electrically mutually exclusive.[1] Therefore, a comparative hearing will be held to determine which application or applicants would better serve the public interest. Except to the extent indicated below, we find that WCS, DM and MPT are legally, technically and otherwise qualified to construct and operate the proposed facilities.

2. DM filed a Petition to Deny (PTD) MPT's applications at Abilene, Coleman, Hamlin and Stamford. Responsive pleadings have been filed. In its petition, DM alleges that all captioned MPT applications fail to comply with § 22.15(i)(2) of FCC Rules,[2] since they do not reflect the existence of other facilities in and around Abilene, or the application filed simultaneously for additional facilities in Merkel, Texas, some 15 miles from Abilene.[3] In its opposition, MPT states that its other facilities are all licensed as Mobile Phone of Texas, Inc., so that there is no question as to who the real party in interest is; that the other facilities are not in the same general geographic area; and that "simultaneous applications" (filed on the same day as the captioned application) are not "pending" applications. MPT also filed an amendment showing its existing call signs and locations.

3. Contrary to MPT's contention, § 22.15(i)(2) requires a DPLMRS applicant to identify all applications including simultaneously filed ones for facilities in the same geographic area. It is undisputed that Merkel and Abilene are nearby communities. We find therefore that MPT's proposed facilities are in the same general geographic area and that MPT was required to list those stations under § 22.15(i)(2). Since MPT has now provided the required information, we will not return MPT's application.

4. *DM Need Showing.* The DM Abilene application requests 3 channels each at location 1 and 2. Our staff has determined that the reliable service area contours of locations 1 and 2 overlap by over 50%. In accordance with Mobile Services Division (MSD) practice prior to and at the time of receipt of DM's application,[4] because of the 50% or greater overlap all six channels are considered as one trunk group. The application indicates that 178 two-way mobile units have indicated that they need and would subscribe to fully automatic radiotelephone service. Again, the practice of the MSD at the time of receipt of the captioned applications was to discount expressions of interest by 50%. This indicates a need for 89 units. Data sampled from loading studies submitted with DPLMRS applications indicate that, on the average, the busy-hour occupancy per two-way unit is about 0.9 minutes. The expected occupancy of the proposed facilities will be therefore $0.9 \times 89 = 80.1$ minutes. Occupied time is customarily converted to erlangs [5], for purposes of projecting expected channel blocking. Eighty point one (80.1) minutes equals 1.34 erlangs. From the Erlang C tables this figure would indicate a need for 3, not 6, channels, with 18% of calls blocked during the busy hour.[6] DM's Trent application shows expressions of interest from 132 mobile units, or 66 units after 50% discounting. The expected occupancy is therefore $66 \times 09 = 59.4$ minutes or 0.99 erlangs. This indicates a need for 2, not 3, channels, with 33% of the calls being blocked during the busy hour. In view of the foregoing, we will designate as an issue whether DM's Trent and Abilene applications have demonstrated a need for the three and six frequencies requested.

5. Accordingly, it is ordered, that the captioned applications of Rogers L. Dennis d.b.a. Dennis Mobilfone, File Nos. 20844–CD–P–(4)–81 and 20847–CD–P–(3)–81, Mobile Phone of Texas, Inc., File Nos. 21234–CD–P–(2)–81, 21217–CD–P–(6)–81, 21582–CD–P–(3)–81, 21238–CD–P–(2)–81, 21236–CD–P–(2)–81, 21237–CD–P–(2)–81, and 21215–CD–P–(2)–81, and Wilbur, Inc., d.b.a. Western Communication Service, File No. 21395–CD–P–(2)–81, are designated for hearing in a consolidated proceeding pursuant to Section 309(e) of the Communications Act of 1934, as amended, upon the following issues:

(a) To determine whether Rogers L. Dennis d.b.a. Dennis Mobilfone has demonstrated a need for more than 2 channels at Trent and more than 3 channels at Abilene.

(b) To determine on a comparative basis, the nature and extent of service proposed by each applicant, including the rates, charges, maintenance, personnel, practices, classifications, regulations, and facilities pertaining thereto;

(c) To determine on a comparative basis, the areas and populations that each applicant will serve within the prospective interference-free area within the 39 dBu contours,[7] based upon the standards set forth in § 22.504(a) of the Commission's Rules,[8] and to determine and compare the relative demand for the proposed services in said areas; and

(d) To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the referenced applications would best serve the public interest, convenience and necessity.

6. It is further ordered, that with respect to issue (a) the burden of proof and the burden of proceeding with the introduction of evidence is placed upon Rogers L. Dennis d/b/a Dennis Mobilfone and that with respect to issues (b), (c) and (d) the ultimate burden of proof is placed on each of the applicants as the issue affects them.

7. It is further ordered, that the hearing shall be held at a time and place and before an Administrative Law Judge to be specified in a subsequent Order.

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[1] WCS's application for frequency 454.225 MHz is electrically mutually exclusive (MX'd) with the MPT application at Winters. WSC's application for frequency 454.300 MHz is MX'd with the DM application at Abilene. DM's application for 454.300 MHz at Abilene is MX'd with MPT applications at Hamlin and at Breckenridge. DM's application for 454.025, 454.75 and 454.150 MHz at Trent is MX'd with MPT's application at Abilene. DM's application for 454.100 and 454.200 MHz at Abilene is MX'd with MPT's application at Albany. DM's application for 454.174 and 454.275 MHz at Abilene is MX's with MPT's application at Stamford. DM's application for 454.250 MHz at Abilene is MX'd with MPT's application at Winters.

[2] Section 22.15(i)(2) reads in pertinent part: All applications for new or additional facilities shall identify any other pending applications in this service for new or additional facilities for the same general geographic area that applicant, or any principal thereof, may be a party to or have an interest in, either directly or indirectly.

[3] In File No. 21239–CD–P–2–81, MPT applied for authority to add frequencies 454.050 and 454.125 MHz to station KWH316.

[4] These practices were subsequently enunciated in Public Notice, Mimeo 002411, dated July 27, 1981.

[5] An erlang is the amount of traffic carried by one channel busy 100 percent of the time.

[6] MSD practice has been to withhold authorization of additional channels when the blocking ratio is less than 50%. This standard was adopted by the Commission on an interim basis in its Further Notice of Proposed Rulemaking, Docket No. 20870, 84 FCC 2d 857 (1981). The Erland C tables, used to determine the probability of blocking for a given number of channels and traffic load in erlangs, were made available to the public in a Public Notice, Mimeo No. 0411, dated December 31, 1980.

[7] For the purpose of this proceeding, the interference-free area is defined as the area within the 39 dBu contour as calculated from § 22.504, in which the ratio of desired-to-undesired signal is equal to or greater than R in FCC Report No. R–6404, equation 8.

[8] Section 22.504(a) of the Commission's Rules and Regulations describes a field strength contour of 39 decibels above one microvolt per meter as the limit of the reliable service area for base stations engaged in two-way communications service on frequencies in the 450 MHz band. Propagation data set forth in § 22.504(b) are the proper bases for establishing the location of service contours F(50,50) for the facilities involved in this proceeding. [The applicants should consult with the Bureau counsel with the goal of reaching joint technical exhibits.]

8. It is further ordered, that the Chief, Common Carrier Bureau, is made a party to the proceeding.

9. It is further ordered, that the applicants shall file written notices of appearances under § 1.221 of the Commission's Rules within 20 days of the release of this Order.

10. The Secretary shall cause a copy of this order to be published in the Federal Register.

William F. Adler,

Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 82-34350 Filed 12-17-82; 8:45 am]

BILLING CODE 6712-01-M

[File No. 26103-CL-P-(5)-82; et al.]

Advanced Mobile Phone Service, Inc., et al.; Designating Applications for Consolidated Hearing on Stated Issues

Memorandum Opinion and Order Granting Application and Designating Applications for Hearing

Adopted: December 8, 1982.

Released: December 14, 1982.

In re application of Advanced Mobile Phone Service, Inc., for a Construction Permit to establish a cellular system operating on frequency block B in the Domestic Public Cellular Radio Telecommunications Service to serve the Buffalo, New York, modified Standard Metropolitan Statistical Area; File No. 26103-CL-P-(5)-82.

In re Applications of Western Union Telegraph Company, Celcom Communications Corporation of Buffalo, and Cellular Mobile Corp., for a Construction Permit to establish a cellular system operating on frequency block A in the Domestic Public Cellular Radio Telecommunications Service to serve the Buffalo, New York, Modified Standard Metropolitan Statistical Area; CC Docket No. 82-824, File No. 26070-CL-P-(7)-82, File No. 26156-CL-P-(8)-82, and File No. 26167-CL-P-(8)-82.

1. Presently before the Chief, Common Carrier Bureau, under delegated authority, are the captioned applications, filed by Advanced Mobile Phone Service, Inc. (AMPS), Western Union Telegraph Company (WU), Celcom Communications Corporation of Buffalo (Celcom), and Cellular Mobile Corporation (CMC), for cellular radio systems to serve the Buffalo, New York,[1] Standard Metropolitan Statistical Area (SMSA). WU filed a Petition to Deny AMPS' application.[2] Each of the nonwireline applicants filed Petitions to Deny the other nonwireline applications. Responsive pleadings have been filed.

2. Because we find that the public interest would be served thereby, we are granting the AMPS application.[3] As discussed below, we find that the petitions fail to raise any substantial and material issues requiring designation for hearing. However, the CMC, Celcom and WU applications are electrically mutually exclusive, and accordingly, we are designating those applications for a comparative hearing in accordance with the Commission's Report and Order in CC Docket No. 79-318, 86 FCC 2d 469 (1981), *modified, Memorandum Opinion and Order on Reconsideration,* 89 FCC 2d 58 (1982), and *further modified, Memorandum Opinion and Order on Further Reconsideration,* 90 FCC 2d 571 (1982). We are also requiring that WU modify its application as set forth below.

AMPS Application

3. A petition to defer Commission action on the AMPS application was filed by CMC. We find that it is premature to rule on the petition at this time, for the reasons stated by the Commission in deferring action on identical petitions in the Chicago market. *See Memorandum Opinion and Order Granting Application and Designating Applications for Hearing (Chicago Order),* FCC 82-452, released November 1, 1982, at para. 16.

4. WU argues that AMPS has failed to supply an adequately detailed schedule of proposed charges in its response to item 41 of FCC Form 401 and that AMPS' response is deficient and evasive. WU further alleges that AMPS had the advantage of reviewing the rate structure of its future competitors before specifying its own rates and that AMPS' failure to project its schedule of proposed charges is anticompetitive. We find that Exhibit 8 of AMPS' application, which provides an estimated range of proposed rates, is sufficient to enable us to find that AMPS' proposal will be in the public interest. WU's allegation that AMPS' action is anticompetitive is without merit. To the extent that the allegation refers to the proposed rates, it is premature. These are proposed rates, and the actual rates to be charged by any licensed cellular carrier for the Buffalo market are, in the first instance, within the jurisdiction of New York State regulatory authorities. *NR Recording and Communications, Inc.,* 87 FCC 2d 469 (1981); *Commonwealth Telephone Company,* 61 FCC 2d 246 (1976). If, after AMPS' rates have been considered by the New York Public Service Commission, specific allegations are raised that those rates are anticompetitive, we will then consider the issue. *Id.* See also *Memorandum Opinion and Order on Reconsideration,* 89 FCC 2d 58 at para. 84.

5. WU also argues that AMPS' interconnection arrangements in Exhibit 18 of its application are too vague to allow a potential nonwireline competitor to design a compatible system in accordance with § 22.913(a)(9) of the Rules.[4] We find that this argument is also without merit. Exhibit 18 of AMPS' application and the documents made available by American Telephone and Telegraph Company and described in our May 19, 1982, *Public Notice,* "Cellular Radio System Interconnection Information," Mimeo 4146, provide sufficient information to satisfy Section 22.913(a)(9) at present. WU has not identified any specific deficiency in AMPS' interconnection showing that impairs the potential interconnection rights of WU or the other nonwireline applicants in Buffalo. *See* the Commission's *Report and Order, supra,* at paras. 53-57, and the *Reconsideration Order, supra,* at paras. 47-51.[5] Furthermore, as stated in its *Memorandum Opinion and Order on Further Reconsideration,* 90 FCC 2d 571 (1982), at para. 16, the Commission has not yet adopted a firm policy as to what form of interconnection may be reasonable in any particular situation. Rather, subject to the wireline carrier's duty to provide reasonable and technically suitable interconnection, the Commission has left the particular arrangements to be negotiated among the carriers involved and to be the subject of an intercarrier agreement. *Report and Order, supra,* at para. 56. In addition, many interconnection issues common to all prospective cellular

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[1] As noted in the caption, AMPS, a wholly-owned subsidiary of the American Telephone and Telegraph Company (AT&T), is requesting the wireline allocation (frequency block B) and WU, Celcom, and CMC are requesting the non-wireline allocation (frequency block A) in the Buffalo Market.

[2] A petition to defer Commission action on the AMPS application was filed by CMC. *See* paragraph 3, *infra*

[3] Section 22.901 of our Rules requires that cellular service be provided by an AT&T affiliate only through a separate subsidiary. AMPS has demonstrated in its application that it has met this requirement. Our Rules also require that AMPS submit a cellular capitalization plan for Commission approval. AMPS did submit its plan on May 25, 1982. Our decision here is subject to, and conditioned on, action on the capitalization plan. *See* para. 18, *infra.* We recognize that further approval may be required when ownership in AMPS in Buffalo is changed pursuant to the impending AT&T reorganization.

[4] 47 CFR 22.913(a)(9).

[5] Other arguments raised here by WU regarding interconnection have been addressed in the above Commission decisions and will not be repeated here.

applicants and licensees are presently the subject of discussion among the cellular radio interconnection working groups.[6] Therefore, we conclude that AMPS has satisfied the requirements of our Rules with respect to interconnection.

Celcom Application

6. WU and CMC argue that Celcom has not provided reasonable assurance of the availability of its proposed transmitter sites and has not demonstrated its financial qualifications. WU also argues that Celcom's application does not conform with the Commission's cellular design concepts.

7. *Site availability.* Celcom has attached copies of its site agreements to its reply pleading which adequately demonstrate site availability. To the extent that ambiguity in the application itself prompted WU and CMC to raise objections, that ambiguity is now resolved, and we will not designate an issue based on site availability. *See Alabama Citizens for Responsive Public Television, Inc.*, 59 FCC 2d 1 (1976).

8. *Financial qualifications.* WU advances a number of objections to Celcom's financial qualifications. First, WU argues that Celcom failed to itemize the cost of construction for each cell, and that it failed to furnish a total figure for projected costs of constructing the Buffalo system in compliance with the standards for demonstrating financial qualifications. Second, WU argues that Celcom cannot rely on a letter of commitment for $8.2 million from the Michigan National Bank because the letter refers to the Michigan National Bank as the lead bank in a consortium of banks consisting of holding company affiliates of Michigan National Bank, Mellon Bank and Pittsburgh National Bank. Absent evidence of commitments by the latter two banks, WU alleges that the letter does not provide reasonable assurance of the availability of the loan. Third, WU asserts that Michigan National Bank cannot lend Associated Communications Corp. (Associated), Celcom's parent, and its other cellular subsidiaries $113.5 million because this amount exceeds the bank's lending limit to one customer under federal law. Fourth, WU argues that, since Associated's subsidiaries are relying on the financing package from Michigan National Bank for all of Associated's cellular commitments, Celcom will not have unimpaired or otherwise uncommitted funds of $8.2 million available in Buffalo. Fifth, WU alleges that the Michigan National Bank loan is contingent on collateral that already has been encumbered (Associated's agreement to hypothecate all of its shares of Telecommunications, Inc. common stock to the bank); thus, the loan cannot be relied on to support Celcom's financial capabilities. Sixth, WU alleges that Celcom cannot rely on its parent corporation for its financial showing because Associated is in a precarious financial condition, and it is questionable whether it can meet its own needs for capital. Finally, WU alleges that Celcom's high debt-to-equity ratio and the fact that it is deferring substantial repayments of loan principal beyond its first year of operation make its proposal deficient in that Celcom lacks sufficient funds to survive its second year of operation. Consequently, WU urges the Commission to look beyond one year. As for the second year of operations, WU contends that the failure of Celcom to conduct a viable need survey precludes it from relying upon projected revenues as a source of financing. CMC, in more abbreviated objections, alleges that Celcom has not adequately demonstrated its costs, and failed to demonstrate it has funds to meet these costs.

9. First, in its reply Celcom clarifies its construction costs and operating expenses for one year. Celcom's construction costs for Buffalo are estimated at $4,482,500; this figure is contained in Appendix A to Exhibit 5 of the affirmative case. Celcom also states that initial and operating expenses for the first of operations will total $2,805,727. This figure is contained in Appendix A to Exhibit 5 of the application.[7] Showings of estimated total construction costs and operating expenses for one year satisfy the requirements of our rules, and Celcom is not required to demonstrate the itemized costs for each cell.

10. Second, to finance its system Celcom relies on an $8.2 million loan from the Michigan National Bank. This loan is evidenced by a letter of commitment from the bank dated June 2, 1982, which states that this bank is the lead bank in a consortium of banks consisting of holding company affiliates of Michigan National Bank, Mellon Bank and Pittsburgh National Bank. The letter describes the terms and conditions of the loan, including security provisions, and provides for prior written notice to the FCC before any radio facilities may be repossessed. As additional collateral, Associated is to secure its guarantee by pledging all of its shares of Telecommunications Inc. common stock. Under applicable precedent this letter is acceptable as reasonable assurance that $8.2 million will be available to Celcom for its Buffalo system. *Multi-State Communications, Inc.* v. *FCC*, 59 F. 2d 1117 (D.C. Cir. 1978); *Chicago Order, supra, Merrimack Valley Broadcasting Inc.* 82 FCC 2d 166 (1980).

11. Third, there is a letter from Robert I. Hart, Vice-President, Michigan National Bank dated August 11, 1982, as Attachment F to Celcom's reply. This letter states that Michigan National Corporation may lend up to $42 million to a single borrower (Associated) by apportioning such loan among the bank's various subsidiaries and holding company affiliates of Michigan National Bank, Lansing. It is their intent so to apportion loans to Associated's cellular subsidiaries among Michigan National Bank, Lansing, and its holding company affiliates. In the reply Celcom asserts that the other members of the consortium, Mellon and Pittsburgh National and their holding company affiliates, will pick up the other shares. Thus the $113.5 million loan commitment does not exceed the consortium's lending authority.

12. We address the fourth, fifth and sixth points, which are interrelated, together. Attachment A to Celcom's reply consists of a letter from the Michigan National Bank dated July 30, 1982. The letter states that Michigan National Bank, Mellon Bank and Pittsburgh National are prepared to make all the loans to Associated's cellular subsidiaries, the combined amount of the loans totaling $113.5 million. The letter also states that Mellon and Pittsburgh Banks were

[6] *See* our Public Notices of May 20, 1982, Mimeo 4164, and August 4, 1982, Mimeo 5587, regarding these groups.

[7] Attachment A to Exhibit 5 of the application contained a projected income statement for the Buffalo system for four years after grant of construction permit ("this time period extends approximately one year beyond the completion of the construction of the the initial system"). Attachment B to this Exhibit contained a month by month breakdown of capital requirements for the four-year period, taking into account projected revenues, construction, and other initial and operating expenses. To facilitate review of the application, separate statements of construction costs and operating expenses such as Celcom provided in its reply are preferred. WU also alleges that Celcom's costs estimates are not reasonable. We find that WU and CMC have failed to raise any serious questions that have not been adequately explained by Celcom in its reply. The general allegation that one applicant's estimated costs are lower than another's is insufficient to warrant the addition of a financial issue in hearing. Moreover, Celcom's estimates do not appear unreasonable on their face. *E.g.*, Salem Broadcasting Co., Inc., 37 FCC 2d 115 (Rev. Bd. 1972), and Chicago Order, *supra*.

contacted and agreed to participate.[8] The letter goes on to state that the three banks were aware of: (a) Associated's existing revolving credit agreement with Mellon Bank effective October 29, 1981, (b) Associated's plans to increase the revolving credit amount and (c) Associated's agreement with Mellon Bank to apply the proceeds from any future sales of Telecommunications stock towards the payment of the outstanding balance on the revolving credit agreement. The letter also states that the banks believe that the loans are adequately secured by the commitments of Associated, including its pledge of Tele-Comm, Inc. stock. This pledge, or hypothecation, is not inconsistent with the revolving credit agreement, and the increase in the revolving credit agreement does not detract from the banks' willingness to lend to the Associated subsidiaries the specified amounts. Finally the letter states that all the banks are aware that Associated has filed other noncellular applications with the FCC; that Associated has reported operating losses in recent quarters; that Associated has received authority to purchase an additional radio common carrier business; and that these facts do not detract in any respect from the willingness of the banks to lend to Associated's subisdiaries the amounts specified.[9]

13. Finally, Celcom's application, Appendix D to Exhibit No. 5, contained a statement from Associated agreeing to guarantee the loan made to Celcom and if necessary to pledge its stock in TCI. It further stated that the bank is aware of Associated's similar undertakings in support of the applications of Celcom's sister subsidiaries for cellular mobile telephone systems in other markets. The letter stated that the bank has assured Associated that these undertakings will be sufficient to support all of the commitments it has made to finance each of these proposals. The exhibit also contained Associated's quarterly Securities and Exchange Commission Form 10–Q for the quarter ended March 31, 1982. Associated's net liquid assets pursuant to this report total about $2.8 million. See *Chicago Order, supra* at para. 8.

14. We find that Celcom has provided reasonable assurance that the loan will be available to it. We also find that the financial institutions have expressly acknowledged their awareness of Associated's organization and their satisfaction with the collateral provided. Given these circumstances, there is no basis to second guess the lending institutions' judgment, as WU would have us do, and we need not inquire further into the availability of the loans. In addition, we find Associated and its subsidiaries have demonstrated reasonable assurance of $113.5 million to finance their cellular commitments in the eight markets in which they have applied. To the extent that issues against Associated or any of its subsidiaries in other markets are similar to the ones raised here, these findings will control the disposition of those issues. Any financial issues relevant to specific markets will, of course, be resolved in subsequent orders. Accordingly, we find that no financial issues will be designated against Associated or any of its subsidiaries based on the availability of these loans.

15. Turning to WU's final point, WU asks us to inquire into whether Celcom can operate beyond one year based on a series of broadcast decisions beginning with *Ultravision Broadcasting Co., et al.*, 1 FCC 2d 544 (1965), *A–C Broadcasters, et. al.*, 10 FCC 2d 256 (1967); *Robert Cowan Wagner*, 38 FCC 2d 1187 (1973) and *Midwest St. Louis, Inc.*, 65 FCC 2d 673 (1977). In *Ultravision* the Commission adopted a requirement that applicants for commercial broadcast facilities demonstrate financial ability to operate for one year after completion of construction. In *A–C Broadcasters, et al., supra*, the Commission decided to inquire into an applicant's *second-year* financial qualifications where the applicant did not plan to begin making any repayments of principal and interest on its loans until the second year of operation. In *Midwest, supra*, the Commission said that the "presumption of financial survival after one-year's operation may be rebutted if an applicant's financial proposal is characterized by a high debt-to-equity ratio and deferrals of substantial debt payments outside the first year." *Id.* at 675.

16. The Commission requires cellular applicants to demonstrate financial ability to operate for one year. See 47 CFR 22.917. Celcom has satisfied this requirement. The Commission did not invoke *Ultravision* and its progency for its consideration of cellular applications. In addition, for the following reasons, we do not find it appropriate to inquire into whether an applicant will be able to operate beyond one year, in our consideration of cellular applications.

17. Ultravision and its progency were premised on a broadcast applicant's completing all construction of the station before service could begin. Cellular licensees, in contrast, must complete construction within three years but may begin providing service when the system is partially complete. Thus, they may generate revenue from operations to offset capital costs and operating expenses even as construction progresses. They do not have to complete an expensive system and then try to sell air time or wait until advertising revenues begin to accrue, as do broadcasters. In this regard § 22.917 provides that applicants shall submit additional information (e.g., for the period of proposed construction plus one year operation, a statement of projected revenues and expenses). A forecast of operating revenues based on demand projections where (1) there will be only two systems per market rather than a multitude of entrenched competitors, and (2) there is a recognized pent-up demand for service, clearly distinguishes the cellular service from the cited broadcast cases' underlying rationale.

18. The cellular environment is so different from the broadcast environment that the Commission's concerns about thin capitalization and high debt-to-equity ratios are not particularly relevant here. Given the number of nonwireline applicants in most markets, the high cost of cellular systems, and the competitiveness of the licensing process, if not the marketplace, we could not reasonably apply the same debt-to-equity ratios and other financing standards that were applied in broadcast license cases years ago. Moreover, the Commission has abandoned the *Ultravision* test. *See* Financial Qualifications Standard for Aural Broadcasting Applicants, 69 FCC 2d 407 (1978), and New Financial Qualifications Standard for Broadcast Television Applicants, 72 FCC 2d 784 (1981). In the Public Notice for Aural Broadcast Applicants the Commission stated: "we have been unable to

[8] Associated subsidiaries referred to above are: Celcom Communications Corp. of Georgia, $9.5 million; Celcom Communications Corp. of Pennsylvania, $15.6 million; California Celcom Communications Corp., $15 million; Celcom Communications Corp. of Pittsburgh, $14.5 million; Celcom Communications Corp., $23.4 million (NY); Celcom of Florida, $9 million; and Celcom of Michigan, $18.3 million, including the $8.2 million for Buffalo. All of these loans were evidenced by a letter of commitment from the bank for each individual market.

[9] On September 13, 1982 Associated's President submitted a letter under § 1.65 of the Rules which states that the October 29, 1981, revolving credit agreement was terminated on August 26, 1982, and Associated has entered into a new revolving credit agreement secured by an interest in the stock of Associated subsidiaries which are FCC licenses of certain radio stations and a security interest in the stock of another subsidiary, Associated American Artists, Inc. In addition, the amounts advanced under the agreement are not to exceed 50 percent of the market value of TCI stock owned by Associated.

conclude that the failure rate of AM or FM radio stations has been substantially affected by Ultravision." *See also, Merrimack Valley Broadcasting, Inc.*, 82 FCC 2d 166 (1980), where the Commission stated that there is no longer a place for our traditional second year financial issue.

19. We conclude that Celcom has adequately demonstrated its financial qualifications to construct its proposed system and operate it for one year as required by § 22.917 of the Rules.[10]

20. *Cellular design concept.* WU argues that Celcom's alleged failure to furnish a statistically valid need survey raises serious questions about the validity of its cellular system design and its projected method of expansion, rendering the application deficient under Rules § 22.913(a) (4) and (5).[11] Our rules do not require submission of a need survey. Celcom has submitted exhibits describing its system design and expansion plans which meet our requirements. System design and proposed system expansion are issues to be examined in the comparative portion of this proceeding. *Report and Order, supra,* at 502–03. Accordingly, we decline to designate a basic qualifying issue with respect to this matter.

WU Application

21. Celcom argues that WU's application must be dismissed because its proposed cellular Geographic Service Area (CGSA) extends into the Rochester, New York, SMSA, which is a central SMSA, in violation of Rules § 22.903(a).[12] CMC claims that WU has failed to demonstrate site availability[13] and has improperly proposed to provide cellular mobile equipment to customers under tariff.

22. *Extension of CGSA.* WU's proposed Cellular Geographic Service Area (CGSA) for Cell Site F (Lockport) extends into the central Rochester SMSA.[14] Pursuant to Rule 22.903(a), a CGSA may not extend into another central SMSA. In the *Chicago Order, supra,* the Commission allowed an applicant to cure this defect with a conforming amendment. Therefore, we will require here that WU file a conforming amendment to bring the nonconforming CGSA and 39 dBu contour for Cell F (Lockport) into compliance with the rules. the amended 39 dBu contour and CGSA shall not cover any area in the SMSA not previously covered by the nonconforming 39 dBu contour. This amendment should consider the effects, if any, that this change may have on other parts of the application. Due to this circumstance, brief extensions of time may be granted at the discretion of the administrative law judge.

23. *Tariff Issue.* CMC's argument that WU improperly proposes to provide mobile equipment under tariff is without merit. In its reply, WU states that the schedule of equipment charges, which was attached to its model tariff, was not intended to be part of the tariff. Further, WU unequivocably states that it has no intention to offer mobile equipment under tariff.[15] Accordingly, we find nothing improper in WU's listing cellular mobile equipment charges in its application.

CMC Application

24. *Financial qualifications.* Celcom and WU argue that CMC has not demonstrated its financial qualifications to construct and operate its proposed system. We find this argument to be without merit. Graphic Scanning Corp. (Graphic), CMC's parent company, has committed itself to fund $5,300,000 for the Buffalo CMC Cellular system. The Graphic commitment letter covers the projected costs of construction and operation for one year and specifically states that none of these funds have been committed to other cellular system applications or to other projects.[16] We find that this satisfies the requirement of Rules § 22.917(b) that resources used to demonstrate financial ability regarding one cellular system may not include funds committed elsewhere. In the *Chicago Order,* FCC 82–452, the Commission found that Graphic and its cellular subsidiaries have provided reasonable assurance that they will have sufficient funds available to cover construction of 30 cellular systems in the top 30 markets. The Commission further concluded that no financial issues should be designate for hearing against any Graphic subsidiary based on the ability of Graphic to finance the construction and operation for one year of 30 cellular systems. Those findings control the disposition of the arguments here.

25. We have also considered the other objections made against CMC's application and we find that they raise no substantial issues. These allegations involve (a) site availability, which we find CMC has adequately demonstrated; (b) lack of technical qualifications or ineptness in preparing the application, which either fail to raise a substantial issue[17] or (with respect to the technical proposals) will be examined in the comparative portion of this proceeding; and (c) character allegations against Graphic, which will be examined as stated at note 21 and para. 35, *infra.*

Conclusions

26. Based on our analysis of the applications and our resolution of the contested issues in this order, we find the applicants to be legally, technically, financially and otherwise qualified to construct and operate their proposed cellular systems. As indicated in our previous discussions, the captioned WU application does not comply with one of the cellular rules. In the *Chicago Order,* at para. 17, the Commission determined that inflexible application of the rules to applications in the 30 largest markets would not be in the public interest. Accordingly, we are requiring WU to bring its application into conformance with the rules as specified in this order. We emphasize that the amendment ordered here may not be used to give WU a comparative advantage in the hearing proceeding. As the Commission stated in the *Chicago Order,* in markets for which applications have not yet been filed, strict conformance with the rules will be required, and absent unusual circumstances, the applicants will not be allowed to amend nonconforming applications. We further find that the grant of the AMPS application as

[10] Assuming, *arguendo,* that we followed the broadcast cases as urged by WU, we would not have designated a second year financial issue against Celcom. This is not a case where the applicant established its financial qualifications only because it deferred fixed charges; Celcom did not defer substantial debt payments outside the first year, and it's estimates show it would be paying interest on its loan and all other fixed costs in its first year of operations.

[11] 47 CFR 22.913(a)(4)(5).

[12] 47CFR 22.903(a).

[13] Like Celcom, *see* para. 7, *supra,* WU adequately answered all questions about site availability in its reply pleading. Accordingly, we will not address this objection further.

[14] *See* Public Notice, "Cellular Application Filing Procedures,;; Mimeo 2973, March 24, 1982, Mimeo 567, November 1, 1982.

[15] The Commission has prohibited tariffing of cellular mobile equipment as part of a common carrier communication service. *See* Reconsideration Order, *supra,* at para. 59.

[16] WU also filed a Motion to strike two letters attached to CMC's reply pleading concerning CMC's financial showing. The information submitted was appropriate for responding to the Petitions to Deny the application and will not prejudice any other party. Both letters merely clarified letters submitted in the application. Accordingly, the Motion to Strike is denied.

[17] One technical point raised by WU was the identification of CMC's proposed control point location in the engineering exhibits attached to CMC's FCC Form 401. The control point was not identified directly in response to items 10 and 11 of the Form 401. While CMC's engineering exhibits do demonstrate that CMC has selected a control point location, applicants are expected to complete items 10 and 11, instead of cross-referencing the engineering exhibits, to facilitate review of the application.

conditioned below, will serve the public interest, convenience and necessity.

27. Accordingly, it is ordered that the application of Advanced Mobile Phone Service, Inc., File No. 26103–CL–P–(5)–82, IS GRANTED, conditioned upon the Commission's action on the AT&T Cellular Capitalization Plan submitted on May 25, 1982, as provided by § 22.901(d)(3) of the Commission's Rules.[18]

28. It is further ordered, pursuant to Section 309 of the Communications Act of 1934, as amended, that the applications of Western Union Telegraph Company, file No. 26070–CL–P–(7)–82, Celcom communications corporation of Buffalo, file No. 26156–CL–P–(8)–82, and Cellular Mobile Corp., file No. 26167–CL–P–(8)–82, are designated for hearing in a consolidated proceeding upon the following issues:[19]

(a) to determine on a comparative basis the geographic area and population that each applicant proposes to serve;[20] to determine and compare the relative demand for the services proposed in said areas; and to determine and compare the ability of each applicant's cellular system to accomodate the anticipated demand for both local and roamer service;

(b) To determine on a comparative basis each applicant's proposal for expanding its system capacity in a coordinated manner within its proposed CGSA in order to meet anticipated increasing demand for local and roamer service; [21]

(c) To determine on a comparative basis the nature and extent of the service proposed by each applicant, including each applicant's proposed rates, charges, maintenance, personnel, practices, classifications, regulations and facilities (including switching capabilities); [22] and

(d) To determine, in light of the evidence adduced under the foregoing issues, what disposition of the referenced applications would best serve the public interest, convenience and necessity.

29. It is further ordered that the Separated Trial Staff (the Hearing Division and other individuals specifically designated) of the Common Carrier Bureau is made a party to the proceeding.[23]

30. It is further ordered, that the applicants shall file written notices of appearances under §22.916(b)(3) of the Commission's Rules within 10 days after publication of this order in the **Federal Register.**

31. It is further ordered, that the hearing shall be held according to the procedures specified in §22.916 of the Rules, except as otherwise noted herein, at a time and place and before an Administrative Law Judge to be specified in a later order.

32. It is further ordered, that exceptions to the initial decision of the Administrative Law Judge under §1.276 of the Commission's Rules shall be taken directly to the Commission.

33. It is further ordered, that Western Union Telegraph Company is directed to file the conforming amendment specified in this order within 15 days after publication of this order in the **Federal Register** and that all applicants are directed to file rebuttal cases under §22.916(b)(4) of the Rules within 45 days rather than 30 days after publication of this order in the **Federal Register.**

34. It is further ordered that, the Petitions to Deny filed by Western Union Telegraph Company, Celcom Communications Corporation of Buffalo and Cellular Mobile Corporation and Western Union Telegraph Company's Motion to Strike are denied.

35. It is further ordered, that any authorization granted to CMC as a result of the comparative hearing shall be conditioned on, and without prejudice to, reexamination and reconsideration of that company's qualifications to hold a cellular license following a decision in the hearing designated in *A.S.D. Answering Service, Inc., et al.*, FCC 82–391, released August 24, 1982, and shall be specifically conditioned upon the outcome of that proceeding.

36. It is further ordered, that any authorization granted as a result of this proceeding shall be conditioned upon obtaining the appropriate antenna structure clearances and Canadian coordination where needed.

37. This Order is issued under §0.291 of the Commission's Rules and *Order Delegating Authority*, FCC 82–435, released October 6, 1982, and is effective on its release date. Petitions for reconsideration under Section 1.106 or applications for review under §1.115 of the Rules may be filed within the time limits specified in those sections. See also Rule 1.4(b)(2).

38. The Secretary shall cause a copy of this order to be published in the **Federal Register.**

Gary M. Epstein,

Chief, Common Carrier Bureau.

[FR Doc. 82–34349; Filed 12–17.82; 8:45 am]

BILLING CODE 6712–01–M

[18] The authorization also will be conditioned upon AMPS obtaining the appropriate antenna structure clearances. AMPS will not be authorized to render service to the public during service tests even after it files FCC Form 403 for a license to cover. Service to the public cannot commence until the covering license becomes effective. Equipment tests, however, may be conducted. AMPS' authorization (FCC form 463) will reflect these conditions.

[19] There are two issues that are not to be considered in the comparative hearing. The first is the financial qualifications of the applicants. Financial ability is a basic rather than a comparative qualification for cellular licensing. Cellular Communications Systems, 86 FCC2d 469, 501–02 (1981). We have found the applicants included in the comparative hearing to be financially qualified. The second issue not to be considered is the qualifications of Cellular Mobile corporation or its parent Graphic, to the extent that such qualifications may be affected by the issues included in the Commission' s order designating certain 35 and 43 MHz paging applications for hering. A.S.D. Answer Service, Inc., *et al. (ASD)*, FCC 82–391, released August 24, 1982. Those issues will be thoroughly reviewed in that separate proceeding and should not be reargued in the context of a cellular hearing. As set forth in para. 32, *infra*, the Commission reserves the right to reexamine and reconsider the qualifications of Cellular Mobile Corporation to hold a cellular license should *ASD* be resolved adversely to any of CMC's affiliate or parent companies or to any of their principals. *See Chicago Order*, at n. 19.

[20] For purposes of comparison, the geographic area that an applicant proposes to serve includes that area within the proposed 39 dBu contours which, in turn, falls within the proposed Cellular Geographic Service Area and the relevant Standard Metropolitan statistical Area. Consideration should be given to the presence of densely populated regions, highways and areas likely to have high mobile usage characteristics as well as indications of a substantial public need for the services proposed. *See* 86 FCC 2d at 502.

[21] In making this comparison, preference should be given to designs entailing efficent frequency use, including not only the applicant's plans with regard to cell-splitting and additional channels, but also the degree of frequency reuse the system will be capable of, and the applicant's ability to coordinate the use of channels with adjacent or nearby cellular systems. *See* 86 FCC 2d at 502-03.

[22] *See* 86 FCC 2d at 503 for a discussion of the relative importance of the evidence submitted under this issue.

[23] Members of the Separated Trial Staff are non-decision making personnel and they will not participate in decision making or agency review on an *ex parte* basis in this case, either directly or through contact with other Common Carrier Bureau personnel. Any investigative or prosecuting functions will be performed by the Separated Trial Staff in connection with its role as a party to the adjudication of these cellular radio applications. All other personnel of the Common Carrier Bureau, unless identified in a subsequent order as required to be separated, are designated as decision-making and they may advise the Commission as to the ultimate disposition of any appeal of an Initial Decision in this proceeding. *See* Communications Act of 1934 as amended section 409(c) [47 U.S.C. 409(c); Administrative Procedure Act section 554(d) [5 U.S.C. 554(d)]; §1.1221 of the Commission Rules.

[FCC 82–542]

Prescription of Revised Percentages of Depreciation Pursuant to the Communications Act, as Amended, for Bell Telephone Co. of Nevada, et al.

AGENCY: Federal Communications Commission.

ACTION: Depreciation Rate Prescription Order.

SUMMARY: Pursuant to Section 4(i) and 220(b) of the Communications Act of 1934, as amended, 47 U.S.C. 4(i) and 220(b), Federal Communications Commission has ordered the Bell system operating companies to apply the percentages of depreciation which are set forth in Appendices 1 and 2 [1] of the Order. The nine Bell companies filed for revised depreciation rates for various accounts and submitted studies and data to substantiate their request. The intended effect of this action is to charge, as accurately as circumstances will allow, the cost of the consumption of depreciable assets to the periods in which the assets are useful in the production of revenues.

EFFECTIVE DATE: The Companies are to apply the depreciation rates as of the date or dates set forth in Appendices 1 and 2 of the Order. In no case is an effective date prior to January 1, 1982.

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

FOR FURTHER INFORMATION CONTACT: Kenneth P. Moran, Chief, Depreciation Rates Branch, (202) 634–1730.

SUPPLEMENTARY INFORMATION:

In the matter of the Prescription of Revised Percentages of Depreciation pursuant to Section 220(b) of the Communications Act of 1934, as amended for: Bell Telephone Company of Nevada, The Bell Telephone Company of Pennsylvania, Cincinnati Bell, Incorporated, The Diamond State Telephone Company, The Mountain States Telephone and Telegraph Company, New England Telephone and Telegraph Company, New Jersey Bell Telephone Company, Pacific Northwest Bell Telephone Company, The Pacific Telephone and Telegraph Company.

Order

Adopted: December 8, 1982.

Released: December 1, 1982.

I. Introduction

1. Section 220(b) of the Communications Act of 1934, as amended, 47 U.S.C. 220(b), states that the Commission shall, as soon as practicable, prescribe classes of property for which depreciation charges may be included in operating expenses and the percentages of depreciation which shall be charged to each of the classes. It also states that the Commission may, when it deems necessary, modify the classes and percentages so prescribed.

2. By this order we prescribe revised percentages of depreciation (depreciation rates) for the nine Bell Operating Telephone Companies (BOTC's) listed on page 1 using both the straight line vintage group remaining-life (remaining-life) and straight line equal life group (SLELG) methods.

II. Background

A. *Remaining-Life Method.* 3. Prior to 1981, we had only used the straight line vintage group whole-life (whole-life) depreciation method in prescribing depreciation rates for telephone companies' plant. Using this method, we had attempted to determine the appropriate depreciation accruals applicable to each year's operations using current estimates of life and net salvage. As estimates of life and net salvage changed over time, the whole-life rates were changed in accordance with these changes in estimates. However, using whole-life concepts, no attempt was made to adjust the rates to allow for reserve surpluses or deficits resulting from the cumulative over- or under-estimation of life and net salvage factors. This changed with our final decision in FCC Docket No. 20188, 83 FCC 2d 267 (1980), *reconsideration,* 87 FCC 2d 916 (1981), where we revised Part 31 of the Rules and Regulations, the "Uniform System of Accounts for Class A and B Telephone Companies," to allow the use of the remaining-life depreciation method. The remaining-life method is designed to distribute the unrecovered cost (original cost less the sum of the depreciation reserve and future net salvage) of a group of assets over its estimated average life expectancy; thus, this procedure includes an adjustment which allocates any reserve deficit or surplus over the estimated average remaining life.

4. As noted in Docket No. 20188, prior to 1981 the BOTC's did not maintain depreciation reserves by plant account, but rather as one overall reserve balance. Therefore, remaining-life rates could not be determined for the BOTC's until their overall depreciation reserves were allocated to the various plant accounts. In our Supplemental Opinion and Order in Docket No. 20188, 87 FCC 2d 1112 (1981), we concluded that the historical recordation of debits and credits is the method by which the accumulated depreciation reserve should be allocated to individual plant accounts and thereafter maintained. We stated that carriers should disaggregate the overall reserve and that henceforth each carrier should maintain depreciation reserves for each category of property for which we prescribe depreciation rates.

5. We directed the staff to phase in the implementation of remaining-life depreciation rates in conjunction with the normal triennial represcription cycle (see paragraph 11). Implementation began with the companies that were regularly schedules for review in 1981. Those companies submitted studies requesting revised depreciation rates using remaining-life method. After a complete review, we adopted remaining-life depreciation rates for those companies in January. *See* FCC 82–39, 88 FCC 2d 1223 (1982). Remaining-life rates for the carriers normally scheduled for review in 1982 (see the list on page 1 of this order) were reviewed in detail this year. Our findings and conclusions regarding these rates are discussed beginning in paragraph 27.

B. *Straight Line Equal Life Group Method.* 6. In Docket No. 20188, we also amended our rules to permit the use of the SLELG depreciation method for new additions to plant as an alternative to the straight line vintage group (SLVG) method, provided that adequate data is available for the proper application of the method.

7. The primary differences between the SLELG and SLVG methods lie in the definition of the basic depreciation groups and in the approach each takes in spreading the original cost of assets comprising the basic groups over their estimated average service lives. While SLVG forms its basic groups by combining all units placed in one year (i.e., a vintage group), SLELG creates its basic groups by combining all units within each vintage group which share an equal life expectancy (i.e., an equal life group). While the SLVG method is designed to depreciate 100% of the original cost of a vintage, on average, over the life cycle of each vintage, the SLELG method is designed to depreciate 100% of the original cost of each plant unit over its life. As a consequence, if projections are accurate, the SLELG method should allow for depreciation at a rate more representative of the actual consumption of units of property than SLVG. We concluded in Docket No. 20188 that the proper application and monitoring of this method would not only enhance the carriers' cash flow and present to all interested parties a more accurate and objective financial picture of the carriers' operations and capital requirements, but would also benefit their customers by encouraging innovation and the introduction of new technology.

8. Under both the SLVG and SLELG methods, retirement projections, service life estimates, and depreciation rates are normally determined, in part, through

[1] Appendices 1 and 2 are filed as a part of the original document.

the use of survivor curves. These survivor curves define the relationship between the age of plant investment and the relative percentage expected to remain in service. Under the SLELG methodology, the survivor curves assume an added significance—that of defining the basic (equal life) groups. Under the SLVG method, most surviror curves have been selected only after the staff has completed detailed statistical analysis of historical retirement data. With the added significance of the survivor curves in the SLELG method, the availability and analysis of historical retirement data become even more important.

9. We recognized the importance of adequate data in Docket No. 20188 where we found that the SLELG method is acceptable, provided that:

> * * * It is assured that adequate data is available for proper application of the method; that record keeping and reporting practices will enable monitoring of the reasonableness of the rate of allocation of both original cost and provisions for salvage and removal; that such allocation of original cost will achieve allocation over the service life of the property neither more nor less than 100% of the investment net of salvage value.

Accordingly, we directed the staff to take such measures as may be necessary to insure the measurability and accountability of the results under the SLELG method.

10. We further directed the staff to phase in the implementation of SLELG depreciation rates beginning with the outside plant accounts, followed by the central office equipment accounts, and concluding with all other plant accounts. In accordance with this directive, the staff reviewed SLELG rates for the outside plant accounts for four GTE companies last year, and in January of this year we adopted SLELG rates for new additions to most of the outside plant accounts for those carriers. *See* FCC 82-53, 88 FCC 2d 1567 (1982). In addition, SLELG rate proposals were reviewed for the outside plant accounts for most of the remaining companies not scheduled to undergo a complete review of depreciation rates in 1982. As a result of that review, we adopted SLELG rates for most of the outside plant accounts for those companies in July. *See* FCC 82-353, 90 FCC 2d 964 (1982) and FCC 82-354, 90 FCC 2d 997 (1982). SLELG rates for the central office equipment and outside plant accounts of the carriers listed on page 1 of this order were also reviewed in detail this year. Our findings and conclusions regarding these rates are discussed below beginning in paragraph 28.

C. *Companies Scheduled for Review During 1982.*

11. Since the late 1940's, the Commission has reviewed and prescribed the depreciation rates of approximately one-third of the larger FCC-subject telephone companies each year. In most cases we have prescribed rates for a carrier only after the following actions have been completed:

(1) Submittal of depreciation studies by the carrier.

(2) Staff review of the carrier's filings and studies in support of its proposed life and salvage factors.

(3) Independent staff analysis of such information as the carrier's plant mortality data and equipment retirement plans.

(4) Preparation of preliminary staff recommendations.

(5) Discussion of the carrier's filings and the preliminary Commission staff proposals at a conference in which representatives of the carrier and the staffs of the respective state commissions and the FCC participate (i.e., a three-way meeting).

12. In conjunction with the normal triennial represcription cycle, the nine companies whose rates are under consideration here submitted studies proposing new depreciation rates based upon revised life and salvage estimates, using the remaining-life method for all plant accounts and the SLELG method for new additions to the outside plant and central office equipment accounts. These studies were reviewed in detail by the staff, which then prepared its own preliminary life, net salvage, and rate proposals and forwarded them to the companies and the respective state commissions. Some of the state commissions prepared similar studies and recommendations. Three-way meetings were held at which the life, net salvage, and rate proposals of all three parties were thoroughly discussed.

13. Because this was the first time SLELG rates were being proposed for the central office equipment accounts, considerable analysis was required. As a result, in certain instances, the staff was unable to submit its SLELG recommendations prior to the three-way meeting. After completing its analysis and arriving at recommendations, the staff, on October 4, 1982, issued a public notice (Report No. 2967)[2] entitled, "Depreciation Rate Prescriptions Proposed For Domestic Telephone Companies." This public notice summarized the FCC staff's proposals for new or revised depreciation rates and the change in depreciation expense that would result if those proposed depreciation rates were approved. On October 5, 1982, the staff transmitted to each company and respective state commission a copy of the October 4 public notice, schedules containing the proposed remaining-life and SLELG rates, and a discussion of the staff analysis underlying the proposed SLELG depreciation rates. After further analysis and discussion (primarily through telephone conversations and correspondence) the staff revised its SLELG proposals for certain of the central office equipment accounts. In an October 19, 1982 letter to the companies and the respective state commissions, the staff discussed these changes and the underlying reasons for the changes.

14. For most of the companies under review, agreements regarding the life, and net salvage estimates were reached between our staff, the companies, and the respective state commission staffs. There were a few instances in which three-way agreement was not reached and those instances are discussed below, beginning in paragraph 27.

III. Summary of Comments

15. Comments in response to the October 4 public notice were received from the state regulatory commissions of California, Maine, New Mexico, Oregon, Washington and Wyoming. American Telephone and Telegraph Company (AT&T) filed comments on behalf of itself and the BOTC's. Pacific Northwest Bell (PNB) and Cincinnati Bell (CBI) filed separate comments.

16. All respondents who commented on effective dates supported the prescription of depreciation rates on the effective dates requested by the companies. AT&T noted that in the past the BOTC's usually opted for revised rates effective retroactively to the first of the year in which they had been filed. AT&T now believes that it has become necessary to allow for alternative effective dates, depending on the circumstances of each company, in order to provide a better opportunity for each company to match its revenues with its depreciation expenses. AT&T noted that the Commission has already recognized the need to allow depreciation rates effective at various times throughout the year of filing in its Order on Reconsideration in Docket No. 20188, *supra*. PNB, CBI, and the California Commission generally concurred with the AT&T opinion on effective dates. CBI noted that it believes the choice of effective date is its own under § 43.43(e) of our rules. It also commented that if a January 1, 1982, retroactive effective date were adopted, CBI would have to charge an extra five

[2] The public notice was erroneously dated October 1, 1982; however, October 4, 1982 is the correct issue date.

months of depreciation expense against its 1982 operations. CBI further stated that it had not budgeted for this extra expense and has no possibility of matching this expense with actual revenues approved by the state commissions. PNB commented along the same lines emphasizing the need to prevent a substantial mismatch of revenues and depreciation expense. The California Commission stated that it was concerned that the FCC's adoption of retroactive effective dates could have an adverse impact on Pacific Telephone & Telegraph's (PT&T's) earnings level, equity value, and bond rating and that it would not be in the interest of either the company or the ratepayer. California stated that, if the proposed changes in depreciation expense were approved retroactively, PT&T would show a large, unrecovered depreciation expense with no corresponding revenues until new revenue rates were approved by California in 1983. California commented that it has, in the past, allowed concurrent booking of depreciation rate changes and the resulting revenue rate changes. The Oregon Commission recommended the approval of the effective dates proposed by PNB.

17. The proposed use of the remaining-life and SLELG depreciation methods was questioned in comments from the Maine, New Mexico and Wyoming commissions. These commissions asserted that it is their right to rule on the use of these methods for their intrastate jurisdictions. The California Commission noted that it supports the use of the remaining-life method, but that it objects to the use of the SLELG method because its adoption would increase subscriber rates and impose an added administrative burden. AT&T and the Oregon Commission supported the use of both the remaining-life and SLELG methods.

18. AT&T and PNB agreed with the FCC staff on most of the SLELG rates proposed; however, they disagreed with the FCC staff position that SLELG treatment should not be allowed for the COE-Step-by-Step and COE-Crossbar accounts on the grounds that they are "dying" accounts that will be almost fully retired within a few years. AT&T stated that, although these are "dying" accounts, investment of significant size will be added to these accounts over the next several years and that remaining-life rates would provide first year accruals of only one-half those provided by SLELG rates. AT&T also asserted that its detailed retirement plans for these accounts provide a sound basis on which to determine SLELG depreciation rates. Additionally, it stated that the FCC, in approving the SLELG method, left room for judgment as to what constitutes adequate data, and that in the exercise of this judgment weight should be given to the Commission's decision that SLELG is a preferred method. AT&T contended that the use of the SLELG method for "dying" accounts is important in that it helps prevent the deferral of capital recovery beyond the physical life of the property.

19. AT&T and PNB stated that it is appropriate to use SLELG rates for accounts, such as aerial wire, in which aged retirements are not maintained by most carriers. They stated that failure to do so would be tantamount to continuing to tolerate the infirmities of SLVG. They further stated that the records currently maintained by the BOTC's are adequate to support SLELG depreciation rates for these accounts.

20. AT&T, PNB, and the Oregon and Washington commissions stated that PNB's proposed depreciation rates for the COE-Electronic account are appropriate. AT&T and PNB stated that the life estimates for the COE-Electronic account were developed using the life cycle approach and were supported by PNB's planning engineers. They argued that the Commission should prescribe the rates proposed by PNB and not rely on "narrow, technical" factors to reject this company-specific estimate in favor of the FCC staff's proposal.

IV. Discussion of Issues

A. *Effective Dates.* 21. With few exceptions, prior to 1981, depreciation rates were prescribed retroactively to the beginning of the year in which they were filed. This appeared to be a reasonable practice inasmuch as the rates were based on depreciation studies as of that date (i.e., January 1). In 1981, with the initial implementation of the remaining-life and SLELG depreciation methods, many companies requested effective dates other than January 1, 1981. The companies maintained that, because of the controversy surrounding the Commission's approval of the new methods, it would be difficult to get approval of revenue rate increases from state commissions until the FCC had actually ordered new depreciation rates. The companies were also concerned that the states would not allow any retroactive revenue rates to match retroactive prescription of depreciation rates. After considering the regulatory and financial reporting aspects of this issue, we determined that, during this transitional period from whole-life to remaining-life and SLELG methods, we would allow the booking of the new rates on the various effective dates proposed by the companies. *See* FCC 82-39, *supra.*

22. This year the companies filed for effective dates ranging from January 1, 1982 to January 1, 1983. They argued that Section 43.43(e) of our rules and our Order on Reconsideration in Docket No. 20188, supra, allow—at the discretion of the company—the booking of new depreciation rates retroactively to a date no earlier than the first of the year in which they were filed. Section 43.43(e) of our rules states:

> Unless otherwise directed . . . proposed changes in depreciation rates shall be filed at least ninety (90) days prior to the last day of the month with respect to which the revised rates are first to be applied . . . and such rates *may be made retroactive* to a date not prior to the beginning of the year in which the filing is made. [Emphasis added.]

The companies also cited the Order on Reconsideration in Docket No. 20188, 87 FCC 2d 916 at paragraph 16, where we stated:

> * * * Retroactive application of the depreciation rates to the beginning of the year is permissive, not mandatory.

23. We maintain our belief that as a matter of sound accounting, depreciation rates should be applied on dates corresponding as closely as possible to the date of the underlying depreciation study. In Docket No. 20188, we determined that proper capital recovery is predicated, in large measure, upon the timely application of the correct depreciation rates. We also noted that, if inaccurate depreciation rates are applied, the resulting misstatement of operating expenses could harm present and potential investors and, ultimately, ratepayers by denying them and the regulators an accurate, objective financial picture of the companies' operations and capital requirements.

24. Nevertheless, we agree with the companies that, during this period of continuing transition to the new methods, retroactive booking of depreciation rates would create uncertainties which, contrary to our intent, may deny some companies a reasonable opportunity to achieve capital recovery. The use of these new methods has resulted in both significant depreciation expense changes and in the requirement for additional company studies to support prescriptions. There has also been resistance on the part of some states to accept remaining-life and SLELG rates at all, and there may be a concomitant reluctance by certain state commissions to grant intrastate revenue rate increases until we actually

prescribe depreciation rates using the new methods. We shall, therefore, accept the effective dates as filed by the companies.

B. *Use of SLELG.* 25. In our decision in Docket No. 20188 we considered the arguments expressed by the parties for and against the use of the SLELG method and determined that, provided adequate data is available, the use of SLELG rates is appropriate. In the discussion in the Final Report and Order we found that the use of SLELG comports with the mandate of Section 1 of the Communications Act, "to make available . . . a rapid, efficient, nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges . . ." 47 U.S.C. § 151. We reaffirmed our decision allowing the use of SLELG in the Order on Reconsideration as well as in three prescription orders approved this year (i.e., FCC Nos. 82–53, 82–353, and 82–354). Nevertheless, several states have again questioned whether the use of SLELG rates is warranted. Inasmuch as these states have not raised any new arguments or evidence regarding the use of SLELG rates, we have no basis to reverse our decision on this matter. Our rules, as amended in Docket No. 20188, clearly allow the use of SLELG for accounts in which adequate data is available to properly apply and monitor it. Therefore, we will allow its use.

C. *Preemption of States.* 26. Several state commissions stated that they have not approved remaining-life and SLELG procedures for their jurisdictions. The presence or absence of state commission approval of remaining-life and SLELG rates does not control the prescription of remaining-life or SLELG rates in this order. The prescription of depreciation rates is plainly a matter within the Commission's jurisdiction under Section 220(b) of the Communications Act. We do not decide in this order the effect of our prescribing these rates for intrastate ratemaking purposes. Rather, the preemptive effect of this Commission's accounting and/or depreciation determinations is before us in a separate proceeding initiated by a further *Petition for Reconsideration* filed by AT&T in Docket No. CC 79–105, 85 FCC 2d 818 (1981), *recon.*, 89 FCC 2d 1094 (1982), and a *Petition for Declaratory Ruling* filed by the General Telephone Company of Ohio.

D. *Life and Net Salvage Factors.* 27. Three-way agreement at the staff level (i.e., the staffs of the FCC, the companies, and the state commissions) as to life and salvage factors was reached in nearly all accounts and jurisdictions, with the following exceptions: Mountain Bell in Wyoming for COE-Crossbar, New England Telephone in Maine for various central office equipment, terminal equipment and outside plant accounts, and Pacific Northwest Bell in Idaho, Oregon, and Washington for COE-Electronic. After the three-way meetings, the companies filed for revised depreciation rates proposing their own recommendations where three-way agreement was not reached. The October 4, 1982, public notice on which comments were requested, reflected the FCC staff's proposals for these accounts. In certain instances the company and FCC staff positions were identical.

28. At the three-way meeting and in subsequent correspondence, the Wyoming Commission voiced its objections to the COE-Crossbar depreciation rate proposed by Mountain Bell. It stated that it is not economically sound to dispose of modern equipment (i.e., crossbar) that is providing adequate service. On the other hand, Mountain Bell has analyzed its central offices and determined an equipment modernization program that it believes will minimize overall revenue requirements to its customers. The FCC staff reviewed the company's proposed retirement program for Wyoming and found that it was not unusual or accelerated compared with other jurisdictions. In fact, retirements in Wyoming are planned at a slower rate than in most jurisdictions. We do not decide here whether the company's retirement program is sound or otherwise in the public interest. This issue is a matter which can be resolved in state and Federal rate proceedings when the carrier seeks to recover its depreciation expenses. Our purpose here, in the depreciation process, is to forecast if Mountain Bell's retirement program is attainable and if it is likely to be carried out. In other words, the effort here is to estimate the life and salvage characteristics and not to decide upon the propriety of company policy. The retirement program in Wyoming is more conservative than retirement programs for most BOTC jurisdictions; as a result, we believe it is not unreasonable to expect that the program will be carried out. Consequently, we agree with the carrier's filing in this instance.

29. At the three-way conference the Maine Commission expressed its concern that New England Telephone and Telegraph Company's (NET's) proposed life estimates for many accounts were too short. Maine stated that NET's planned crossbar retirements were not considered to be in the best interests of the rate-paying public. NET disagreed. It stated that replacing crossbar switching offices with electronic switching offices is in the best interest of both the company and its customers. Among the reasons NET offered in support of crossbar replacement are projected savings in maintenance expense and floor space requirements and benefits derived from increased revenues from new vertical services. Again, we do not decide here whether the company's crossbar replacement program is in the public interest, but rather, if the program is attainable and is likely to be carried out. Staff analysis shows that, to date, the COE-Crossbar retirements forecast by NET have been on target. Furthermore, NET's overall retirement program is somewhat conservative in comparison with other jurisdictions. As a result, at this time we have very little reason to doubt that the replacement of COE-Crossbar will take place in accordance with the timetable described by the company. We, therefore, believe that NET's life estimates for COE-Crossbar are credible.

30. The Maine Commission also stated that lives proposed by NET for several terminal equipment accounts were also too short. Maine stated that life indications for the Telephone and Miscellaneous account remained high despite competition. The company stated its belief that changes in customer demand, equipment obsolescence, competition and regulation will cause an acceleration of retirements in the future, thus causing life indications to decline. We agree with the Maine Commission that an increase in life over that underlying the currently prescribed rate is justified. However, NET has proposed an increase in life of over two years. We believe that, in the next several years, the factors cited by NET will likely pull the life indications down; therefore, the two year increase already proposed by the company appears to be believable. Our staff has found that recent PBX retirement levels in Maine support NET's life estimates for the PBX accounts. We, therefore, agree with the company's proposals in these accounts.

31. For several outside plant accounts, the Maine Commission stated that life indications are high and that there is no justification for the short lives proposed by NET. In contrast, NET argued that if it were to limit its long term plans to the use of its present copper cable plant, it would be unnecessarily limiting the services that it could provide its future customers. NET believes that technological improvements, competition and customer demand will

cause significant increases in retirements and decreases in lives of the outside plant facilities. We believe that, although life indications have not shown significant decreases yet, the deployment of fiber optic technology will likely impact the lives of the existing outside plant facilities. In addition, it is clear that the company has firm plans for implementing fiber optic cable routes which will likely increase retirements of the copper cable plant in the next few years. The staff also notes that the lives proposed for Maine are comparable to the lives which were agreed to for the other states in which NET operates. We, therefore, find the company's proposals in the attached appendices to be appropriate.

32. No agreement regarding the life estimate for COE-Electronic was reached at the three-way meeting for any of the three states in which PNB operates. The staff of the Idaho Commission stated that it believed PNB's life proposal for that state was unreasonably low. The FCC staff did not disagree with PNB's life proposal for Idaho, but found that its life proposals for Oregon and Washington were too low and were largely unsupported. Inasmuch as the investment in this account is the most modern, technologically advanced equipment available, PNB could not base its proposals on well-defined equipment replacement studies. Instead it based its proposals on product life cycle studies similar to those used by other BOTC's. The results of such studies for technologically advanced equipment (i.e., electronic switching equipment) are extremely questionable, because without knowing when a succeeding technology will be available—or even what that technology is likely to be—it is virtually impossible to define the timing of the product life cycle. Nevertheless, based upon such studies, PNB proposed reductions in equipment lives of 49% in Oregon and 45% in Washington, and, in both cases, it proposed lives several years shorter than those found to be appropriate in any other BOTC jurisdiction.

33. The staff reviewed PNB's studies in detail and became convinced that a significant reduction in life was appropriate; however, it could find no valid reason why PNB's lives should be expected to be shorter than those of all other BOTC's. In fact, a review of PNB's records indicates that, since the late 1960's, its rate of deployment of electronic switching has been virtually identical to that of the entire Bell System. Contrary to PNB's claim for Oregon and Washington, we believe that its lives should be comparable to those used by other BOTC's. We therefore agree with the lives proposed by the staff for Oregon and Washington. We note that PNB's proposal for Idaho is, in fact, in line with other BOTC jurisdictions and we agree with its proposal.

34. In FCC 82–353, 90 FCC 2d 964 (1982), we pointed out that, when there is a strong relationship between the age of retirements and net salvage, future net salvage estimates for embedded plant do not apply to future additions of plant. In the companies' most recent depreciation studies for the COE/Circuit and COE-Radio accounts, net salvage percentages and the age of retirements were demonstrated to be highly correlated. As a result, the future net salvage estimates used in determining the remaining-life rates for embedded plant are not appropriate for use in determining SLELG rates for new additions to plant. The staff analyzed these accounts and made the necessary adjustments to convert future net salvage factors originally derived for embedded plant to future net salvage factors for use with new additions to plant. The adjustments were provided to the carriers and state commissions in October, and no objections were raised. As a result, we support the staff's proposals for SLELG future net salvage percentages in these accounts.

E. *Accounts for which SLELG Rates are not Recommended.* 35. In our final decision in Docket No. 20188 we found that the SLELG method is acceptable if adequate data is available for the proper application of the method and if the carriers' record keeping practices will allow for the monitoring of the reasonableness of the rates. In each of the three SLELG prescription orders that we have approved to date (i.e., FCC No. 82–53,, 88 FCC 2d 1567 (1982), FCC No. 82–353, 90 FCC 2d 964 (1982) and FCC No. 82–354, 90 FCC 2d 997 (1982)), we concluded that aged retirement data is a minimum requirement for the proper application and monitoring of SLELG rates. In this proceeding AT&T and PNB commented that they believe SLELG rates should be allowed for all accounts regardless of whether aged retirement data is maintained. Neither AT&T nor PNB offered any new argument or evidence to support their contention. Thus, there is no basis on which to rescind the reporting requirements established in Docket No. 20188, and we conclude that it is inappropriate to prescribe SLELG rates for accounts in which vintage retirement data is not maintained.

36. The staff proposes that new additions to the COE-Step-by-Step and COE-Crossbar accounts not be depreciated using the SLELG method. They argue that it is impractical to determine reasonable future survivor curves for these additions because these accounts consist of classes of equipment which are being rapidly retired from service. The staff proposes that new additions, as well as embedded plant, in these accounts be depreciated using the remaining-life method, and asserts that the remaining-life method will assure timely and complete recovery of capital. AT&T and the Oregon Commission disagreed and argued that the interest of the FCC in Docket No. 20188 would be frustrated by not applying SLELG rates to these accounts.

37. The staff notes that estimated survivor curves for COE-Step-by-Step and COE-Crossbar have *not* been deterimned in previous depreciation studies and that it is impractical to do so at this time. This is because it has not been demonstrated that the companies can accurately estimate future additions or retirements for individual switching units. With the majority of remaining lives for electromechanical equipment in the three to seven year range, the error of these estimates will likely be significant. New additions to these accounts will clearly have very short and volatile estimated remaining lives, making the development of reliable survivor curves virtually impossible. Without reliable survivor curves the development of an SLELG depreciation rate is illusory. This is because the remaining life "corrections" and curve shape changes would rapidly alter the overall depreciation rate for the account. We previously stated that SLELG rates should be used if adequate data exists to properly apply the method. Inasmuch as the future survivor curves cannot be practically determined, we do not believe that the proper application of the method can be accomplished for these accounts.

38. Additionally, as noted by AT&T, the current Bell System investment in the electromechanical accounts is approximately $13 billion, virtually all of which will be retired over the next ten years. The current annual additions to central equipment are nearly $7 billion. In this context we find that the $600 million being added annually to the electromechanical accounts, which consists largely of reused (i.e., previously installed) equipment and associated labor, is not significant.

39. AT&T is probably correct that the current remaining-life rates may be ony one-half the first year SLELG rates.

However, an examination of this by the staff revealed that, if remaining lives were updated annually, the resultant remaining-life rates would be comparable to the first year SLELG rates for COE-Step-by-Step and would average one-third lower for COE-Crossbar. In most cases remaining-life rates are *higher* than SLELG rates by the end of the second year. Considering the aforementioned volatility of the life and curve shape estimates underlying the SLELG method, we find that the additional accruals provided by the SLELG method are insignificant over the first two years of application.

40. We do not agree with AT&T that the use of the remaining-life method risks any deferral of capital recovery beyond the remaining-lives of the assets. Remaining-life rates are designed to completely depreciate invested capital over the remaining life of a group of assets. This feature was the primary reason that we changed our rules in Docket No. 20188 to allow the use of the remaining-life method. We concur with the staff's reasoning and find that the remaining-life method should be used for depreciation of the COE-Step-by-Step and COE-Crossbar accounts.

41. While we agree with the staff's reasoning on the use of the remaining-life method for the electromechanical accounts, we also believe that to assure full and timely capital recovery on these short remaining-life assets, some special measure is required. We, therefore, direct the staff to update remaining-life depreciation rates for these accounts on an annual basis as requested by the companies or as is deemed necessary by the staff. These updates will assure that capital recovery is not unnecessarily deferred.

F. *Original Cost and Net Salvage Rates for SLELG.* 42. We are only prescribing SLELG rates for the original cost portion for the first four years of new additions to most central office and outside plant accounts. These rates will be applied until the next triennial review of depreciation for these companies. At that time the actual results of the use of the SLELG method will be evaluated, and methods and rates will be modified as necessary.

43. Present carrier accounting practices do not allow carriers to accumulate net salvage data by vintage for all classes of plant. For example, retirement of a complete line of poles may involve removal of poles of several different vintages, but would normally result in a single aggregate cost of removal and salvage from reuse or sale. In this situation it is not feasible to allocate that cost of removal or salvage among the different vintages in a meaningful manner. For this reason, instead of prescribing net salvage depreciation rates for each vintage, we are prescribing a single net salvage depreciation rate which is to be applied to all new vintages until the next regular review. *See* FCC 82-53, FCC 82-353, and FCC 82-354.

G. *Accounts for which Remaining-Life Rates are not Recommended.* 44. In FCC Docket No. 79-105, *supra,* we amended the accounting rules for station connections and ordered that all FCC-subject carriers identify an assign the investment in Account 232, Station Connections, to at least two subclasses of plant—Station Connections—Inside Wire and Station Connections—Other. Our order required carriers to expense future costs associated with the Station Connections—Inside Wire subclass on a phase-in or flash-cut basis and to continue to capitalize future costs associated with the Station Connections—Other subclass. Because the retirement ratios and mortality dispersion patterns of the Station Connections—Other subclass are not similar to those for the account as a whole, the depreciation rates prescribed in the past for the entire Station Connections account could not be applied to the Station Connections—Other subclass. Instead, new rates had to be developed. The staff and AT&T held discussions and concluded that, in most cases, a 5% depreciation rate should be used until there was sufficient data to ascertain specific mortality characteristics which could then be used to prescribe more precise depreciation rates for this subclass. Consequently, in 1981, all AT&T companies filed requested for permission to adopt a 5% depreciation rate for the Station Connections—Other subclass. And, in January, in FCC Order No. 82-39, *supra,* we prescribed a 5% rate for all of the carriers whose rates are under consideration here.

45. In a separate proceeding initiated by an AT&T petition for rulemaking, (see our notice of proposed rulemaking in FCC Docket No. 82-679, 47 FR 44767) significant changes in the accounting rules for Station Connections—Other are under consideration. This proceeding will likely be concluded early in 1983. In the interim, we do not believe it prudent to change the existing 5% depreciation rate for this account.

46. In a few accounts with minimal plant balances, the use of the remaining-life method would result in negative depreciation rates because the reserve balances were in excess of service values (i.e., original cost less net salvage). The staff reviewed several of these instances and found that the primary cause was the transfer of plant from one account to another without a corresponding transfer of reserve amounts. The prescription of a negative depreciation rate is not consistent with generally accepted accounting principles. Therefore, we will adopt the use of a 0% depreciation rate for all accounts where the calcuation of remaining-life depreciation rates would result in a negative rate. We recognize that this action does ot totally resolve the problem (i.e., reserves greater than service values). However, the problem is technical in nature and can probably best be resolved at the staff level. We direct the staff to work with the carriers to determine what reserve transfers, if any, are required.

H. *Conclusion.* 47. Having considered the positions set forth by the companies are respective state commissions at the three-way meetings, the responses to the staff's review letters and public notice, the recommendations to the staff, and the proposals of the companies, we find the remaining-life and SLELG rates listed in the appendices to be appropriate.

V. Ordering Clauses

48. Pursuant to Sections 4(i) and 220(b) of the Communications Act of 1934, as amended, 47 U.S.C. 4(i) and 220(b), it is ordered, That the percentages of depreciation set forth in the Appendices to this order are prescribed effective on the dates listed. Appendix 1 contains remaining-life rates and Appendix 2 contains SLELG rates.

49. It is further ordered, That the companies shall submit to the Commission whole-life as well as remaining-life depreciation studies during the next represcription period.

50. It is further ordered, That the companies shall notify this Commission within 10 days of any deviation from the depreciation percentages and practices prescribed in this order.

Note.—Because of the continuing effort to minimize publishing costs, Appendices 1 and 2 (Schedules of Annual Percentages of Depreciation) will not be printed herein. However, copies of this document in its entirety are available through the distribution centers listed in the FCC Office of Public Affairs, Room 202, 1919 M St., N.W., Washington, D.C. 20554. A copy is also available for inspection in the FCC Dockets Branch, Room 239, and the FCC Library, Room 639, both located at 1919 M St., N.W., Washington, D.C.

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 82-34351 Filed 12-17-82; 8:45 am]
BILLING CODE 6712-01-M

[FCC 82-543]

Prescription of Revised Percentages of Depreciation Pursuant to Communications Act, as Amended, for General Telephone Co. of Northwest, Inc., et al.

AGENCY: Federal Communications Commission.

ACTION: Depreciation Rate Prescription Order.

SUMMARY: Pursuant to the Communications Act of 1934, as amended, Federal Communications Commission has ordered the named General Telephone Companies to apply the percentages of depreciation which are set forth in Appendices 1 and 2 [1] of the Order. The three named companies filed for revised depreciation rates for various accounts and submitted studies and data to substantiate their request. The intended effect of this action is to charge, as accurately as circumstances will allow, the cost of consumption of depreciable assets to the periods in which the assets are useful in the production of revenues.

EFFECTIVE DATE: The Companies are to apply the depreciation rates as of the date or dates set forth in Appendices 1 and 2 of the Order. In no case is an effective date prior to January 1, 1982.

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

FOR FURTHER INFORMATION CONTACT: Kenneth P. Moran, Chief, Depreciation Rates Branch, (202) 634-1730.

SUPPLEMENTARY INFORMATION:

In the Matter of The Prescription of Revised Percentages of Depreciation pursuant to Section 220(b) of the Communications Act of 1934, as amended for: General Telephone Company of the Northwest, Inc., General Telephone Company of the Southeast, Hawaiian Telephone Company.

Adopted December 8, 1982.

Released December 14, 1982.

I. Introduction

1. Section 220(b) of the Communications Act of 1934, as amended, 47 U.S.C. 220(b), states that the Commission shall, as soon as practicable, prescribe classes of property for which depreciation charges may be included in operating expenses and the percentages of depreciation which shall be charged to each of the classes. It also states that the Commission may, when it deems necessary, modify the classes and percentages so prescribed.

2. By this order we prescribe revised percentages of depreciation (depreciation rates) for the three GTE companies listed above using both the straight line vintage group remaining-life (remaining-life) and straight line equal life group (SLELG) methods.

II. Background

A. *Remaining-Life Method.* 3. Prior to 1981, we had only used the straight line vintage group whole-life (whole-life) depreciation method in prescribing depreciation rates for telephone companies' plant. Using this method, we had attempted to determine the appropriate depreciation accruals applicable to each year's operations using current estimates of life and net salvage. As estimates of life and net salvage changed over time, the whole-life rates were changed in accordance with these changes in estimates. However, using whole-life concepts, no attempt was made to adjust the rates to allow for reserve surpluses or deficits resulting from the cumulative over- or under-estimation of life and net salvage factors. This changed with our final decision in FCC Docket No. 20188, 83 FCC 2d 267 (1980), *reconsideration,* 87 FCC 2d 916 (1981), where we revised Part 31 of the Rules and Regulations, the "Uniform System of Accounts for Class A and B Telephone Companies," to allow the use of the remaining-life depreciation method. The remaining-life method is designed to distribute the unrecovered cost (original cost less the sum of the depreciation reserve and future net salvage) of a group of assets over its estimated average life expectancy; thus, this procedure includes an adjustment which allocates any reserve deficit or surplus over the estimated average remaining life.

4. We directed the staff to phase in the implementation of remaining-life depreciation rates in conjunction with the normal triennial represcription cycle (see paragraph 10). For GTE, implementation began with the companies that were regularly scheduled for review in 1981. Those companies submitted studies requesting revised depreciation rates using the remaining-life method. After a complete review, we adopted remaining-life depreciation rates for those companies in January. *See* FCC 82-40, 88 FCC 2d 1354 (1982). Remaining-life rates for the carriers normally scheduled for review in 1982 (see the list on page 1 of this order) were reviewed in detail this year. Our findings and conclusions regarding these rates are discussed beginning in paragraph 16.

B. *Straight Line Equal Life Group Method.* 5. In Docket No. 20188, we also amended our rules to permit the use of the SLELG depreciation method for new additions to plant as an alternative to the straight line vintage group (SLVG) method, provided that adequate data is available for the proper application of the method.

6. The primary differences between the SLELG and SLVG methods lie in the definition of the basic depreciation groups and in the approach each takes in spreading the original cost of assets comprising the basic groups over their estimated average service lives. While SLVG forms its basic groups by combining all units placed in one year (i.e., a vintage group), SLELG creates its basic groups by combining all units within each vintage group which share an equal life expectancy (i.e., an equal life group). While the SLVG method is designed to depreciate 100% of the original cost of a vintage, on average, over the life cycle of each vintage, the SLELG method is designed to depreciate 100% of the original cost of each plant unit over its life. As a consequence, if projections are accurate, the SLELG method should allow for depreciation at a rate more representative of the actual consumption of units of property than SLVG. We concluded in Docket No. 20188 that the proper application and monitoring of this method would not only enhance the carriers' cash flow and present to all interested parties a more accurate and objective financial picture of the carriers' operations and capital requirements, but would also benefit their customers by encouraging innovation and the introduction of new technology.

7. Under both the SLVG and SLELG methods, retirement projections, service life estimates, and depreciation rates are normally determined, in part, through the use of survivor curves. These survivor curves define the relationship between the age of plant investment and the relative percentage expected to remain in service. Under the SLELG methodology, the survivor curves assume an added significance—that of defining the basic (equal life) groups. Under the SLVG method, most survivor curves have been selected only after the staff has completed detailed statistical analysis of historical retirement data. With the added significance of the survivor curves in the SLELG method,

[1] Appendices 1 and 2 are filed as a part of the original document.

the availability and analysis of historical retirement data becomes even more important.

8. We recognized the importance of adequate data in Docket No. 20188 where we found that the SLELG method is acceptable, provided that:

> * * * it is assured that adequate data is available for proper application of the method; that record keeping and reporting practices will enable monitoring of the reasonableness of the rate of allocation of both original cost and provisions for salvage and removal; that such allocation of original cost will achieve allocation over the service life of the property neither more nor less than 100% of the investment net of salvage value.

Accordingly, we directed the staff to take such measures as may be necessary to insure the measurability and accountability of the results under the SLELG method.

9. We further directed the staff to phase in the implementation of SLELG depreciation rates beginning with the outside plant accounts, followed by the central office equipment accounts, and concluding with all other plant accounts. In accordance with this directive, the staff received SLELG rates for the outside plant accounts for four GTE companies last year, and in January of this year we adopted SLELG rates for new additions to most of the outside plant accounts for those carriers. *See* FCC 82–53, 88 FCC 2d 1567 (1982). In addition, SLELG rate proposals were reviewed for the outside plant accounts for most of the remaining GTE companies not scheduled to undergo a complete review of depreciation rates in 1982. As a result of that review, we adopted SLELG rates for most of the outside plant accounts for those companies in July. *See* FCC 82–354, 90 FCC 2d 997 (1982). SLELG rates for the central office equipment and outside plant accounts for the carriers listed on page 1 of this order were also reviewed in detail this year. Our findings and conclusions regarding these rates are discussed beginning in paragraph 16.

C. *Companies Scheduled for Review During 1982.* 10. Since the late 1940's, the Commission has reviewed and prescribed the depreciation rates of approximately one-third of the larger FCC-subject telephone companies each year. In most cases we have prescribed rates for a carrier only after the following actions have been completed:

(1) Submittal of depreciation studies by the carrier.

(2) Staff review of the carrier's filings and studies in support of its proposed life and salvage factors.

(3) Independent staff analysis of such information as the carrier's plant mortality data and equipment retirement plans.

(4) Preparation of preliminary staff recommendations.

(5) Discussion of the carrier's filings and the preliminary Commission staff proposals at a conference in which representatives of the carrier and the staffs of the respective state commissions and the FCC participate (i.e., a three-way meeting).

11. In conjunction with the normal triennial represcription cycle, the three GTE companies whose rates are under consideration here submitted studies proposing new depreciation rates based upon revised life and salvage estimates, using the remaining-life method for all plant accounts and the SLELG method for new additions to the outside plant and central office equipment accounts. These studies were reviewed in detail by the staff, which then prepared its own preliminary life, net salvage, and rate proposals and forwarded them to the companies and the respective state commissions. Some of the state commissions prepared similar studies and recommendations. Three-way meetings were held at which the life, net salvage, and rate proposals of all three parties were thoroughly discussed.

12. Because this was the first time SLELG rates were being proposed for the central office equipment accounts, considerable analysis was required. As a result, in certain instances, the staff was unable to submit its SLELG recommendations prior to the three-way meeting. After completing its analysis and arriving at recommendations, the staff on October 4, 1982, issued a public notice (Report No. 2967) [2] entitled, "Depreciation Rate Prescriptions Proposed For Domestic Telephone Companies." This public notice summarized the FCC staff's proposals for new or revised depreciation rates and the change in depreciation expense that would result if those proposed depreciation rates were approved. The staff transmitted to each company and respective state commission a copy of the October 4 public notice, schedules containing the proposed remaining-life and SLELG rates, and a discussion of the staff analysis underlying the proposed SLELG depreciation rates. For all of the companies under review, agreements regarding the life and net salvage estimates were reached between our staff, the companies, and the respective state commission staffs.

[2] The public notice was erroneously dated October 1, 1982; however, October 4, 1982 is the correct issue date.

III. Summary of Comments

13. Comments in response to the October 4 public notice were received from the North Carolina Utilities Commission and General Telephone Company of the Northwest.

14. General of the Northwest concurred with most of the staff's depreciation rate proposals; however, it took exception to the staff's failure to apply the SLELG method to the Automatic Switching (Analog) account in the states of Oregon and Washington.

15. The North Carolina Commission also concurred with the proposed remaining-life rates and noted that these rates were based on agreements reached between the FCC staff, and staff of the North Carolina Commission, and the General Telephone Company of the Southeast at the three-way meeting. North Carolina expressed its objection to the use of the SLELG method and noted that SLELG rates were not discussed at the three-way meeting.

IV. Discussion of Issues

A. *Effective Dates.* 16. With few exceptions, prior to 1981 depreciation rates were prescribed retroactively to the beginning of the year in which they were filed. This appeared to be a reasonable practice inasmuch as the rates were based on depreciation studies as of that date (i.e., January 1). In 1981, with the initial implementation of the remaining-life and SLELG depreciation methods, many companies requested effective dates other than January 1, 1981. The companies maintained that, because of the controversy surrounding the Commission's approval of the new methods, it would be difficult to get approval of revenue rate increases from state commissions until the FCC had actually ordered new depreciation rates. The companies were also concerned that the states would not allow any retroactive revenue rates to match retroactive prescription of depreciation rates. After considering the regulatory and financial reporting aspects of this issue, we determined that, during this transitional period from whole-life to remaining-life and SLELG methods, we would allow the booking of the new rates on the various effective dates proposed by the companies. *See* FCC 82–40, *supra.*

17. This year the companies filed for effective dates ranging from January 1, 1982 to January 1, 1983. They argued that Section 43.43(e) of our rules and our Order on Reconsideration in Docket No. 20188, *supra,* allow—at the discretion of the company—the booking of new

depreciation rates retroactively to a date no earlier than the first of the year in which they were filed. Section 43.43(e) of our rules states:

> Unless otherwise directed . . . proposed changes in depreciation rates shall be filed at least ninety (90) days prior to the last day of the month with respect to which the revised rates are first to be applied . . . and such rates *may be made retroactive* to a date not prior to the beginning of the year in which the filing is made." [Emphasis added.]

The companies also cited the Order on Reconsideration in Docket No. 20188, 87 FCC 2d 916 at paragraph 16, where we stated:

> * * * retroactive application of the depreciation rates to the beginning of the year is permissive, not mandatory.

18. We maintain our belief that as a matter of sound accounting, depreciation rates should be applied on dates corresponding as closely as possible to the date of the underlying depreciation study. In Docket No. 20188, we determined that proper capital recovery is predicated, in large measure, upon the timely application of the correct depreciation rates. We also noted that, if inaccurate depreciation rates are applied, the resulting misstatement of operating expenses could harm present and potential investors and, ultimately, ratepayers by denying them and the regulators an accurate, objective financial picture of the companies' operations and capital requirements.

19. Nevertheless, during this period of continuing transition to the new methods, retroactive booking of depreciation rates would create uncertainties which, contrary to our intent, may deny some companies a reasonable opportunity to achieve capital recovery. The use of these new methods has resulted in both significant depreciation expense changes and in the requirement for additional company studies to support prescriptions. There has also been resistance on the part of some states to accept remaining-life and SLELG rates at all, and there may be a concomitant reluctance by certain state commissions to grant intrastate revenue rate increases until we actually prescribe depreciation rates using the new methods. We shall, therefore, accept the effective dates as filed by the companies.

B. *Use of SLELG.* 20. In our decision in Docket No. 20188 we considered the arguments expressed by the parties for and against the use of the SLELG method and determined that, provided adequate data is available, the use of SLELG rates is appropriate. In the discussion in the Final Report and Order we found that the use of SLELG comports with the mandate of Section 1 of the Communications Act, "to make available . . . a rapid, efficient, nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges . . ." 47 U.S.C. § 151. We reaffirmed our decision allowing the use of SLELG in the Order on Reconsideration as well as in three prescription orders approved this year (i.e., FCC No. 82–53, 82–353, and 82–354). Nevertheless, the North Carolina Commission has again questioned whether the use of SLELG rates is warranted. Inasmuch as this state has not raised any new arguments or evidence regarding the use of SLELG rates, we have no basis to reverse our decision on this matter. Our rules, as amended in Docket No. 20188, clearly allow the use of SLELG for accounts in which adequate data is available to properly apply and monitor it. Therefore, we will allow its use.

C. *SLELG rates for Automatic Switching (Analog).* 21. General Telephone Company of the Northwest commented that, although the October 4 public notice did not reflect SLELG rates for new additions of analog electronic switching equipment in the states of Oregon and Washington, SLELG rates should be used. Our staff supports the use of SLELG rates for analog electronic switching equipment and although it inadvertantly excluded these rates from the public notice, it supported the use of such rates at the three-way conference. Because these matters were discussed at the three-way meeting, and because the public notice clearly stated that SLELG rates were under consideration for central office equipment, the states had a reasonable opportunity to review the company and FCC staff's SLELG proposals and submit their views for our consideration. We note that no comments objecting to the use of SLELG rates for central office equipment have been received from either state. We agree with the staff and the company that SLELG rates should be used for this account.

D. *Accounts for which SLELG Rates are not Recommended.* 22. In our final decision in Docket No. 20188 we found that the SLELG method is acceptable if adequate data is available for the proper application of the method and if the carriers' record keeping practices will allow for the monitoring of the reasonableness of the rates. In each of the three SLELG prescription orders that we have approved to date (i.e., FCC No. 82–53, 88 FCC 2d 1567 (1982), FCC No. 82–353, 90 FCC 2d 964 (1982) and FCC No. 82–354, 90 FCC 2d 997 (1982)), we concluded that aged retirement data is a minimum requirement for the proper application and monitoring of SLELG rates. We reaffirm our opinion that it is inappropriate to prescribe SLELG rates for accounts in which vintage retirement data is not maintained.

23. The staff proposes that new additions to the electromechanical switching accounts not be depreciated using the SLELG method. They argue that is impractical to determine reasonable future survivor curves for these additions because these accounts consist of classes of equipment which are being rapidly retired from service. The staff proposes that new additions, as well as embedded plant, in these accounts be depreciated using the remaining-life method, and asserts that the remaining-life method will assure timely and complete recovery of capital. In its comments General of the Northwest concurred with the staff's depreciation proposals.

24. While we agree with the staff that the remaining-life method should be used for new additions to the electromechanical accounts, we also believe that to assure full and timely capital recovery on these short remaining life assets, some special measure is required. We, therefore, direct the staff to update remaining-life depreciation rates for these accounts on an annual basis as requested by the companies or as is deemed necessary by the staff. These updates will assure that capital recovery is not unnecessarily deferred.

E. *Original Cost and Net Salvage Rates for SLELG.* 25. We are only prescribing SLELG rates for the original cost portion for the first four years of new additions to most central office and outside plant accounts. These rates will be applied until the next triennial review of depreciation for these companies. At that time the actual results of the use of the SLELG method will be evaluated, and methods and rates will be modified as necessary.

26. Present carrier accounting practices do not allow carries to accumlate net salvage data by vintage for all classes of plant. For example, retirement of a complete line of poles may involve removal of poles of several different vintages, but would normally result in a single aggregate cost of removal and salvage from reuse or sale. In this situation it is not feasible to allocate that cost of removal or salvage among the different vintages in a meaningful manner. For this reason, instead of prescribing net salvage depreciation rates for each vintage, we are prescribing a single net salvage depreciation rate which is to be applied

to all new vintages until the next regular review. *See* FCC 82-53, FCC 82-353, and FCC 82-354.

F. *Accounts for which Remaining-Life Rates are not Recommeded.* 27. In FCC Docket No. 79-105, *supra* we amended the accounting rules for station connections and ordered that all FCC-subject carriers identify and assign the investment in Account 232, Station Connections, to at least two subclasses of plant—Station Connections-Inside Wire and Station Connections-Other. Our order required carriers to expense future costs associated with the Station Connections-Inside Wire subclass on a phase-in or flash-cut basis and to continue to capitalize future costs associated with the Station Connections-Other subclass. Because the retirement ratios and mortality dispersion patterns of the Station Connections-Other subclass are not similar to those for the account as a whole, the depreciation rates prescribed in the past for the entire Station Connections account could not be applied to the Station Connections-Other subclass. Instead, new rates had to be developed. The staff and GTE held discussions and concluded that, in most cases, a 5% depreciation rate should be used until there was sufficient data to ascertain specific mortality characteristics which could then be used to prescribe more precise depreciation rates for this subclass. Consequently, in 1981, the GTE companies filed requests for permission to adopt a 5% depreciation rate for the Station Connections-Other subclass. And, in January, in FCC Order No. 82-40, *supra,* we prescribed a 5% rate for all of the carriers whose rates are under consideration here.

28. In a separate proceeding initiated by an AT&T petition for rulemaking, (see our notice of proposed rulemaking in FCC Docket No. 82-679, 47 FR 44767) significant changes in the accounting rules for Station Connections-Other are under consideration. This proceeding will likely be concluded early in 1983. In the interim, we do not believe it prudent to change the existing 5% depreciation rate for this account.

29. In a few accounts with minimal plant balances, the use of the remaining-life method would result in negative depreciation rates because the reserve balances were in excess of service values (i.e., original cost less net salvage). The staff reviewed several of these instances and found that the primary cause was the transfer of plant from one account to another without a corresponding transfer of reserve amounts. The prescription of a negative depreciation rate is not consistent with generally accepted accounting principles. Therefore, we will adopt the use of a 0% depreciation rate for all accounts where the calculation of remaining-life depreciation rates would result in a negative rate. We recognize that this action does not totally resolve the problem (i.e., reserves greater than in service values). However, the problem is technical in nature and can probably best be resolved at the staff level. We direct the staff to work with the carriers to determine what reserve transfers, if any, are required.

G. *Conclusion.* 30. Having considered the positions set forth by the companies and respective state commissions at the three-way meetings, the responses to the staff's review letters and public notice, the recommendations of the staff, and the proposals of the companies, we find the remaining-life and SLELG rates listed in the appendices to be appropriate.[3]

V. Ordering Clauses

31. Pursuant to Sections 4(i) and 220(b) of the Communications Act of 1934, as amended, 47 U.S.C. 4(i) and 220 (b), It is ordered, That the percentages of depreciation set forth in the Appendices to this order are prescribed effective on the dates listed. Appendix 1 contains remaining-life rates and Appendix 2 contains SLELG rates.

32. It is further ordered, That the companies shall submit to the Commission whole-life as well as remaining-life depreciation studies during the next represcription period.

33. It is further ordered, That the companies shall notify this Commission within 10 days of any deviation from the depreciation percentages and practices prescribed in this order.

Note.— Because of the continuing effort to minimize publishing costs, Appendices 1 & 2 (Schedules of Annual Percentages of Depreciation) will not be printed herein. However, copies of this document in its entirety are available through the distribution centers listed in the FCC Office of Public Affairs, Room 202, 1919 M St., N.W., Washington, D.C. 20554. A copy is also available for inspection in the FCC Dockets Branch, Room 239, and the FCC Library, Room 639, both located at 1919 M St., N.W., Washington, D.C.

[3] We do not decide in this order the effect of our prescribing these rates for intrastate ratemaking purposes. Rather, the preemptive effect of this Commission's accounting and/or depreciation determinations is before us in a separate proceeding initiated by a further *Petition for Reconsideration* filed by AT&T in Docket No. CC 79-105, 85 FCC 2d 818 (1981), *recon.*, 89 FCC 2d 1094 (1982), and a *Petition for Declaratory Ruling* filed by the General Telephone Company of Ohio.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 82-34352 Filed 12-17-82; 8:45 am]

BILLING CODE 6712-01-M

[FCC 82-544]

Prescription of Revised Percentages of Depreciation Pursuant to Communications Act, as Amended, for Continental Telephone Co. of California and Continental Telephone Co. of Upstate New York, Inc.

AGENCY: Federal Communications Commission.

ACTION: Depreciation Rate Prescription Order.

SUMMARY: Pursuant to the Communications Act of 1934, as amended, Federal Communications Commission has ordered the named Continental Telephone Companies to apply the percentages of depreciation which are set forth in the Appendix [1] to the Order. The two named companies filed for revised depreciation rates for various accounts and submitted studies and data to substantiate their request. The intended effect of this action is to charge, is accurately as circumstances will allow, the cost of consumption of depreciable assets to the periods in which the assets are useful in the production of revenues.

EFFECTIVE DATE: The Companies are to apply the depreciation rates as of the date or dates set forth in the Appendix to the Order. In no case is an effective date prior to January 1, 1982.

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

FOR FURTHER INFORMATION CONTACT: Kenneth P. Moran, Chief Depreciation Rates Branch, (202) 634-1730.

SUPPLEMENTARY INFORMATION:

In the matter of The Prescription of Revised Percentages of Depreciation pursuant to Section 220(b) of the Communication Act of 1934, as amended for: Continental Telephone Company of California, Continental Telephone Company of Upstate New York, Inc.

Order

Adopted December 8, 1982.

Released December 13, 1982.

I. Introduction

1. Section 220(b) of the Communications Act of 1934, as amended, 47 U.S.C. 220(b), states that

[1] The appendix is filed as a part of the original document.

the Commission shall, as soon as practicable, prescribe classes of property for which depreciation charges may be included in operating expenses and the percentages of depreciation which shall be charged to each of the classes. It also states that the Commission may, when it deems necessary, modify the classes and percentages so prescribed.

2. By this order we prescribe revised percentages of depreciation (depreciation rates) for the two Continental Telephone Corporation companies listed above using the straight line vintage group remaining-life (remaining-life) method. This order is the first depreciation prescription order for Continental Telephone Company of California (Continental-California). Depreciation rates were previously prescribed for Continental Telephone Company of Upstate New York (Continental-Upstate New York).

II. Background

A. *Remaining-Life Method.* 3. Prior to 1981, we had only used the straight line vintage group whole-life (whole-life) depreciation method in prescribing depreciation rates for telephone companies' plant. Using this method, we had attempted to determine the appropriate depreciation accruals applicable to each year's operations using current estimates of life and net salvage. As estimates of life and net salvage changed over time, the whole-life rates were changed in accordance with these changes in estimates. However, using whole-life concepts, no attempt was made to adjust the rates to allow for reserve surpluses or deficits resulting from the cumulative over- or under-estimation of life and net salvage factors. This changed with our final decision in FCC Docket No. 20188, 83 FCC 2d 267 (1980), *reconsideration*, 87 FCC 2d 916 (1981), where we revised Part 31 of the Rules and Regulations, the "Uniform System of Accounts for Class A and B Telephone Companies," to allow the use of the remaining-life depreciation method. The remaining-life method is designed to distribute the unrecovered cost (original cost less the sum of the depreciation reserve and future net salvage) of a group of assets over its estimated average life expectancy; thus, this procedure includes an adjustment which allocates any reserve deficit or surplus over the estimated average remaining life.

4. We directed the staff to phase in the implementation of remaining-life depreciation rates in conjuction with the normal triennial represcription cycle (see paragraph 5). For Continental, implementation began with the Continental Telephone Company of Virginia which was regularly scheduled for review in 1981. This company submitted a study requesting revised depreciation rates using the remaining-life method. After a complete review, we adopted remaining-life depreciation rates for Continental-Virginia in January. *See* FCC 82-41, 88 FCC 2d 1344 (1982). Remaining-life rates or the two carriers normally scheduled for review in 1982 (i.e., Continental-California and Continental-Upstate New York) were reviewed in detail this year. Our findings and conclusions regarding these rates are discussed beginning in paragraph 12.

B. *Companies Scheduled for Review During 1982.* 5. Since the late 1940's, the Commission has reviewed and prescribed the depreciation rates of approximately one-third of the larger FCC-subject telephone companies each year. In most cases we have prescribed rates for a carrier only after the following actions have been completed:

(1) Submittal of depreciation studies by the carrier.

(2) Staff review of the carrier's filings and studies in support of its proposed life and salvage factors.

(3) Independent staff analysis of such information as the carrier's plant mortality data and equipment retirement plans.

(4) Preparation of preliminary staff recommendations.

(5) Discussion of the carrier's filings and the preliminary Commission staff proposals at a conference in which representatives of the carrier and the staffs of the respective state commission and the FCC participate (i.e., a three-way meeting).

6. In conjunction with the normal triennial represcription cycle, Continental-California and Continental-Upstate New York submitted studies proposing new depreciation rates based upon revised life and salvage estimates, using the remaining-life method for all plant accounts. These studies were reviewed in detail by the staff, which then prepared its own preliminary life, net salvage, and rate proposals and forwarded them to the companies and the respective state commissions. Three-way meetings were held at which the life, net salvage, and rate proposals of all three parties were thoroughly discussed. For all accounts of both companies, agreements regarding life and net salvage estimates were reached between our staff, the companies, and the respective state commission staffs.

7. As a result of the review discussed above, on October 4, 1982, the staff issued a public notice (Report No. 2967) [2] entitled, "Depreciation Rate Prescriptions Proposed for Domestic Telephone Companies." This public notice summarized the FCC staff's new or revised depreciation rates for Continental-Upstate New York and the change in depreciation expense that would result if these proposed depreciation rates were approved. The staff transmitted to the company and the New York Public Service Commission a copy of this public notice together with a schedule of the proposed remaining-life rates. On October 12, 1982, the staff issued an additional public notice (Report No. 2969), entitled as the first, summarizing the staff's new or revised depreciation rates for Continental-California and the change in depreciation expense that would result if these proposed rates were approved. The staff transmitted to the company and the California Public Utilities Commission a copy of this public notice together with a schedule of the proposed remaining-life rates. The following section summarizes the issues raised by the respondents to these public notices.

III. Summary of Comments

8. Continental-Upstate New York responded to the October 4 public notice, and the California Commission responded to the October 12 public notice.

9. Continental-Upstate New York noted that this prescription is not a routine review of prior whole-life rates, but rather the initial move into full remaining-life rates. It stated that remaining-life rates will produce a substantial increase in depreciation expense. In Continental's view, the approval of rates retroactively would not ". . . represent recovery of capital but, rather, an erosion of earnings." Continental urged that the FCC approve the requested effective date.

10. Continental-Upstate New York also stated that it is now seeking represcription of depreciation rates for Continental Telephone Company of Upstate New York, instead of Continental Telephone Company of New York as originally requested. When it filed its depreciation studies, it expected to complete a merger with five smaller Continental companies prior to the FCC prescription of new depreciation rates. Since Continental now expects the merger to take place in 1983, it requested that the FCC prescribe depreciation rates under the company's

[2] The public notice was erroneously dated October 1, 1982; however, October 4, 1982 is the correct issue date.

present name. Continental also stated that the five smaller Continental companies will adopt the prescribed depreciation rates, as if the merger had taken place prior to FCC prescription.

11. The California Commission urged that the January 1, 1983, effective date for Continental-California be approved as requested by the company. California has adopted the policy of making depreciation changes effective concurrent with the effective date of the resulting revenue rate changes. They stated that this policy eliminates the negative effects of a retroactive change. California alleged that the company would show a large unrecovered expense in the year that the depreciation rates were made effective if there was no corresponding revenue recovery. The possible negative effects on bond rating and equity value generated by a lack of coordination at the state and federal regulatory levels would not, in California's view, be in the best interest of Continental-California or its ratepayers.

IV. Discussion of Issues

A. *Rates for Continental-Upstate New York.* 12. The staff analyzed a depreciation study for Continental Telephone Company of New York, a new entity to be formed from the proposed merger of Continental-Upstate New York with five smaller Continental companies. This merger, which had been expected to be consummated in 1982, is now scheduled for early 1983. Accordingly, Continental has requested that we prescribe depreciation rates for the company under its current name, Continental Telephone Company of Upstate New York.

13. The depreciation study which Continental-Upstate New York submitted to the staff was based upon plant owned by Continental-Upstate New York and the five smaller companies. The company stated that the rates prescribed would be applied to both Continental-Upstate New York and the five smaller companies, as if the merger had already taken place. Continental-Upstate New York is the largest portion of the prospective merged company. The staff believes that depreciation rates determined solely for Continental-Upstate New York's facilities would approximate those determined from the study of the merged company. Therefore, we approve the prescription of depreciation rates for Continental-Upstate New York, and expect that the rates prescribed by this order will be applied to the accounts of the new company, Continental Telephone Company of New York, upon completion of the merger in 1983.

B. *Effective Dates.* 14. With few exceptions, prior to 1981 depreciation rates were prescribed retroactively to the beginning of the year in which they were filed. This appeared to be a reasonable practice inasmuch as the rates were based on depreciation studies as of that date (i.e., January 1). In 1981, with the initial implementation of the remaining-life and SLELG depreciation methods, many companies requested effective dates other than January 1, 1981. The companies maintained that, because of the controversy surrounding the Commission's approval of the new method, it would be difficult to get approval of revenue rate increases from State commissions until the FCC had actually ordered new depreciation rates. The companies were also concerned that the states would not allow any retroactive revenue rates to match retroactive prescription of depreciation rates. After considering the regulatory and financial reporting aspects of this issue, we determined that, during this transitional period from the whole-life to the remaining-life method, we would allow the booking of the new rates on the various effective dates proposed by the companies. *See* FCC 82-41, *supra.*

15. This year Continental-California filed for a January 1, 1983, effective date. Continental-Upstate New York filed for a December 1, 1982, effective date. The companies argued that Section 43.43(e) of our rules allow—at the discretion of the company—the booking of new depreciation rates retroactively to a date no earlier than the first of the year in which they were filed. Section 43.43(e) of our rules states:

> Unless otherwise directed * * * proposed changes in depreciation rates shall be filed at least ninety (90) days prior to the last day of the month with respect to which the revised rates are first to be applied * * * and such rates *may be made retroactive* to a date not prior to the beginning of the year in which the filing is made." [Emphasis added.]

16. We maintain our belief that as a matter of sound accounting, depreciation rates should be applied on dates corresponding as closely as possible to the date of the underlying depreciation study. In Docket No. 20188, we determined that proper capital recovery is predicated, in large measure, upon the timely application of the correct depreciation rates. We also noted that, if inaccurate depreciation rates are applied, the resulting misstatement of operating expenses could harm present and potential investors and, ultimately, ratepayers by denying them and the regulators an accurate, objective financial picture of the companies' operations and capital requirements.

17. Nevertheless, we agree with the California Commission that, during this period of continuing transition to the new method, retroactive booking of depreciation rates would create uncertainties which, contrary to our intent, may deny some companies a reasonable opportunity to achieve capital recovery. The use of the new method has resulted in both significant depreciation expense changes and in the requirement for additional company studies to support prescriptions. There has also been resistance on the part of some states to accept remaining-life rates at all, and there maybe a concomitant reluctance by certain state commissions to grant intrastate revenue rate increases until we actually prescribe depreciation rates using the new method. We shall, therefore, accept the effective dates as filed by the companies.

C. *Accounts for which Remaining-Life Rates are not Recommended.* 18. In FCC Docket No. 79-105, 85 FCC 2d 818 (1981), we amended the accounting rules for station connections and ordered that all FCC-subject carriers identify and assign the investment in Account 232, Station Connections, to at least two subclasses of plant—Station Connections-Inside Wire and Station Connections-Other. Our order required carriers to expense future costs associated with the Station Connections-Inside Wire subclass on a phase-in or flash-cut basis and to continue to capitalize future costs associated with the Station Connections-Other subclass. Because the retirement ratios and mortality dispersion patterns of the Station Connections-Other subclass are not similar to those for the account as a whole, the depreciation rates prescribed in the past for the entire Station Connections account could not be applied to the Station Connections-Other subclass. Instead, new rates had to be developed. The staff and the companies held discussions and determined that a 5% rate would be used for Continental-California and a 2.5% rate would be used for Continental-Upstate New York until there was sufficient data to ascertain specific mortality characteristics which could then be used to prescribe more precise depreciation rates. In January, in FCC Order No. 82-41, *supra,* we prescribed a 2.5% rate for Continental-Upstate New York.[3]

[3] Continental-California is having depreciation rates prescribed for the first time in this order.

19. In a separate proceeding initiated by an AT&T petition for rulemaking (see our notice of proposed rulemaking in FCC Docket No. 82-679, 47 FR 44767), significant changes in the accounting for Station Connections-Other are under consideration. This proceeding will likely be concluded early in 1983. In the interim, we do not believe it prudent to change the existing depreciation rates for this account.

20. In a few accounts with minimal plant balances, the use of the remaining-life method would result in negative depreciation rates because the reserve balances were in excess of service values (i.e., original cost less net salvage). The staff reviewed several similar instances and found that the primary cause was the transfer of plant from one account to another without a corresponding transfer of reserve amounts. The prescription of a negative depreciation rate is not consistent with generally accepted accounting principles. Therefore, we will adopt the use of a 0% depreciation rate for all accounts where the calculation of remaining-life depreciation rates would result in a negative rate. We recognize that this action does not totally resolve the problem (i.e., reserves greater than service values). However, the problem is technical in nature and can probably best be resolved at the staff level. We direct the staff to work with the carriers to determine what reserve transfers, if any, are required.

D. *Conclusion.* 21. Having considered the positions set forth by the companies and respective state commissions at the three-way meetings, the responses to the staff's review letters and public notices, the recommendations of the staff, and the proposals of the companies, we find the remaining-life rates listed in the Appendix to be appropriate.[4]

V. Ordering Clauses

22. Pursuant to Sections 4(i) and 220(B) of the Communications Act of 1934, as amended, 47 U.S.C. 4(i) and 220(b), IT IS ORDERED, That the percentages of depreciation set forth in the Appendix to this order are prescribed effective on the dates listed.

23. It is further ordered, that the companies shall submit to the Commission whole-life depreciation studies during the next as well as remaining-life represcription period.

24. It is further ordered, that the companies shall notify this Commission within 10 days of any deviation from the depreciation percentages and practices prescribed in this order.

Note: Because of the continuing effort to minimize publishing costs, the Appendix of this document will not be printed herein. However, copies of this document in its entirety may be obtained from the distribution centers listed in the FCC Office of Public Affairs, Room 202, 1919 M St., N.W., Washington, D.C. 20554. A copy is also available for inspection in the FCC Dockets Branch, Room 239, and the FCC Library, Room 639, both located at 1919 M St., N.W., Washington, D.C.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 82-34353 Filed 12-17-82; 8:45 am]

BILLING CODE 6712-01-M

[4] We do not decide in this order the effect of our prescribing these rates for intrastate ratemaking purposes. Rather, the preemptive effect of this Commission's accounting and/or depreciation determinations is before us in a separate proceeding initiated by a further *Petition for Reconsideration* filed by AT&T in Docket No. CC 79-105, 85 FCC 2d 818 (1981), *recon.*, 89 FCC 2d 1094 (1982), and a *Petition for Declaratory Ruling* filed by the General Telephone Company of Ohio.

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-673-DR]

Arkansas; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Arkansas (FEMA-673-DR), dated December 13, 1982, and related determinations.

DATE: December 13, 1982.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0501.

SUPPLEMENTARY INFORMATION: Pursuant to the authority vested in the Director of the Federal Emergency Management Agency by the President under Executive Order 12148, effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of December 13, 1982, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Arkansas resulting from severe storms, tornadoes, and flooding beginning on or about December 2, 1982, is of sufficient severity and magnitude to warrant a major-disaster declaration under Pub. L. 93-288. I, therefore, declare that such a major disaster exists in the State of Arkansas.

In order to provide Federal asistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the affected areas. You also are authorized to provide necessary Public Assistance in the affected areas, except that an acceptable State commitment shall be provided. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under Pub. L. 93-288 for public assistance will be limited to 75 percent of total eligible costs in the designated area.

The time period prescribed for the implementation of section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under the Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. Alton S. Ray, Jr. of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following area of the State of Arkansas to have been affected adversely by this declared major disaster:

For Individual Assistance only, the Counties of:

Conway	Pope
Faulkner	Pulaski
Garland	Randolph
Independence	Saline
Jackson	Sharp
Lawrence	Van Buren
Ouachita	White

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Dave McLoughlin,

Acting Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 82-34379 Filed 12-17-82; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-672-DR]

Missouri; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Missouri

(FEMA–672–DE), dated December 10, 1982, and related determinations.

DATED: December 10, 1982.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0501.

Notice: Pursuant to the authority vested in the Director of the Federal Emergency Management Agency by the President under Executive Order 12148, effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of December 10, 1982, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Missouri resulting from severe storms, tornadoes, and flooding beginning on or about December 1, 1982, is of sufficient severity and magnitude to warrant a major-disaster declaration under Pub. L. 93–288. I, therefore, declare that such a major disaster exists in the State of Missouri.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the affected areas. You also are authorized to provide necessary Public Assistance in the affected areas, except that an acceptable State commitment shall be provided. Consistent with the requirement that Federal assistance by supplemental, any Federal funds provided under Pub. L. 93–288 for public assistance will be limited to 75 percent of total eligible costs in the designated area.

The time period prescribed for the implementation of Section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under the Federal Emergency Management Agency Declaration of Authority, I hereby appoint Mr. David R. Ruby of the Federal Emergency Management Agency to act as the as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following area of the State of Missouri to have been affected adversely by this declared major disaster:

For Individual Assistance only, the Counties of:

Bolinger	Phelps
Cape Girardeau	Pulaski
Carter	Ripley
Franklin	St. Charles
Iron	Ste. Genevieve
Jefferson	St. Louis
Lincoln	Wayne
Perry	

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Dave McLoughlin,

Acting Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 82–34380 Filed 12–17–82; 8:45 am]

BILLING CODE 6718–02–M

FEDERAL HOME LOAN BANK BOARD

[No. AC–206]

City Federal Savings & Loan Association, Elizabeth, N.J.; Final Action Approval of Post-Approval Amendments to Mutual-to-Stock Conversion Application

Dated: December 15, 1982.

Notice is hereby given that on December 15, 1982, the General Counsel of the Federal Home Loan Bank Board ("Board"), acting pursuant to authority delegated to him by the Board, approved Post-Approval Amendment No. 1 to the mutual-to-stock conversion application of City Federal Savings and Loan Association, Elizabeth, New Jersey ("Association"). The application had been approved by the Board by Resolution No. 80–72, dated February 14, 1980. Copies of the application and all amendments thereto are available for inspection at the Secretariat of the Board, 1700 G Street, NW., Washington, D.C. 20552, and at the Office of the Supervisory Agent, Federal Home Loan Bank of New York, One World Trade Center, Floor 103, New York, New York 10048.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 82–34452 Filed 12–17–82; 8:45 am]

BILLING CODE 6720–01–M

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1508]

Alas Cargo Service, Inc.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Alas Cargo Service, Inc., 7489 N.W. 7th Street, Miami, FL 33126 was cancelled effective December 5, 1982.

By letter dated November 9, 1982, Alas Cargo Service, Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1508 would be automatically revoked unless a valid surety bond was filed with the Commission.

Alas Cargo Service, Inc. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(f) dated November 12, 1981;

Notice if hereby given, that Independent Ocean Freight Forwarder License No. 1508 be and is hereby revoked effective December 5, 1982.

It is ordered, that Independent Ocean Freight Forwarder License No. 1508 issued to Alas Cargo Service, Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Alas Cargo Service, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 82–34435 Filed 12–17–82; 8:45 am]

BILLING CODE 6730–01–M

Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Commercial Shipping Corporation, 13881 N.E. 2d Court, No. 10, N. Miami, FL 33161; Officers: George H. Gold, President/Director/Stockholder; Carmen Gold, Director/Stockholder/Secretary; Arleen S. Avariano, Treasurer; Mario E. Luque, Vice President

Empire Freight Forwarding, Inc., 129 Dover Green, Staten Island, NY 10312; Officers: Rolando M. Francisco, President/Treasurer/Director; William H. Woodruff, Secretary; Neftali Delgado, Vice President

Societe Commerciale de Transports Transatlantiques Overseas U.S.A., Inc., d.b.a. S.C.T.T. Overseas U.S.A. Inc., 8401 Westheimer, Suite 209, Houston, TX 77063; Officers: Patrick Edward Murray, President/Director; James C. Smith, Secretary/Director; R. Curtis Hamilton, Director

Pioneer International Forwarding Co., Inc., c/o Lillick, McHose & Charles, Two Embarcadero Center, San Francisco, CA 94111; Officer: Huang Akila Chen, President/Director

Traveria's Cargo, Inc., 1621 S.W. 15th Street, Miami, FL 33145; Officers: Luis F. Traveria, President/Treasurer; Caridad Traveria, Vice President/Secretary.

By the Federal Maritime Commission.

Dated: December 15, 1982.

Francis C. Hurney,

Secretary.

[FR Doc. 82-34433 Filed 12-17-82; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 2329]

Mia Forwarders, Inc.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for a failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Mia Forwarders, Inc., 4733 N.W. 72nd Avenue, Miami, FL 33166 was cancelled effective December 1, 1982.

By letter dated November 12, 1982, Mia Forwarders, Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 2329 would be automatically revoked unless a valid surety bond was filed with the Commission.

Mia Forwarders, Inc. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(f) dated November 12, 1981;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 2329 be and is hereby revoked effective December 1, 1982.

It is ordered, that Independent Ocean Freight Forwarder License No. 2329 issued to Mia Forwarders, Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Mia Forwarders, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 82-34437 Filed 12-17-82; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 2209]

Oswald A. Falabella; Order of Revocation

On December 9, 1982, Oswald A. Falabella, 701 Garibaldi Avenue, Roseto, PA 19013 surrendered his Independent Ocean Freight Forwarder License No. 2209 for revocation.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(e) dated November 12, 1981;

It is ordered, that Independent Ocean Freight Forwarder License No. 2209 issued to Oswald A. Falabella be revoked effective December 9, 1982, without prejudice to reapplication for a license in the future.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Oswald A. Falabella.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 82-34436 Filed 12-17-82; 8:45 am]

BILLING CODE 6730-01-M

[Agreement No. 10461]

United States/Republic of the Philippines Ocean Liner Trade; Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Agreement No. 10461 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq., and that preparation of an environmental impact statement is not required.

The agreement is an equal access agreement in the United States/Republic of the Philippines Ocean Liner Trade. The parties include American President Lines, Ltd., Lykes Bros. Steamship Company, Inc., Sea-Land Service, Inc. and Waterman Steamship Corporation, Galleon Shipping Corporation, and Maritime Co. of the Philippines. Under the terms of the agreement, the parties agree to petition their respective governments to grant national flag vessels access to cargo covered by each nation's cargo reservation laws.

This Finding of No Significant Impact (FONSI) will become final within 20 days of publication of this notice in the **Federal Register** unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Francis C. Hurney,

Secretary.

[FR Doc. 82-34434 Filed 12-17-82; 8:45 am]

BILLING CODE 6730-01-M

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service

Advisory Committee on Preservation; Meeting

Notice is hereby given that the Executive Committee of the National Archives and Records Service Advisory Committee on Preservation will meet on January 19, 1983 from 9:00 a.m. to 4:00 p.m. in Room 410, National Archives Building, Washington, D.C. This meeting will be devoted to plans for a full committee meeting later in the year.

The meeting will be open to the public. For further information call Alan Calmes, 202-523-3159.

Dated: December 10, 1982.

Robert M. Warner,

Archivist of the United States.

[FR Doc. 82-34449 Filed 12-17-82; 8:45 am]

BILLING CODE 6820-26-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Advisory Council on Social Security; Public Hearings

AGENCY: Health and Human Services Department.

ACTION: Notice of public hearings.

SUMMARY: The Secretary of Health and Human Services announced on September 16, 1982, the establishment of the Advisory Council on Social Security. The Council is charged to place particular emphasis on a review of the Medicare program, and to prepare and submit reports on its findings and recommendations.

In an effort to obtain the views of interested organizations and individuals, within the constraints of available time, the Council decided to conduct three public hearings in designated locations around the country. Notice is hereby given that one-day hearings will be held in Atlanta, on February 1, 1983, and in San Francisco on February 24, 1983. A hearing will also be held in Chicago on a date to be announced later.

ADDRESS: The Atlanta hearing will be held in the Strom Auditorium, Richard B. Russell Building, 75 Spring Street, Atlanta, Ga. 30303. The San Francisco hearing will be held in the Auditorium, Room 300, San Francisco Department of Public Health, 101 Grove Street, San Francisco, CA 94102.

FOR FURTHER INFORMATION CONTACT: Thomas R. Burke, Executive Director, 200 Independence Avenue, SW., Washington, D.C. 20201; telephone 202–755–8670 or 755–8671.

SUPPLEMENTARY INFORMATION: The hearings are open to the public. Attendance will be limited to the space available. Interested parties are invited to present testimony on Medicare issues; however, only those requesting in advance, preferably in writing, to appear will be permitted to present oral statements. Presenters should submit, five days in advance, 20 copies of their presentation, and should bring an additional 50 copies to the hearing to be made available to the public. Oral presentation should summarize the written statement, and will be limited to a maximum of 5 minutes. Other written material can be submitted for the record. Submit written requests specifying at which hearing location testimony is desired to be given to the Advisory Council on Social Security, Attn: Public Hearing, 200 Independence Avenue, SW., Washington, D.C. 20201, or telephone 202–755–8670 or 755–8671. The designated Chairperson or the Executive Director reserves the right to determine order of presentation, but will make every effort, within available time, to hear all who wish to be heard.

Sign language interpreting services will be provided if requested in advance.

Records will be kept of all public hearings and will be available for public inspection at the Office of the Administrative Officer, Advisory Council on Social Security, Room 317–H, HHH Building, 200 Independence Avenue, SW., Washington, D.C. 20201.

Thomas R. Burke,

Executive Director.

[FR Doc. 82–34455 Filed 12–17–82; 8:45 am]

BILLING CODE 4120–03–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. N–82–1191]

Submission of Proposed Information Collection To OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirements described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office and Building, Washington, D.C. 20503

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755–5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

PROPOSAL: Preliminary Site Report by Indian Housing Authority.
OFFICE: Housing.
FORM NUMBER: HUD-3188.
FREQUENCY OF SUBMISSION: On Occasion.
AFFECTED PUBLIC: State or Local Governments.
ESTIMATED BURDEN HOURS: 2600.
STATUS: Extension;
CONTACT: Patricia Arnaudo, HUD, (202) 755–6522 Robert Neal, OMB, (202) 395–6880.

(Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).)

Dated: November 29, 1982.

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 82–34424 Filed 12–17–82; 8:45 am]

BILLING CODE 3510–25–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Child Welfare Act; Grant Funds Distribution Formula

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Title II of the Indian Child Welfare Act of 1978 authorized the Secretary of the Interior to make grants to Indian tribes and Indian organizations for establishment and operation of Indian child and family service programs.

In order to ensure insofar as possible that all applicants approved for funding

receive a proportionate share of available grant funds under the provisions of 25 CFR part 23, "Application and selection criteria", established by the Bureau of Indian Affairs, the distribution of these funds will be accomplished in accordance with the following formula.

Grants will be awarded to individual tribes or organizations, or to consortia of tribes and organizations within the following categories:

A. A maximum of up to $50,000 for eligible applicants with a total service area population of less than 2,500;

B. A maximum of up to $150,000 for eligible applicants with a total service area population of more than 2,500 but less than 7,500;

C. A maximum of up to $300,000 for eligible applicants with a total service area population greater than 7,500.

Service area population means the total number of Indians eligible for service under 25 CFR 23.2(b)(2) and/or 23.2(d)(3) in the geographical area to which the tribe or organization can realistically provide the services proposed in the application.

These population figures will be based on identifiable statistical resources and the tribe's or organization's prior service records. Applicants will not be funded for more than their demonstrated need, as specifically addressed in 25 CFR 23.24 and 23.25.

A consortium, which is an agreement or association of two or more eligible applicants, may apply for the level of grant above the level which they would be eligible for due to their total service population. However, at no time may any Indian tribe or organization which is either an eligible individual applicant in accordance with 25 CFR 23.21 or a member of a consortium receive Indian Child Welfare Act grant funds greater than a maximum grant of $300,000 through a direct grant of through subgranting procedures with approved applicants.

An appropriation for this program has not been decided upon at this time. However, in anticipation of an appropriation a preliminary projection of percentage of funds which will be allocated to each of the Bureau of Indian Affairs' area offices follows:

	Percent
Aberdeen	7.1
Albuquerque	6.4
Anadarko	7.3
Billings	4.2
Juneau	10.5
Minneapolis	11.8
Muskogee	8.0
Navajo	3.0
Phoenix	8.1
Portland	11.0
Sacramento	12.7
Eastern	9.2

These preliminary allocations are meant for information purposes to the public. They were determined by averaging the following factors for each area office: the total Indian population based on the 1980 census figures and the 1981 estimates of Indian population and labor force statistics compiled by the Bureau of Indian Affairs. Adjustments were made considering number of grantees by area in previous years, and the structure of the grant program. Further adjustments may be made pending a final budget authorization.

Final allocations to the area offices for funding applications will be made at the Central Office.

Kenneth Smith,

Assistant Secretary, Indian Affairs.

December 13, 1982.

[FR Doc. 82-34335 Filed 12-17-82; 8:45 am]

BILLING CODE 4310-02-M

Indian Child Welfare Act; Title II Grant Applications

The period for submitting grant applications is effective on the date of publication in the **Federal Register** and will end January 28, 1983. It is necessary that specific timeframes be established for submission of applications so that all applicants approved for funding under the provisions of 25 CFR Part 23 may be included in a competitive review and ranking process, and can receive a proportionate share of available grant funds.

Application materials and related information may be obtained from Bureau of Indian Affairs offices nearest the applicant. Applications are being accepted in anticipation of an appropriation. All grant application approvals will be subject to the availability of funds. Grant awards will be for a one-year period.

Grant applications will be accepted for the purpose of:

(a) Establishment and operation of Indian child and family service programs which promote the stability of Indian families; and

(b) Providing non-Federal matching shares for other Federal financial assistance programs for "on or near" reservation programs which contribute to the purpose stated in (a) above.

Applications must be received in the appropriate Bureau of Indian Affairs, Social Services Office, on or before 4:15 p.m. on the closing date of the application period. Applications sent by registered or certified mail not later than the closing date as evidenced by the U.S. Postal Service postmark or the original receipt from the U.S. Postal Service, will be considered.

Kenneth Smith,

Assistant Secretary—Indian Affairs.

December 13, 1982.

[FR Doc. 82-34336 Filed 12-17-82; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[F-14902-A]

Alaska Native Claims Selection

The purpose of this decision is to modify page 13902 of the **Federal Register**, April 1, 1982 and item 2 of page 4 of the decision dated March 31, 1982, to include the following Sec. 17(b) easement reservation.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

(EIN 2 C3, D1) An easement for an existing access trail twenty-five (25) feet in width from a point in Sec. 26, T. 6 N., R. 73 W., Seward Meridian, southerly to the village of Eek. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. This trail is limited to winter use only.

On October 15, 1982 the State Director Memo concerning navigability was amended to include an unnamed slough from its mouth on the Kuskokwim River in Sec. 1, T. 6 N., R. 73 W., Seward Meridian, easterly to a point on the easterly boundary of Sec. 25, T. 7 N., R. 71 W., Seward Meridian, as a navigable water body.

The submerged lands underlying the above unnamed slough are hereby excluded from the lands approved for conveyance to Napaskiak Incorporated.

Except as modified by this decision, the decision of March 31, 1982 stands as written.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in *The Tundra Drums*.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the attached regulations in Title 43 *Code of Federal Regulations* (CFR), Part 4, Subpart E, as revised. However, pursuant to Pub. L. 96-487, this decision constitutes the final administrative

determination of the Bureau of Land Management concerning navigability of water bodies.

If an appeal is taken the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of this decision by personal service or certified mail, return receipt requested, shall have 30 days from receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign the return receipt and parties who received a copy of this decision by regular mail which is not certified, return receipt requested, shall have until January 19, 1983, to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Napaskiak Incorporated, Via Bethel, Alaska 99557.

Calista Corporation, 516 Denali Street, Anchorage, Alaska 99501.

Ann Johnson,

Chief, Branch of ANCSA Adjudication.

[FR Doc. 82-34423 Filed 12-17-82; 8:45 am]

BILLING CODE 4310-84-M

Office of Surface Mining Reclamation and Enforcement

Abandoned Mine Lands Reclamation Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Notice of availability of Findings of No Significant Impact (FONSI) addressing Environmental Assessments (EAs) for development of 4 abandoned mine land projects under the State of North Dakota Reclamation Plan.

SUMMARY: OSM has prepared EAs on projects submitted in the Federal Grant Application from the State of North Dakota to the Office of Surface Mining.

A FONSI has been made on the 4 reclamation projects indicated below and included in the grant application developed under Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. 1231–1234.

ADDRESS: Copies of the EAs and FONSI are available for inspection or may be obtained at the following location between the hours of 8:00 a.m. and 4:00 p.m.: Office of Surface Mining Reclamation and Enforcement, Wyoming Field Office, P.O. Box 1420, 935 Pendell Boulevard, Mills, Wyoming 82644.

FOR FURTHER INFORMATION CONTACT: William Thomas, Director, Wyoming Field Office, (307) 328–5830. Same address as above.

Reclamation Projects included in the FONSI location and description:

1. Buechler Mine Site, Ward County, Underground tunnels and active subsidence.

2. Beulah Mine Site, Mercer County, Vertical openings and active subsidence.

3. Garrison Mine Site, McLean County, Active subsidence.

4. New Leipzig Mine Site, Grant County, Vertical openings and active subsidence.

Dated: December 12, 1982.

William B. Schmidt,

Assistant Director, Program Operation and Inspection.

[FR Doc. 82-34461 Filed 12-17-82; 8:45 am]

BILLING CODE 4310-05-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

[Redelegation of Authority No. 99.1.3]

Chief, Government Property Resources Division, et al.; Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me under Redelegation of Authority No. 99.1, from the Assistant to the Administrator for Management, dated May 1, 1973 (38 FR 12836), as amended, I hereby redelegate to certain offices the following authorities:

1. To the Chief, Government Property Resources Division, and to the Chiefs, Field Offices of the Government Property Resources Division:

a. With respect to the reconditioning by a contractor listed in the General Services Administration regional term contract price schedules or the Department of the Army National maintenance contracts of property acquired by the Agency for International Development pursuant to section 608(a) of the Foreign Assistance Act, the authority to:

(1) Execute purchase orders for services and supplies for reconditioning and spare parts support required in relation to an item being reconditioned;

(2) Approve the contractor's invoices for direct payment to the contractor; and

(3) Inspect and accept each item completed by the contractor.

2. To the Chief, Government Property Resources Division: the authority to execute purchase orders for small purchases as defined in § 1–3.6 of the Federal Procurement Regulations for services and supplies required to carry on the operations of the Government property resources programs.

The authorities delegated herein are to be exercised in accordance with the Federal Property Management Regulations (FPMR) promulgated by the General Services Administration and in accordance with regulations, procedures and policies established, modified, and promulgated within A.I.D.; and are not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authorities redelegated herein may not be redelegated but may be

exercised by duly authorized persons performing the functions of the Chief(s) of offices named above in an acting capacity.

Any official actions taken prior to the effective date hereof by officers duly authorized pursuant to the delegation revoked hereunder are hereby continued in effect, according to their terms until modified, revoked, or superseded by action of the officer(s) to whom I have delegated relevant authority in this redelegation.

Redelegation of Authority No. 99.1.3 dated January 21, 1975 (40 FR 4160), as amended, is hereby revoked.

This redelegation of authority is effective on date of signature.

Dated: December 6, 1982.

Hugh L. Dwelley,

Director, Office of Contract Management.

[FR Doc. 82-34458 12-17-82; 8:45 am]

BILLING CODE 6116-01-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; 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-222

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 140349 (Sub-1-3 TA), filed December 3, 1982. Applicant: COPE/BESTWAY EXPRESS, INC., 2024 Harvey Road, Grand Island, NY 14072. Representative: D. Thomas Cope (same as applicant). *Contract carrier:* irregular routes: *Brake drums and disc brakes, rotors, new unfinished brake shoes and disc brake pads* between Erie County in the State of NY and States in the U.S. east of the Mississippi River, under continuing contract(s) with Aimco Div., International Telephone & Telegraph, Tonawanda, NY. Supporting shipper: Aimco Div., International Telephone & Telegraph Corp., 435 Creekside Drive, Tonawanda, NY 14150.

MC 164998 (Sub-1-1TA), filed December 3, 1982. Applicant: GENCARELLI OIL CO., INC., 110 Oak Street, Westerly, RI 02891. Representative: Charles R. Reilly, 391 Davisville Road, North Kingstown, RI 02852. *Gasoline* between East Providence, RI, and Mystic, Preston and Stonington, CT. Supporting shipper: Carlisle Oil Company, Inc., 141 Lowell Road, Concord, MA 01742.

MC 165030 (Sub-1-1TA), filed December 6, 1982. Applicant: LOBOSCO TRADING COMPANY, INC., 121 McBride Avenue, Patterson, NY 07501. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Plastic and paper products, textile products, foodstuffs, and recycling materials, except in bulk* between New York, NY Commercial Zone, on the one hand, and, on the other points in CT, DE, MA, NH, NJ, NY, PA, RI and VT. Supporting shipper(s): There are six statements in support of this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 165046 (Sub-1-1TA), filed December 7, 1982. Applicant: NORTHEAST CARRIERS, INC., 2418 Main Street, Rocky Hill, CT 06067. Representative: Gerald A. Joseloff, 410 Asylum Street, Hartford, CT 06103. *Contract carrier:* irregular routes: *Such commodities as are dealt in and used by home improvement centers and department stores* between points in DE, ME, IN, OH, MD, MA, NH, NJ, NY, PA, VT, and DC under continuing contract(s) with Ames Department Stores, Inc., its divisions and its wholly owned subsidiary Eastern Retailers Corporation, all of Rocky Hill, CT. Supporting shipper: Ames Department Stores, Inc., 248 Main Street, Rocky Hill, CT 06067; Eastern Retailers Service Corporation, 2418 Main Street, Rocky Hill, CT 06067.

MC 156423 (Sub-1-2TA), filed December 6, 1982. Applicant: J.R.J. INC., t/a RAIL HEAD TRANSFER, 275 Distribution Street, Port Newark, NJ 07114. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Household goods* between New York, NY Commercial Zone, on the one hand, and, on the other, Norfolk, VA. Supporting shipper: Aramco Services, P.O. Box 4313, Houston, TX 77210.

MC 52022 (Sub-1-1TA), filed December 7, 1982. Applicant: SANTINI BROTHERS INC., d.b.a. THE SEVEN BROTHERS, THE SEVEN SANTINI BROTHERS, 449 West 49th Street, New York, NY 10019. Representative: B.W. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105. *Contract carrier:* irregular routes: *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., Dallas, TX. Supporting shipper: American Airlines, Inc., P.O. Box 61616, DFW Airport, Dallas, TX 75261.

The following applications were filed in region 2. Send protests to: ICC,Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 150511 (Sub-II-13TA), filed December 1, 1982. Applicant: BETTER HOME DELIVERIES, INC., 3700 Park East Drive, Cleveland, OH 44122. Representative: Thomas B. Hill, 1101 31st Street, Downers Grove, IL. 60515. *Mattresses, equipment, materials and supplies used in the manufacture and distribution of mattresses,* from Hayward, CA to points in NV and OR, under continuing contract(s) with Fisher Mattress. An underlying ETA seeks 120 days' authority. Supporting shipper: Fisher Mattress, 27279 Industrial Boulevard, Hayward, CA 94540.

MC 157485 (Sub-II-3TA), filed November 29, 1982. Applicant: EVES TRUCKING CO., INC., Rt. 724, R.D.1, Phoenixville, PA 19460. Representative: Raymond A. Thistle, Jr., Five Cottman Court, 426 Cottman Street, Jenkintown, PA 19046. *Contract,* irregular: *asphalt* in bulk, in tank vehicles, from Baltimore, MD to Centre County, PA, under continuing contract(s) with Herbert R. Imbt, Inc. of State College, PA. An underlying ETA seeks 120 days authority. Supporting shipper: Herbert R.

Imbt, Inc., P.O. Box 155, State College, PA 16801.

MC 164749 (Sub-II–1TA), filed November 18, 1982. Applicant: GOLD STAR LINES, INC., 560 Berwick Rd., Bloomsburgh, PA 17815. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517. *Bakery goods and related products,* between Philadelphia and Northhampton Counties, PA, on the one hand, and, on the other Broome County, NY. An underlying ETA seeks 120 days authority. Supporting shipper: Tasty Baking Co., 2801 Hunting Park Ave., Philadelphia, PA 19129.

MC 109448 (Sub-II–24–TA), filed December 2, 1982. Applicant: PARKER TRANSFER CO., P.O. Box 256, Elyria, OH 44036. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *Such commodities as are dealt in or used by manufacturers and distributors of building materials* (except commodities in bulk) between Bartow County, GA. on the one hand, and, on the other, points in the U.S. (except AK and HI) for 270 days. Supporting shipper: DONN CORP., 1000 Crocker Rd., Westlake, OH 44145.

MC 152640 (Sub-II–14TA), filed November 29, 1982. Applicant: RAPID DISTRIBUTION SERVICE, INC., 2392 N. Dupont Hwy., Dover, DE 19901. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th Street, NW., Washington, DC 20005. *Such merchandise as is dealt in and distributed by retail department stores, discount houses and chain stores, and materials and supplies* used in connection therewith, between points in TN, KY, AL and FL, on the one hand, and, on the other, points in the U.S. (except AK and HI), for 270 days. Supporting shipper: Colonial Corporation of America, 507 Adam St., Woodbury, TN 37190.

MC 152672 (Sub-II–12TA), filed November 29, 1982. Applicant: A. ROGER LEASING, LTD., P.O. Box 836, Coraopolis, PA 15108. Representative: Barry Weintraub, Suite 510, 8133 Leesburg Pike, Vienna, VA 22180. Contract, irregular: *charcoal lighter fluid and materials, equipment and supplies used in the manufacture and distribution thereof,* between Valley Park, MS, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Fusol, Inc. and Arcofuels, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Fusol, Inc., Arcofuels, Inc., P.O. Box 126, Vicksburg, MS 39180.

MC 110683 (Sub-II–4TA), filed November 29, 1982. Applicant: SMITH'S TRANSFER CORPORATION, P.O. Box 1000, U.S. Hwy. 11, Staunton, VA 24401. Representative: Francis W. McInerny, Suite 502, Solar Bldg., 1000 16th Street NW., Washington, DC 20036. Contract, irregular: *Chemicals, resin compounds, liquid and dry, and amines,* between points in Middlesex, Dayton and Paulsboro, NJ; Elkton, MD; Calvert City, KY; Cleveland, OH; and Harvey, LA, on the one hand, and, on the other, points in the U.S. (except AK & HI), under continuing contract(s) with Air Products and Chemicals, Inc. Supporting shipper(s): Air Products & Chemicals, Inc., P.O. Box 538, Allentown, PA 18105.

MC 164958 (Sub-II–1TA), filed December 2, 1982. Applicant: WALKER TRUCKING CO., 258 North 6th St., Columbus, OH 43215. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *General commodities* (except Classes A and B explosives, commodities in bulk and household goods) between Columbus, OH, including points in its Commercial Zone, on the one hand, and, on the other, points in OH for 270 days, restricted to traffic having a prior or subsequent movement in interstate or foreign commerce. Supporting Shippers: Central Ohio Shippers Coordinated Corp., P.O. Box 2622, Columbus, OH 43216; Ancon, Inc., 2201 Westbelt Dr., Columbus, OH 43228.

The following applications were filed in region 3. Send protests to: ICC, Regional Authority Center, Room 300, 1776 Peachtree NE., Atlanta, GA 30309.

MC 144218 (Sub-3–3TA), filed December 6, 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: *general commodities (except classes A and B explosives, household goods, and commodities in bulk),* between points in the US (except AK and HI), under continuing contract(s) with Charlotte Freight Association, Inc., of Charlotte, NC. Supporting shipper: Charlotte Freight Association, Inc., 2508 Starita Road, Charlotte, NC 28213.

MC 165038, (Sub-3–1TA), filed December 7, 1982. Applicant: JOHNSON TRUCK LINES, INC., P.O. Box 7387, High Point, NC 46304. Representative: Alexander L Johnson (same address as applicant). *Modular wall units,* from the facilities of Doxey Furniture Corporation at or near Aberdeen, NC to points in the United States (except AK and HI). Supporting shipper: Doxey Furniture Corporation, Rt. 1, Hwy 211 East Aberdeen, NC 28317.

MC 165039 (Sub-3–1TA), filed December 7, 1982. Applicant: CFI TRANSPORT, INC., P.O. Box 40, Valdese, NC 28690. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. Contract: Irregular: *Automotive parts and accessories,* from Decatur, IL; Mayfield, KY; Birminghan, AL; and Atlanta, GA to Winston-Salem, Mt. Airy, High Point, Durham, Yadkinville, Hickory and King, NC. Supporting shippers: Parrish Tire Co., P.O. Box 3137, Winston-Salem, NC 27102 and Catawba Valley Tire Company, Inc., P.O. Box 2352, Hickory, NC 28601.

MC 116254 (Sub-3–32TA), filed December 7, 1982. Applicant: CHEM-HAULERS, INC., 118 East Mobile Plaza, Florence, AL 35631. Representative: P. K. Hubbert (same address as applicant). *Contract:* Irregular—*Furniture and Fixtures and materials, equipment and supplies used in the manufacture, sale or distribution of furniture* and *fixtures,* between points in U.S. (except AK and HI), and Milan, TN. Restriction: Transportation under such permit to be under continuing contract with Worboys Furniture Division of Milan Products Corporation, P.O. Box 659 Milan, TN 38358.

MC 165098 (Sub-3–1TA), filed December 9, 1982. Applicant: BOWLING GREEN FREIGHT, INC., Graham St., Route 14, Box 68C, Bowling Green, Ky. 42101. Representative: Victor Grant (same address as applicant). *Petroleum and electric heaters; powder actuated tools; pins; loads for powder actuated tools; electric chain saws; screws and fasteners and commodities used in connection with the above named items; and materials, supplies and equipment used in connection with the manufacture of the above named items;* Between the facilities of AMCA International, Inc. located at or near Bowling Green, KY, Park Forest, IL, Detroit, MI; Sparks, NV; Chicago. IL; New Bedford, CT and Cleveland, OH on the one hand, and, on the other, points in the U.S. Supporting shipper: AMCA International, Inc., 2701 Industrial Dr., Bowling Green, KY 42101.

MC 164944 (Sub-3–1TA), filed December 9, 1982. Applicant: SOUTHERN FREIGHT, INC., P.O. Box 6862, Atlanta, GA 30303. Representative: Mark S. Gray, Suite 1006, 225 Peachtree St., N.E. Atlanta, GA 30315. *General Commodities (except Class A or B explosives, household goods or commodities in bulk),* between Atlanta, GA and its commercial zone, on the one hand, and, on the other, points in FL. Supporting shippers: Cedartown-Atlanta

Freight Lines, Inc., 140 Milton Ave., S.E., Atlanta, GA 30315; Reliable Express, Inc., P.O. Box 6952, Atlanta, GA 30315.

MC 140800 (Sub-3–3TA), filed December 9, 1982. Applicant: COLONIAL TRANSPORTATION, INC., P.O. Box 448, McMinnville, TN 37110. Representative: Robert L. Baker, Sixth Floor, U.S. Bank Bldg., Nashville, TN 37219. *General commodities (except Classes A and B explosives, commodities in bulk, in tank vehicles and household goods),* between points in GA, IL and OH on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shippers: Gould, Inc., 10 Gould Center, Rolling Meadows, IL, Co-Operative Shippers, Inc., 4410 Dane Avenue, Cincinnati, OH 45223, Sunwise Products, Inc., 2206 S. Linda Drive, Bellbrok, OH 45305. Their statements may be examined at the Regional Office listed above.

The following applications were filed in Region 4: Send protests to: ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 15735 (Sub-4–44TA), filed December 3, 1982. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153 Representative: Richard V. Merrill, P.O. Box 4403 Chicago, IL 60680. *Contract* irregular: *Household goods* between points in the U.S. (except AK and HI) under a continuing contract with Barber-Colman Company in Rockford, IL and its subsidiaries. Supporting shipper: Barber-Colman Company.

MC 15735 (Sub-4–45TA), filed December 3, 1982. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Richard V. Merrill, P.O. Box 4403, Chicago, IL 60680. *Contract* irregular: *Household goods* between points in the U.S. (except AK and HI) under a continuing contract with Honeywell, Inc. of Minneapolis, MN and its subsidiaries. Supporting shipper: Honeywell, Inc.

MC 15735 (Sub-4–46TA), filed December 6, 1982. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Martin T. Boratyn, P.O. Box 4403, Chicago, IL 60680. *Contract irregular: Terminal control units, printers, cathode ray tubes, components and parts thereof and related data processing equipment* between points in the U.S. (except AK and HI) under a continuing contract with Northern Telecom, Inc. Supporting shipper: Northern Telecom, Inc., 9701 Data Center, Minnetonka, Minnesota 55343.

MC 117165 (Sub-4–7TA), filed December 3, 1982. Applicant: ST. LOUIS FREIGHT LINES INC., 1111 U.S. Highway 20 West, Michigan City, IN 46360. Representative: James M. Hodge, 3730 Ingersoll Avenue, Des Moines, IA 50309. *Lumber, plywood and particleboard,* From points in AL, AR, GA, LA, MS, NC, SC, and TX to points in IN, MI and OH. Supporting shipper(s): Erb Lumber Company, Inc., 375 South Eton Road, Birmingham, MI 48012.

MC 117165 (Sub-4–8TA), filed December 6, 1982. Applicant: ST. LOUIS FREIGHT LINES, INC., 1111 U.S. Highway 20 West, Michigan City, IN 46360. Representative: James M. Hodge, 3730 Ingersoll Ave., Des Moines, IA 50309. *Gypsum products,* from the facilities of Georgia Pacific Corporation at or near Fort Dodge, IA to points in IL, IN, KY, MI, MN, MO, OH, PA and WI. An underlying ETA seeks 30 days authority. Supporting shipper(s): Georgia Pacific Corporation, Gypsum Division, 1062 Lancaster Ave., Rosemont, PA 19010.

MC 125894 (Sub-4–8TA), filed December 6, 1982. Applicant: J&R SCHUGEL TRUCKING, INC., 2026 North Broadway, New Ulm, MN 56073. Representative: Robert S. Lee, 1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402. *Frozen boneless beef* from Philadelphia, PA to points in the United States in and east of ND, SD, NE, KS, OK, and TX. Supporting shipper: Butler Beef, Inc., 4700 North 132nd Street, Butler, WI 53007.

MC 144030 (Sub-4–6TA), filed December 7, 1982. Applicant: DRUE CHRISMAN, INC., P.O. Box 264, U.S. 50 West, Lawrenceburg, IN 47025. Representative: P. J. (Jerry) Snodgrass (same as above). Common; irregular; *General commodities,* between points in the U.S. There are 8 supporting shippers.

MC 144201 (Sub-4–6), filed December 7, 1982. Applicant: V.M.P. ENTERPRISES, INC., 933 North Mayfair, Suite 106, Milwaukee, WI 53226. Representative: Daniel R. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Buses, in driveaway service,* between the facilities of Neoplan U.S.A. Corporation at Montgomeryville, PA, on the one hand, and, on the other, Atlanta, GA. An underlying ETA seeks 120 days authority. Supporting shipper: Neoplan U.S.A. Corporation, 700 Gottlob Auwaeter Drive, Lamar, Colorado 81052.

MC 151432 (Sub-4–3TA), filed December 3, 1982. Applicant: VERNON MARTELL, 2434 Hillview Avenue, Bismarck, ND 58501. Representative: Charles E. Johnson, Box 2056, Bismarck, ND 58502. *Lumber, plywood and fiberboard* from the facilities of Plum Creek, Inc., at Belgrade, Fortine, Kalispell, Pablo and Columbia Falls, MT, and Arden and Kettle Falls, WA, to points in ND, SD, NB, MN, IA, MO, WI, MI, IL, IN, OH and PA. Underlying ETA seeks 180-day authority. Supporting shipper: Plum Creek, Inc., Columbia Falls, MT.

MC 156133 (Sub-4–9TA), filed December 6, 1982. Applicant: TANDEM TRANSPORT CORP., 322 U.S. Highway 20 West, Michigan City, IN 46360. Representative: James M. Hodge, 3730 Ingersoll Avenue, Des Moines, IA 50309. *Lumber, plywood and particleboard,* From points in AL, AR, GA, LA, MS, NC, SC and TX to points in IN, MI and OH. Supporting Shipper(s): Erb Lumber Company, Inc., 375 South Eton Road, Burmingham, MI 48012.

MC 160706 (Sub-4–2), filed December 7, 1982. Applicant: CHARLES FOLKENS, Rural Route #1, Big Lake, MN 55309. Representative: Samuel Rubenstein, Post Office Box 5, Minneapolis, MN 55440. *Contract,* irregular route, *Plumbing and Heating Supplies,* between points in the U.S. (except Ak and HI) under continuing contract(s) with Roberts Hamilton Co., Golden Valley, MN. (Hearing site: Minneapolis or St. Paul, MN.)

MC 164884 (Sub-4–1TA), filed December 3, 1982. Applicant: G.N.C. TRUCKING, INC., 1490 Lakeshore Drive, Menasha, Wisconsin 54952. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. Contract; irregular; *corrugated paper containers and products, thermo/styrofoam containers and products, and plastic containers and products* between points in Outagamie and Racine Counties, WI, on the one hand, and on the other hand, points in IL. Restriction: restricted to transportation performed under a continuing contract(s) with Great Northern Corporation. Supporting shipper: Great Northern Corporation, Box 939, Appleton, WI 54912.

MC 165007 (Sub-4–1TA), filed December 3, 1982. Applicant: VIRGIL LaVANWAY, Route 3, Bailey Road, Box 571, East Jordan, MI 49727. Representative: William B. Elmer, P.O. Box 801, Traverse City, MI 49685–0801, (616) 941–5313. Metals and metal products and materials and supplies used in connection with the manufacture and distribution of metal and metal products between points in Charlevoix County, MI on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: East Jordan Ironworks, P.O. Box 439, East Jordan, MI 49727.

MC 165040 (Sub-4–1), filed December 7, 1982. Applicant: OCS, INC., 6100

Linsdale, Detroit, MI 48204. Representative: Alex J. Miller, 555 South Woodward Avenue, Suite 512, Birmingham, MI 48011. *Contract* irregular: *General commodities* (except household goods, commodities in bulk and Classes A and B explosives) between points in MI, IL, IA, IN, WI, MO, OH, NB and KY, under continuing contract with ECT Shipping (USA), Inc., 6100 Linsdale, Detroit, MI 48204.

MC 15735 (Sub-4–47TA), filed December 9, 1982. Applicant: ALLIED VAN LINES, INC.,2120 S. 25th Ave., Broadview, IL 60153. Representative: Richard V. Merrill, P.O. Box 4403, Chicago, IL 60680. *Contract,* irregular: *Household goods* between points in the U.S. (including AK but excluding HI) under a continuing contract with Motorola, Inc. and its subsidiaries of Schaumburg, IL.

MC 146642 (Sub-4–2TA), filed December 8, 1982. Applicant: BEST TRANSPORT COMPANY, INC., 132 West 154th Street, South Holland, IL 60473. Representative: Martin J. Kennedy, 120 West Madison Street, Suite 1306, Chicago, IL 60602. *Cement* from Chicago, IL, LaSalle, IL, Hartland, WI and Milwaukee, WI to points in IA, IL, IN, MO and WI. An underlying ETA seeks 90 days authority. Supporting shipper: Illinois Cement Company, PO Box 442, LaSalle, IL 61301.

MC 149308 (Sub-4–11), filed December 9, 1982. Applicant: VICTORY FREIGHTWAY SYSTEMS, INC., P.O. Box P, Sellersburg, IN 47172. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Contract carrier, irregular routes, transporting *such commodities as are dealt in by supermarkets and drugstores* between Xenia, OH, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN, LA, KS, KY, MD, MI, MN, NE, NJ, NY, PA, TN, WI, IA, and MO, under contract to Super Valu Stores, Inc. of Xenia, OH. Supporting shipper: Super Valu Stores, 1003 Bellbrook Avenue, Xenia, OH 45385.

MC 150105 (Sub-4–5TA), filed December 9, 1982. Applicant: KING ASSOCIATED ENTERPRISES, LTD., P.O. Box 253, Butler, WI 53007. Representative: David V. Purcell, Purtell, Purcell, Wilmot & Burroughs, S.C., 111 East Wisconsin Avenue, Milwaukee, WI 53202. Temporary authority sought to operate as a *contract* carrier, by motor vehicle, over *irregular* routes, transporting: *Malt beverages and materials and supplies used in the sale, manufacture, and distribution of such commodities* from Milwaukee, WI to points in MI. Supporting shipper: Pabst Brewing Company, 1000 N. Market St., Milwaukee, WI 53202.

MC 165051 (Sub-4–1), filed December 8, 1982. Applicant: LONA TRUCKING CO., 7339 Lemont Road, Downers Grove, IL 60515. Representative: James R. Madler, 120 W. Madison Street, Chicago, IL 60602. *Building materials and supplies* (except in bulk) between Itasca, IL, on the one hand, and, on the other, points in WI, on and south of State Hwy. 33. Supporting shipper: Masonite-Central Hardboard, 1000 Hollywood Ave., Itasca, IL 60143.

MC 164822 (Sub-4–1TA), filed December 8, 1982. Applicant: G.N.C. TRANSPORT, INC., 1001 Territorial, P.O. Box 604, Benton Harbor, MI 49022. Representative: Nebraska Draughter, Route 3 Box 138 D, Coloma, MI 49038. Contract: irregular; *General commodities,* between points in MI, OH and WI. Supporting shipper(s): American Motors Corporation, 5626 25th Ave., Kenosha, WI 53140.

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 110567 (Sub-5–11TA), filed December 7, 1982. Applicant: SOONER TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: Kenneth L. Kessler, P.O. Box 855, Des Moines, IA 50304. Contract, Irregular; *such commodities as are distributed by retail grocery stores,* between Minnehaha County, SD, Sarpy and Douglas Counties, NE, and Polk County, IA, under continuing contract with Albertson's Inc., Omaha, NE.

MC 116164 (Sub-5–5TA), filed December 6, 1982. Applicant: ARROW TRANSPORTATION CO., 1911 N.E. 58th Avenue, Des Moines, IA 50313. Representative: James M. Hodge, 3730 Ingersoll Avenue, Des Moines, IA 50309. *Gypsum products,* from the facilities of Georgia Pacific Corporation at or near Fort Dodge, IA to points in IL, IN, KY, MI, MN, MO, HO, PA and WI. Supporting shipper(s): Georgia Pacific Corporation, Gypsum Division, Rosemont, PA.

MC 116164 (Sub-5–6TA), filed December 7, 1982. Applicant: ARROW TRANSPORTATION CO., 1911 N.E. 48th Avenue, Des Moines, IA 50313. Representative: James M. Hodge, 3730 Ingersoll Avenue, Des Moines, IA 50309. *Lumber, plywood and particleboard,* from points in AL, AR, GA, LA, MS, NC, SC and TX to points in IN, MI and OH. Supporting shipper(s) Erb Lumber Company, Inc., Burmingham, MI.

MC 121457 (Sub-5–3TA), filed December 7, 1982. Applicant: MERCURY TRANSPORTATION, INC., 8502 Miller Road #3, Houston, TX 77049. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701. *Building materials and lumber and wood products,* between points in AL, AR, AZ, CO, FL, GA, ID, LA, MS, MT, NC, NM, OK, OR, SC, TX, WA, and WY. Supporting shippers: Allstates Steel Corporation, Houston, TX; The McGinnis Lumber Company, Inc., Meridian, MS; and Shuqualak Lumber Company, Inc., Shuqualak, MS.

MC 128087 (Sub-5–5TA), filed December 7, 1982. Applicant: JOHN N. JOHN III, INC., P.O. Box 921, Crowley, LA 70526. Representative: William M. John (same as above). *Textile and Burlap Bags and Bagging Material* between Crowley, LA and points in AL, AR, MS, and TX. Supporting shipper: Langston Companies, Inc., Continental Bag Co., Div. Crowley, LA.

MC 157950 (Sub-5–1TA), filed December 6, 1982. Applicant: HEISLER TRANSPORTS, INC., 128 SW 10th St., Oklahoma City, OK 73126. Representative: Don Cox (same as above). *General commodities (except household goods as defined by the commission, and Classes A and B Explosives)* between points in OK, on the one hand, and on the other, points in the U.S. (except AK and HI). Supporting shippers: Eight.

MC 158784 (Sub-5–2TA), filed December 7, 1982. Applicant: RONALD E. BALIK, d.b.a. BALIK TRUCKING, R. R. #2, Fort Atkinson, IA 52144. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Beer and materials, equipment and supplies used in the manufacture, sale, and distribution of beer,* between St. Paul, MN, and Milwaukee and La Crosse, WI, on the one hand, and, on the other, Winneshiek County, IA. Supporting shipper: Frana Beer Distributing Co., Inc., Calmar, IA.

MC 159982 (Sub-5–4TA), filed December 7, 1982. Applicant: O. L. EXPRESS, LTD., Box 327, Carlisle, IA 50047. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. *Paper, paper products, printing supplies and bagged clay,* from points in GA, IL, ME, MA, MI, NJ, NY and WI to Des Moines, IA and Sturgis, MI. Supporting shipper: Frye Copysystems, Inc., Des Moines, IA.

MC 161767 (Sub-5–2TA), filed December 6, 1982. Applicant: BOBBY SMITH BROKERAGE, INC., 2520 Northeast 35th, Fort Worth, TX 76111. Representative: Harry F. Horak, Suite

115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. *Polystyrene and plastic materials,* from Fort Worth, TX, to ports of entry at Sweetgrass, MT, Blaine, WA, Detroit and Port Huron, MI, and Lake Champaign and Buffalo, NY. Supporting shipper: Canada Cup Co., Toronto, Ontario, Canada.

MC 163372 (Sub-5–7TA), filed December 6, 1982. Applicant: TRANS-CARRIERS, INC., 1013 Camelot Cove, West Memphis, AR 72301. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103. *Beer* from facilities of Miller Brewing Company at Fort Worth, TX, to West Memphis, AR, and its commercial zone. Supporting shipper: McCain Distributing Co., Inc., West Memphis, AR.

MC 165027 (Sub-5–1TA), filed December 6, 1982. Applicant: DOUG BLAIR, P.O. Box 814, Levelland, TX 79336. Representative: Doyle G. Owens, P.O. Box 7735, Beaumont, TX 77706. *Rock, Gravel, Sand, Caliche, Dirt and Soil,* between Reeves, Midland, Ector, Andrews, Gaines, Terry, Yoakum, Cochran, Hockley, Lubbock, Parmer, Castro, Deaft Smith, and Oldham Counties, TX, on the one hand, and, on the other, Eddy, Lea, Chaves, Roosevelt, Curry, De Baca, Quay, Harding and Union Counties, NM. Supporting shippers: Hughes Construction, Sundown, TX; Roy E. Moore Dirt Contractor, Inc., Levelland, TX; Aristera Rock Company, Lubbock, TX.

MC 165048 (Sub-5–1TA), filed December 7, 1982. Applicant: SMITH TRUCKING COMPANY, INC., P.O. Box 865, Enid, OK 73702–865. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154. *Metal prefabricated buildings, parts thereof, and materials used in the manufacture thereof,* between the facilities of Star Manufacturing Incorporated at or near Oklahoma City, OK, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Star Manufacturing Incorporated, Oklahoma City, OK.

MC 67234 (Sub-5–37TA), filed December 8, 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 Essex Junction (Chittenden County), VT on the one hand, and Manassas (Prince William County), VA on the other hand, under continuing contract(s) with IBM Corporation. Supporting shipper: IBM Corporation, Princeton, NJ.

MC 67234 (Sub-5–38TA), filed December 8, 1982. Applicant: UNITED VAN LINES, Inc., One United Drive, Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105. *General commodities (except Classes A and B explosives and commodities in bulk)* between points in the U.S. (including AK and HI) under continuing contract(s) with Western Airlines, Inc. Supporting shipper: Western Airlines, Inc., Los Angeles, CA.

MC 67234 (Sub-5–39TA), filed December 10, 1982. Applicant: UNITED VAN LINES, INC., Fenton, One United Drive, MO 63026. Representative: B. W. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105. *General commodities (except Classes A and B explosives and commodities in bulk)* between points and places in the U.S. (including AK and HI) under continuing contract(s) with Paradyne Corp. Supporting shipper: Paradyne Corporation, Largo, FL.

MC 83539 (Sub-5–6TA), filed December 9, 1982. Applicant: C & H TRANSPORTATION CO., INC., 9757 Military Parkway, Dallas TX 75227–9989. Representative: Thomas E. James, P.O. Box 270535, Dallas, TX 75227–9989. Contract, Irregular; *General Commodities (except Class A&B explosives and HHG's)* between points in the U.S. under continuing contract with Standard Oil Company (IN) and Amoco subsidiaries.

MC 121631 (Sub-5–3TA), filed November 22, 1982. Applicant: MARSHFIELD DRAYAGE CO., P.O. Box 50, Marshfield, MO 65706. Representative: Elvin S. Douglas, Jr., P.O. Box 280, Harrisonville, MO 64701. Common, regular; *General commodities (except explosives, commodities of unusual value, HHG's, commodities in bulk, and commodities requiring special equipment)* from Springfield, MO, over Interstate 44 to Rolla, MO, and from Lebanon, MO, over MO Hwy 5 to Camdenton, MO; thence over US Hwy 54 to Eldon, MO, and return over the same routes serving the points of Lebanon, Waynesville, St. Robert, Rolla, Camdenton, Osage Beach and Eldon, MO, and all intermediate points along said route, and the off-route point of Crocker, MO. Applicant intends to tack and interline. Supporting shipper(s): 52.

MC 150303 (Sub-5–2TA), filed December 10, 1982. Applicant: HALLOUS H. GARRETT d.b.a. GARRETT TRUCKING CO., Rt. 3, Box 240, Greenbrier, AR 72058. Representative: Thomas B. Staley, 1550 Tower Bldg., Little Rock, AR 72201. Contract, Irregular; *General commodities (except commodities in bulk, and HHG's, as defined by the Commission)* between points in the U.S. under continuing contract with Kirkpatrick Rubber Co., Greenbrier, AR.

MC 150422 (Sub-5–3TA), filed December 8, 1982. Applicant: CONAGRA TRANSPORTATION, INC., 5440 West Channel Road, Catoosa, OK 74015. Representative: Peter A. Greene, 1920 N Street, NW., Washington, D.C. 20036. Contract, irregular; *General commodities (except Classes A and B explosives and household goods)* between points in the U.S. (except AK and HI), under continuing contracts with Country Pride Foods Limited. Supporting shipper: Country Pride Foods Limited, Athens, AL.

MC 154106 (Sub-5–4TA), filed December 10, 1982. Applicant: Mt. HOPE TRUCKING, INC., P.O. Box 247, MT. Hope, KS 67108. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110–L, Topeka, KS 66612. *Dry sugar, whole whey, nonfat dry milk and cornstarch,* from the Commercial Zones of Brighton, Denver, Longmont, Loveland, Sterling & Ovid, CO; Goodland & Kansas City, KS; East Grand Fork & Minneapolis, MN; St. Louis, MO; Scotts Bluff, NE; Hereford & Sugarland, TX; Torrington, WY; & Gramercy & New Orleans, LA to points in the U.S. (except AK, HI, WA, OR, ID, NV, NY, NJ, MD, VT, NH, MA & ME). Supporting shipper: International Distributing Corporation, St. Louis, MO.

MC 156199 (Sub-5–2TA), filed December 10, 1982. Applicant: GRUDLE TRUCKING, INC., Route 3, Glenwood, IA 51534. Representative: Carol Grudle, same as above. Contract, irregular, *Meat and Meat Products* from facilities of Victor's Iowa Pack, Inc., Council Bluffs, IA to Commercial Zone of Dallas-Ft. Worth, TX, and Sherman, TX, under continuing contract(s) with Victor's Iowa Pack, Inc., Council Bluffs, IA. Supporting shipper: Victor's Iowa Pack, Inc., Council Bluffs, IA.

MC 156336 (Sub-5–3TA), filed December 10, 1982. Applicant: OSCEOLA WASTE MATERIALS, INC., P.O. Box 752, Osceola, AR 72370. Representative: Thomas B. Staley, 1550 Tower Building, Little Rock, AR 72201. *Paper and paper products* between Muskogee, OK and Memphis, TN. Supporting shipper: Magnolia Paper and Janitor Supply Co., Inc., Memphis, TN.

MC 165087 (Sub-5–1TA), filed December 8, 1982. Applicant: BREWER TRANSPORT COMPANY, INC., 5221 Railroad Avenue, Palmetto, LA 71358. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309.

Building materials, between points in AR, LA, MS, and TX. Supporting shipper: Port Barre Lumber Industries, Port Barre, LA.

MC 165088 (Sub-5–1TA), filed December 8, 1982. Applicant: DAN CLARK, d.b.a. CLARK TRANSPORTATION CO., Route 2, Box 215, Decatur TX 76234. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. (1) *Lumber or Wood Products; (2) Chemicals or Allied Products; (3) Primary Metal Products, (4) Fabricated Metal Products; (5) Machinery, and (6) Non-Metallic Minerals,* between points in AL, AR, AZ, CA, CO, KS, KY, LA, MO, MS, NE, NV, NM, OK, TN, TX, UT and WY. Supporting shippers: 13.

MC 165102 (Sub-5–1TA), filed December 9, 1982. Applicant: PORTVINCENT TRUCK LEASING, INC., Route 3, Box 387, Denham Springs, LA 70726. Representative: Mary Thigpen Gourdon, same as above. Contract; Irregular. *Carpet and related supplies, tile, grout, cement products, and related tile supplies,* from points in the U.S. To points in New Orleans, Shreveport, and Baton Rouge, LA. Supporting shipper: Bolick Distributors, Inc., Baton Rouge, LA.

MC 165123 (Sub-5–1TA), filed December 10, 1982. Applicant: JIMMY DAYLE KING d.b.a. D & J TRUCKING, 500 East 50th Street, Lubbock, TX 79452. Representative: Donald B. Morrison P.O. Box 22628, Jackson, MS 39205. Contract, irregular; *Such commodities as are dealt in or used by manufacturers and distributors of cotton and linter baling and wrapping material; and anti-wash devices* between points in the U.S under continuing contract(s) with Belton Industries, Inc, of Belton, SC.

MC 165132 (Sub-5–1TA), filed December 10, 1982. Applicant: ROBERT L. BELL d.b.a. BELL TRUCKING, Star Route 488, Willow Springs, MO 65793. Representative: Bruce McCurry, 910 Plaza Towers Springfield, MO 65804. *Wood pallets, lumber and wood products* between points in Douglas, Dent, Howell, Oregon, Ozark, Reynolds, Shannon, Texas and Wright Counties, MO on the one hand and points in AR, CO, IL, IA, KS, NB, OH, and OK on the other hand, Supporting shippers: Bob Hanna Sales Company, West Plains, Mo; Ball Brothers Forest Products, Inc., Koshkonong, MO; Gray Forest Products, Inc., Birch Tree, MO.

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 148757 (Sub-6–1TA), filed December 6, 1982. Applicant: ASSOCIATED FREIGHT CONSOLIDATORS, INC., 288 Martin, Blaine,WA 98230. Representative: George LaBissoniere, 15 S. Grady Way, Suite 239, Renton, WA 98055. *General Commodities* (excluding A & B explosives, household goods and commodities in bulk) between points in Whatcom County, WA and ports of entry on the U.S-Canada International Boundary at Blaine, WA, for 270 days. Applicant intends to interline. An underlying ETA seeks 120 day authority. Supporting shipper: Jack R. Huls & Co., 61 12th Street, Blaine, WA 98230.

MC 165061 (Sub-6–TA), filed December 7, 1982. Applicant: LARRY MOULTON, d.b.a. BARTER TRUCKING, 3530 Martin Way 1, Olympia, WA 98506. Representative: (Same as applicant). *General Commodities* between points in WA and points in the U.S. including AK for 270 days. Supporting shippers: New Horizons Imports, 411 Sleater Kenny Rd. S.E., Olympia, WA 98503.

MC 149138 (Sub-6–7TA), filed November 18, 1982. Applicant: COLORADO–KANSAS MISSOURI EXPRESS CO., INC., 4250 Oneida Street, Suite 141, Denver, CO 80216. Representative: William Lippman, 52 South Steele, Suite 588, Denver, CO 80209. *Contract,* irregular; *General Commodities, (except HHG, class A&B explosives, and commodities in bulk,* between CO and the U.S. (except AK and HI) for 270 days. Supporting shippers: Rocky Mountain National Transport, 4250 Oneida St., Denver, CO 80216.

MC 164107 (Sub-6–1TA), filed December 7, 1982. Applicant: CONTINENTAL SECURITY GUARDS, INC., 4010 N. 27th St., Phoenix, AZ 85017. Representative: Marsha N. Honda, 1545 Wilshire Blvd., Suite 606, Los Angeles, CA 90017. *Contract Carrier,* irregular routes: *coin and currency,* between Mohave County, AZ, Maricopa County, AZ and Clark County, NV for 270 days. Supporting shipper: First Interstate Bank of Arizona, 100 West Washington, Phoenix, AZ 85063.

MC 128685 (Sub-6–10TA), filed December 6, 1982. Applicant: DIXON, BROS., INC., P.O. Drawer 8, Newcastle, WY 82701. Representative: Jerome Anderson, P.O. Drawer 849 Billings, MT 59103–0849. *Jet fuel* between points in Weston County, WY, on the one hand, and on the other, points in Davis County, UT. An underlying ETA seeks 120 days authority. Supporting shipper: Wyoming Refining Company, P.O.B. 820 Newcastle, WY 82701.

MC 160345 (Sub-6–4TA), filed December 7, 1982. Applicant: EATON TRANSPORTATION COMPANY, INC., 2951 Coors Ct., Santa Rosa, CA 94501. Representative: William D. Taylor, 100 Pine St., #2550, San Francisco, CA 94111. *Beer and malt beverages and glass bottles,* between points in Sonoma County, CA and points in Jefferson County, CO, for 270 days. Supporting shipper: Eaton Distributing Co., Inc., 2951 Coors Court, Santa Rosa, CA 94501.

MC 146024 (Sub-6–3TA), filed December 7,1982. Applicant: G & R PETROLEUM, INC., 253 S.W. 4th Avenue, Ontario, OR 97914. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701. *Contract Carrier,* Irregular Routes: *Feed Ingredients and Molasses in bulk,* between points in ID and OR on the one hand, and on the other, points in CA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Stauffer Chemical Company, P.O. Box 3050, Rincon Annex, San Francisco, CA 94110.

MC 41098 (Sub-6TA), filed December 8, 1982. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, D.C. 20006. *Contract carrier,* irregular routes, *general commodities* (except commodities in bulk and classes A and B explosives) between points in the U.S. under continuing contract(s) with Barber-Colman Company of Rockford, IL and subsidiaries Robicon and Haskell-Dawes, for 270 days. Supporting shipper: Barber-Colman, 1300 Rock St., Rockford, IL 61101.

MC 152393 (Sub-6–7TA), filed December 8, 1982. Applicant: SCOTT B. WARN d.b.a. OVERNITE EXPRESS, 555 143d Avenue, San Leandro, CA 94577. Representative: Armand Karp, 743 San Simeon Drive, Concord, CA 94518. *Contract Carrier,* Irregular routes: *Paints, varnishes, alkyd resins,* from points in NJ to points in CA, for the account of Superior Varnish & Dryer, Merchantville, NJ, for 270 days. Supporting shipper: Superior Varnish & Dryer, P.O. Box 1310, Merchantville, NJ 08109.

MC 165014 (Sub-6–1TA), filed December 3, 1982. Applicant: PACIFIC NORTHWEST CARRIERS, INC., 12090 86th Ave., Surrey, B.C. CDV3W 3H7. Representative: Jim Pitzer, 15 South Grady Way, Suite 321, Renton, WA 98055. *Lumber and Wood Products, Prefabricated Steel and Scrap Metals* between Border Crossings between the U.S. and CD in WA and ID and between

points in ID, OR and WA for 270 days. Supporting shippers: There are 5 supporting shippers. Their statements may be examined at the Regional Office listed.

MC 146724 (Sub-6–5TA), filed December 8, 1982. Applicant: DEAN RAPPLEYE, INC., P.O. Box 204 West Jordan, UT 84084. Representative: Daniel O. Hands, 104 South Michigan Ave., Chicago, IL 60603. *Lumber and pallets* from the port of entry on the International Boundary line between the U.S. and CD at Sweetgrass, MT to points in CA and WA., for 270 days. Supporting shipper: Sun Child forest products, Ltd., P.O. Box 68, Winter Burn, AB, CD–CD TOE 2 NO.

MC 149078 (Sub-G–12TA), filed December 6, 1982. Applicant: ROAD WEST, INC., 1315 E. Holt Blvd., Ontario, CA 91761. Representative: Robert Fuller, 13215 E. Penn St., Ste, 310, Whittier, CA 90602. *Food products, frozen, for institutional delivery, and materials, supplies and equipment used in the manufacture and distribution of food products*, between Salina (Saline County), KS, on the one hand, and, on the other, points in the U.S. (except AK and HI), for 270 days. Supporting shipper: Schwan Sales Enterprises, 2413 Hein Street, Salina, KS 67401.

MC 134084 (Sub-6–1TA), filed December 8, 1982. Applicant: SHROCK TRUCKING, INC., P O B 428, Hubbard, OR 97032. Representative: Lawrence V. Smart, Jr., 419 NW 23d Ave., Portland, OR 97210. *Food and related products*, from Salem, OR to points in CA and AZ, for 270 days. An underlying ETA seeks 120 day authority. Supporting shipper: Agripac, Inc., P.O.B. 5346, Salem, OR 97304.

MC 165085 (Sub-G–1TA), filed December 8, 1982. Applicant: RAY BARBER d.b.a. WEST END TRUCKING, 7316 W. Southern, Phoenix, AZ 85339. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. *Contract carrier*, irregular routes, *Commodities used or useful in the operation of restaurants or food house businesses*, between points in WA, CA and AZ, under continuing contract with Foodmaker, Inc., for 270 days. An underlying ETA application seeds 120 days authority. Supporting shipper: Foodmaker, Inc., 9330 Balboa Ave., San Diego, CA 92112.

MC 152693 (Sub-G–2TA), filed December 8, 1982. Applicant: H. S. WILSON TRUCKING, INC., P.O.B. 221, Notus, ID 83656. Representative: Kevin M. Clark, 2417 Bank Dr., Ste. 8, Boise, ID 83705. *Fertilizer*, dry in bulk, between points in ID, CA, AZ, and NV, for 270 days. An underlying ETA seeds 120 day authority. Supporting shippers: J. R. Simplot Company, P.O.B. 27, Boise, ID, 83707 Simcal Chemical Co., P.O.B. 9460, Fresno, CA 93792.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–34398 Filed 12–17–82; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

In the matter of Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers.

The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon 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 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.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions 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." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted. Please direct status inquiries to Team 2, (202) 275-7030.

Volume No. OP2-317

Decided: December 13, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

W-643 (Sub-1), filed November 29, 1982. Applicant: RIEDEL INTERNATIONAL, INC., d.b.a. WILLAMETTE TUG AND BARGE COMPANY, 4555 N. Channel Ave., Portland, OR 97217. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205, 503-224-4840. Transporting by water, by towing vessels in the performance of *general towage;* and by non-self-propelled vessels with the use of separate towing vessels in the transportation of *general commodities,* between ports and points along the Pacific Coast and tributary waterways.

Note.—This application contemplates operations which should result in decreased energy consumption in comparison with existing energy consumption in the affected area. To the extent traffic will be diverted from existing transportation modes, greater energy efficiencies may be obtained without disruption to existing patterns of energy distribution or to development of energy resources. The application is, in all respects, consistent with prevailing goals and objectives of the National Energy Policy.

MC 147552 (Sub-15), filed December 7, 1982. Applicant: CAJUN CARTAGE AND WAREHOUSING CORPORATION, P.O. Box 96211, Houston, TX 77213-6211. Representative: Doyle G. Owens, P.O. Box 7735, Beaumont, TX 77706 (713) 898-8066. Transporting *general commodities* (except classes A and B explosives and household goods), between points in TX and LA.

MC 147553 (Sub-19(A), filed November 24, 1982. Applicant: DENNIS MOSS AND GARY MOSS, d.b.a., MOTOR WEST, P.O. Box 1405, Caldwell, ID 83605. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701 (208) 343-3071. Transporting (1)(a) *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with American Strevell, Inc., of Salt Lake City, UT; (2)(b) *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. (including AK and HI), and (3)(b) *as a broker of general commodities* (except household goods), between points in the U.S. (including AK and HI).

Note.—Part (2)(b) and (3)(b) are published in the **Federal Register**, this issue, with "fitness applications".

MC 159632 (Sub-1), filed December 6, 1982. Applicant: JACK D. BAILEY TRUCKING, P.O. Box 245, Dade City, FL 33525. Representative: Jack D. Bailey (same address as applicant) 904-567-9553. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AZ, CA, OR, WA, ID, and FL, on the one hand, and on the other, points in the U.S. (except AK and HI).

MC 160192 (Sub-1), filed December 2, 1982. Applicant: DAN TERRELL TRUCKING, INC., 451 Tidewater Rd., Mooresville, IN 46158. Representative: Robert B. Hebert, One Indiana Square, Suite 1600, Indianapolis, IN 46204, 317-632-6262. Transporting *machinery,* between points in the U.S. (except AK and HI), under continuing contract(s) with John Jones Company, of Paragon, IN.

MC 165023, filed December 6, 1982. Applicant: M. DUCHARME TRANSIT LTD., 80 Turcot St., Auteuil Laval, Quebec Canada H7K 2K8. Representative: W. Norman Charles, P.O. Box 724, Glens Falls, NY 12801 518-792-0957. Transporting *lumber and wood products,* between ports of entry on the international boundary line between the U.S. and Canada in MI, NH, NY, VT, and WI, on the one hand, and, on the other, points in AL, CT, IL, IN, IA, KY, MD, MA, MI, MN, MO, NH, NJ, NY, OH, PA, RI, TN, VT, VA, WI, and DC.

Volume No. OP2-320

Decided: December 10, 1982.

By the Commission, Review Board No. 1, members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 52793 (Sub-115), filed November 22, 1982. Applicant: BEKINS VAN LINES CO., 333 South Center St., Hillside, IL 60162. Representative: David A. Gallagher (same address as applicant) (312) 547-2184. Transporting *household goods,* between points in the U.S. (except AK and HI), under continuing contract(s) with GPU Service Corporation, of Parsippany, NJ.

MC 98763 (Sub-5), filed November 19, 1982. Applicant: TED PETERS TRUCKING COMPANY, INC., 600 Fourth St., Gustine, CA 95322. Representative: Daniel W. Baker, 100 Pine St., #2550 San Francisco, CA 94111 (415) 986-1414. Over regular routes, transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), (1) between San Francisco and Roseville, CA, over Interstate Hwy 80; (2) between Sacramento, CA and junction Interstate Hwy 5 and CA Hwy 99 near Wheeler Ridge CA, over CA Hwy 99; (3) between junction of Interstate Hwys 580 and 5 near Tracy, CA, and Los Angles, CA, over Interstate Hwy 5; (4) between Los Angeles and Redlands, CA, over Interstate Hwy 10; (5) between San Francisco and Stockton, CA, over Interstate Hwys 580, 205, and 5; (6) between junction of Interstate Hwy 80 and CA Hwy 4, near Pinole, CA, and Stockton, CA, over CA Hwy 4; (7) between Tracy and Maricopa, CA, over CA Hwy 33; (8) between Santa Rosa and Los Angeles, CA, over U.S. Hwy 101; (9) between Los Angeles and San Ysidro, CA, over Interstate Hwy 5; (10) between San Fancisco and San Jose, CA, over CA Hwy 82; (11) between Montalvo and Capistrano Beach, CA, over CA Hwy 1; (12) between Roseville and Yuba City, CA, over CA Hwy 65; (13) between Yuba City and Chico, CA, over CA Hwy 99; (14) between Ygnacio and Vallejo CA, over CA Hwy 37; (15) between Riverside and San Diego, CA, over Interstate Hwy 15; (16) between Gilroy, CA, and the intersection of CA Hwys 99 and 152, near Califa, CA, over CA Hwy 152; and (17) between Oakland and San Jose, CA, over CA Hwy 17; serving all intermediate points over routes (1) thru (17) above, serving as off-route points in the following counties: Sonoma, Marin, Napa, Yolo, San Francisco, San Mateo, Santa Clara, Santa Cruz, Stanislaus, Alameda, Contra, Costa, San Joaquin, Sacramento, Solano, Verced, Yuba, Kings, Monterey, San Benito, Sutter, Butte, San Luis Obispo, Santa Barbara, Ventura, Orange, Los Angeles, points in San Diego County West of CA Hwy 79 and County Road S-2; points in that part of Fresno County west of a boundary line commencing at the Medera-Fresno County line at Friant, then southerly along the Friant Expressway to Pinedale, easterly along Herndon Avenue to Academy Avenue, southerly along Academy Avenue to CA Hwy 180, easterly along CA Hwy 180 to CA Hwy 63, southerly along CA Hwy 63 to Fresno-Tulare County line; points in Tulare County west of a boundary line commencing at the Fresno-Tulare County line, then southerly along CA Hwy 63 to CA Hwy 201, easterly along CA Hwy 201 to County Road J-27, southerly along County Road J-27 to CA Hwy 65, southerly along CA Hwy 65 to Tulare-Kern County line and Lindsay, Strathmore and Porterville; points in Kern County west and south of a boundary line commencing at the Tulare-Kern County line, then southerly

along CA Hwy 65 to CA Hwy 99, southerly along CA Hwy 99 to CA Hwy 204, easterly along CA Hwy 204 to CA Hwy 58, easterly along CA Hwy 58 to the Kern-San Bernardino County line; points in Madera County west of a boundary line commencing at the Madera-Mariposa County line, then southerly along the Atchison, Topeka and Santa Fe Railroad right-of-way to CA Hwy 145, easterly along CA Hwy 145 to County Road 145, southerly along County Road 145 and County Road 206 to the Madera-Fresno County line; points in Placer and Nevada Counties, west of CA Hwy 49; points in Glenn and Colusa Counties, east of Interstate Hwy 5; points in Riverside County, west of CA Hwy 79; and points in San Bernardino County, west of a line beginning at the Los Angeles-San Bernardino County line, then along CA Hwy 138 to Interstate Hwy 15; along Interstate Hwys 15 and 15E to junction with Interstate Hwy 10; along Interstate Hwy 10 to San Bernardino-Riverside County line.

Note—(1) The purpose of this application is to convert a Certificate of Registration authority to a Ceritificate of Public Convenience and Necessity.

(2) Issuance of a Certificate in this proceeding is subject to coincidental cancellation of carrier's existing Certificate of Registration in MC–98763 Sub 3, issued July 11, 1974, at applicant's written request.

MC 133172 (Sub-3), filed November 22, 1982. Applicant: GREAT SOUTHWEST WAREHOUSE, INC. d.b.a., SEATTLE TRANSFER & STORAGE, P.O. Box 2546, Spokane, WA 99220. Representative: James E. Wallingford, P.O. 2647, Spokane, WA 99220 (509) 534–5665. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in ID, MT,OR, and WA.

MC 139253 (Sub-11), filed December 2, 1982. Applicant: SOUTHEASTERN WAREHOUSING AND DISTRIBUTION CORPORATION, 102 Ashe St., Johnson City, TN 37061. Representative: Roland M. Lowell, 5th Floor, 501 Union St., Nashville, TN 37219 (615) 255–0540. Transporting (1) *automobile parts*, between points in IL, MS, OH, and TN, on the one hand, and, on the other, points in KY, MS, and TN, and (2) *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Baldwin County, AL, Whitfield County, GA, and points in TN in and east of Greene and Hawkins Counties, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—Applicant intends to tack points in (2) above to its existing regular route authority.

MC 136183 (Sub-5), filed December 2, 1982. Applicant: JOE COSTA d.b.a. TRINIDAD FREIGHT SERVICE, Santa Fe Yards, Trinidad, CO 81082. Representative: Joe Costa (same address as applicant) (303) 846–6433. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in CO and NM.

MC 141382 (Sub-11), filed December 6, 1982. Applicant: DON'S MOVING & DELIVERY SYSTEM, INC., 527 South Fremont, Janesville, WI 53545. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719 (608) 273–1003. Transporting *furniture and fixtures*, between points in Rock County, WI, on the one hand, and, on the other, those points in the U.S., in and east of MN, IA, MO, AR and LA.

MC 147173 (Sub-8), filed December 2, 1982. Applicant: C & T TRUCKING, 1050 Brookside Dr., Richmond, CA 94806. Representative: Brian S. Stern, 5411–D Backlick Rd., Springfield, VA 22151 (703) 941–8200. Transporting *metal products*, between points in the U.S. (except AK and HI). Condition: Applicant's permits under MC–147173 and Sub 2, issued January 28, 1980, and May 26, 1981, respectively, are revoked.

MC 147573 (Sub-5), filed December 6, 1982. Applicant: OAK ISLAND EXPRESS, 2 Sixth St., Jersey City, NJ 07302. Representative: Peter Wolff, 722 Pittston Ave., Scranton, PA 18505, (717) 342–7595. Transporting *general commodities* (except classes A and B explosives, commodities in bulk and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with J. C. Penny Company, Inc., of New York, NY.

MC 149472 (Sub-11), filed November 23, 1982. Applicant: INTER-COASTAL, INC., 131 Beaverbrook Rd., Lincoln Park, NJ 07035. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 234–0301. 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). Condition: The person or persons who appears to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(a), submit an affidavit indicating why such approval is unnecessary, or file a petition seeking exemption under 49 U.S.C. 11343(e). In order to expedit issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 2, Room 2379.

MC 152292 (Sub-2), filed November 26, 1982. Applicant: SUNBELT EXPRESS, INC., 255 Webb Chapel Village, Dallas, TX 75040. Representative: William Sheridan, P.O. Box Drawer 5049, Irving, TX 75062, (214) 255–6279. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AZ, CA, CO, NM, OK, and TX.

MC 158052 (Sub-1), filed November 24, 1982. Applicant: J & E TRANSPORT, INC., P.O. Box 1418, Temple, TX 76503. Representative: Dorothy Smith (same address as applicant), (817) 771–0102. 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 162572 (Sub-1), filed December 3, 1982. Applicant: TRUCK SERVICES, INC., 1590 Industrial Park Road, Mulberry, FL 33860. Representative: M. Craig Massey, 1701 South Florida Ave., P.O. Drawer 2787, Lakeland, FL 33806–2787, (813) 682–1178. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in FL, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Lykes Pasco Packing Co., of Dade City, FL.

For the following, please direct status inquiries to Team 1 at 202–275–7992.

Volume No. OP1–227

Decided: December 10, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 1940 (Sub-45) filed December 6, 1982. Applicant: TRAILWAYS OF NEW ENGLAND, INC., 625 8th Ave., New York, NY 10018. Representative: George W. Hanthorn, 1500 Jackson Street, Dallas, TX 75201, (214) 655–7937. *Over regular routes*, transporting *passengers*, (1) between Boston, MA and Lewiston, ME, from Boston over U.S. Hwy 1 to Portland, then over the Maine Turnpike to Lewiston, and return over the same route, (2) between junction U.S. Hwy 1 and Interstate Hwy 95 near West Peabody, MA, and Portland, ME, from junction U.S. Hwy 1 and Interstate 95 over Interstate Hwy 95 to junction Interstate Hwy 295, then over Interstate Hwy 295 to Portland, and return over the same route, and (3) between junction U.S. Hwy 1 and NH Hwy 101E near Hampton, NH, and Hampton Beach, NH, over NH Hwy 101E, serving all intermediate points in connection with routes (1) to (3) above.

Note.—Applicant intends to tack the sought rights to its existing authority.

Applicant seeks to provide regular-route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922(c)(2)B) over the same route.

MC 104881 (Sub-10), filed December 6, 1982. Applicant: GAY TRUCK LINE, INC., P.O. Box 134, Highway 15 S., Falkner, MS 38629. Representative: Thomas A. Stroud, 109 Madison Ave., Memphis, TN 38103, (901) 526–2900. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AL, AR, FL, GA, IA, IL, IN, KY, LA, MI, MN, MS, MO, NC, OH, OK, PA, SC, TN, TX, VA, WI, and WV.

MC 144140 (Sub-61), filed December 6, 1982. Applicant: SOUTHERN FREIGHTWAYS, INC., P.O. Box 158, Eustis, FL 32726. Representative: John L. Dickerson (same address as applicant), (904) 357–1300. 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 148980 (Sub-2), filed December 3, 1982. Applicant: WESTERN CARGO, INC., P.O. Box 20489, Reno, NV 89515. Representative: Royal F. Miller (same address as applicant), (702) 329–0061. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in CA and NV, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, OR, WA, and WY, under continuing contract(s) with K-Mart Corp., of Troy, MI. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either (1) state that a petition has been filed under 49 U.S.C. 11343(e) seeking an exemption from the requirements of 49 U.S.C. 11343, (2) file an application under 49 U.S.C. 11343(A), or (3) 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 this filing to Team 1, Room 2379.

MC 152581 (Sub-2) filed December 7, 1982. Applicant: YOUNG MOVING & STORAGE, INC., 4000 Mayflower Dr., Lynchburg, VA 24501. Representative: Alan F. Wohlstetter, 1700 K St., N.W., Washington, DC 20006, (202) 833–8884. Transporting *household goods,* between points in NC, OH, SC, VA and WV, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, IN, KY, LA, MA, MD, MI, MS, NC, NJ, NY, OH, PA, RI, SC, TN, VA, WV and DC.

MC 162241, filed December 2, 1982. Applicant: VIRGIL CLARK, d.b.a. V. CLARK TRANSPORTATION, P.O. Box 2341, Roseburg, OR 97470. Representative: Virgil Clark, c/o Gaylord L. Cudmore, 617 Terrace Dr., San Dimas, CA 91773, (714) 592–3849. Transporting (1) *pulp, paper and related products,* between points in CA, AZ, NV, OR, WA, UT, ID, NM, TX, and CO, (2) *such commodities* as are dealt in or used by manufacturers and distributors of plastic toys, between points in CA, on the one hand, and, on the other, points in WA, OR, AZ, UT, ID, NM, TX, CO, NV, and WY, (3) *such commodities* as are dealt in or used by manufacturers and distributors of fibre-glass, earthenware, steel, and plumbers goods, between Dallas, TX, on the one hand, and, on the other, points in the U.S. (except AK, CT, DE, HI, ME, MA, NH, NJ, NY, PA, RI, and VT), and (4) (a) *new furniture and fixtures,* and (b) *such commodities* as are dealt in or used by manufacturers and distributors of exercise and health equipment, between points in CA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 163410, filed December 7, 1982. Applicant: MAYO TRUCKING, LTD., 4415 W. Harrison Street, Hillside, IL 60162. Representative: James R. Madler, 120 W. Madison Street, Chicago, IL 60602, (312) 726–6525. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between Chicago, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 164571 (Sub-1), filed December 1, 1982. Applicant: RELIABLE TRANSPORT CORPORATION, P.O. Box 4798, East Providence, RI 02916. Representative: Robert L. Cope, Suite 501, 1730 M St., N.W., Washington, DC 20036, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in PA, NJ, NY, CT, RI, MA, NC, SC, GA, VA, DE, NH, VT, MD, ME, and FL.

MC 164651, filed December 6, 1982. Applicant: WALTER MOSLEY, JR., d.b.a. MOSLEY'S MOBILE HOME MOVERS, 920 N. Arizona Ave., Chandler, AZ 85224. Representative: Jack L. Schiller, 111–56 76th Dr., Forest Hills, NY 11375, (212) 263–2078. Transporting *such commodities* as are dealt in or used in the manufacture, distribution and installation of mobile homes, between points in AZ, CA, CO, NM, NV, TX, and UT.

MC 164981, filed December 2, 1982. Applicant: HOGAN TRANSPORTS, INC., 1000 North 14th St., St. Louis, MO 63106. Representative: B. W. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105, (314) 727–0777. 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 Venture Stores, a division of May Department Stores Company, of St. Ann, MO. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file and application under 49 U.S.C. 11343 or an appropriate petition for exemption, 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, a copy of the petition for exemption, or proof of filing the application(s) for common control to team 1, Room 2379.

MC 165021, filed December 6, 1982. Applicant: STAR ROUTE CARRIERS, INC., P.O. Box 717, R.D. 3, Coopersburg, PA 18036. Representative: Albert J. Olizi, Jr., 530 Walnut Street, Twelfth Floor, Philadelphia, PA 19106, (215) 574–0600. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in MD, NJ, NY, PA, DE, CT, MA, RI, VA and DC.

For the following, please direct status inquiries to Team 3 at 202–275–5223.

Volume No. OP3–41

Decided: December 10, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

FF 634, filed November 23, 1982. Applicant: ALPHA FORWARDERS, INC., 640 Hakaka St., Honolulu, HI 96816. Representative: Russell T. Higa (same address as applicant), (808) 737–1665. As a *freight forwarder,* in connection with the transportation of *household goods, baggage and automobiles,* between points in the U.S.

MC 1745, (Sub-16), filed November 30, 1982. Applicant: INTERSTATE VAN LINES, INC., West Springfield, VA 22152. Representative: Marshall Kragen, 1919 Pennsylvania Ave., N.W., Suite 300, Washington, DC 20006, (202) 466–3778. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Volvo White Truck Corporation, of Greensboro, NC.

MC 38055, (Sub-4), filed November 23, 1982. Applicant: BROWN MOVING & STORAGE, INC., 360 Warren Ave., East Providence, RI 02914. Representative: Charles L. Plante (same address as

applicant), (401) 434–5100. Transporting *household goods, furniture and fixtures,* between points in AZ, AR, CA, CO, ID, IL, IA, KS, KY, LA, MS, MO, NE, NV, NM, OK, OR, TN, TX, UT, WA and WY.

MC 88414, (Sub-9), filed November 30, 1982. Applicant: RICHMOND TRANSFER & STORAGE CO., 2114 Macdonald Ave., Richmond, CA 94801. Representative: Alan F. Wohlstetter, 1700 K St., NW, Washington, DC 20006, (202) 833–8884. Transporting *household goods,* between points in the U.S., under continuing contract(s) with American Vanpac Carriers, Inc., of Richmond, CA. Condition: A grant of authority here is conditioned upon an explanation by applicant of why the proposed operation is not proscribed by 49 U.S.C. 11323 which deals with limitations on ownership of other carriers by freight forwarders.

MC 93734 (Sub-14), filed November 29, 1982. Applicant: DEWITT TRANSFER & STORAGE CO., P.O. Box 82109, San Diego, CA 92138. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036, (202) 785–0024. Transporting *household goods,* between points in AL, AZ, CA, AR, CO, CT, DE, 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, WY and DC.

Note.—A grant of authority here is conditioned upon an explanation by applicant of why the proposed operation is not proscribed by 49 U.S.C. 11323 which deals with limitation on ownership of other carriers by freight forwarders.

MC 99365 (Sub-6), file, November 26, 1982. Applicant: SHORTY HALL RIG CO., INC., P.O. Box 2429, 2632 E. Pearl, Odessa, TX 78760. Representative: Mike Cotten, P.O. Box 1148, Austin, TX 78767, (512) 472–8800. Transporting (1) *Mercer commodities* and (2) *earth drilling equipment,* between points in AR, AZ, CO, KS, LA, MO, MS, MT, ND, NE, NM, OK, SD, TX, UT and WY.

MC 111274 (Sub-91), filed November 29, 1982. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 351, Morton, IL 61550. Representative: Frederick C. Schmidgall, (same address as applicant), (309) 266–9773. Transporting *iron and steel products,* between points in the U.S., (except AK and HI), under continuing contract(s) with Parker Steel Co., Inc. of Toledo, OH.

MC 113855 (Sub-540), filed November 22, 1982. Applicant: INTERNATIONAL TRANSPORT, INC. 2450 Marion Rd., SE. Rochester, MN 55901. Representative: Thomas J. Van Osdel, 15 Broadway, Suite 502, Fargo, ND 58102 (701) 235–4487. Transporting *general commodities* (except classes A and B explosives, household good and commodities in bulk), between points in the U.S. (except HI) under continuing contract(s) with American Standard, Inc. of New Brunswick, NJ and Majestic Company of Huntington, IN, Modernfold of New Castle, IN, Steelcraft Manufacturing of Cincinnati, OH, American Bank Stationery Co. of Atlanta, GA, Bankers Lithographing Co. of Pittsburgh, PA, Westinghouse Air Brake Co. of Pittsburgh, PA Woehrmyer Business Forms of Denver, CO, Bibidinghaus Business Forms of Cincinnati, OH, Trinity Business Forms of Carrollton, TX, Pioneer Business Forms of Tacoma, WA, Frye & Smith of Costa Mesa, CA, Keller-Crescent Company of Evansville, IN, Adcrafters, Inc. of Baltimore, MD, Storm Printing Co. of Olive Branch, MS, Stafford-Lowdon Co. of Dallas, TX, Lebannon Valley Offset Co. of Annville, PA, Mosler Safe Co. of Cincinnati, OH, Universal Railway Devices of Chicago, IL and WABCO Construction & Mining Equipment Group of Peoria, IL.

MC 114334 (Sub-99), filed November 23, 1982. Applicant: BUILDERS TRANSPORTATION COMPANY, 3710 Tulane Rd., Memphis, TN 38116. Representative: Calvin R. Turner, Jr., P.O. Box 517, Evergreen, AL 36401, (295) 578–3212. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between those points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 119974 (Sub-238), filed November 22, 1982. Applicant: L. C. L. TRANSIT COMPANY, 949 Advance St., Green Bay, WI 54304. Representative: J. J. Gloeckler, P.O. Box 949, Green Bay, WI 54305, (414) 497–7400. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Roquette Corporation, of New York, NY.

MC 138624 (Sub-5), filed November 22, 1982. Applicant: CLIFF REED, INC., 510 Willow Creek Rd., Corvallis, MT 59828. Representative: Timothy R. Stivers, P.O.B 1576, Boise, ID 83701, (208) 343–3071. Transporting *building materials, lumber, metal and wood products,* between those points in the U.S. in and west of MI, IN, IL, MO, AR, and LA (except AK and HI).

MC 144484 (Sub-18), filed November 29, 1982. Applicant: FREIGHTWAYS, INC., 438 E. 2nd St., P.O. Box 31, Eldon, MO 65026. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting *electrical machinery,* between points in Cumberland County, NC, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 145925 (Sub-7), filed November 22, 1982. Applicant: TRANS CONTINENTAL LEASING, LTD., 8920 Pershall Rd., Hazelwood, MO 63042. Representative: B. W. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105, (314) 727–0777. Transporting *foodstuffs,* between points in the U.S. (except AK and HI), under continuing contract(s) with AKF Foods, Inc., d/b/a Potato Service, of Presque Isle, ME. 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(a), or submit an affidavit stating why Commission approval is unnecessary, or submit a petition of exemption to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or petition or proof of filing the application(s) for common control to Team 3, Room 2158.

MC 147704 (Sub-1), filed November 23, 1982. Applicant: CARTER CARTAGE COMPANY, INC., 2462 South West St., Indianapolis, IN 46225. Representative: Robert W. Loser II, Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204, (317) 635–2339. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Marion County, IN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 149284 (Sub-7), filed November 26, 1982. Applicant: MARION D. DAY, d.b.a. DAY'S EXPRESS, 1942 7th St., Columbus, IN 47201. Representative: Jack L. Schiller, 111–56 76th Dr., Forest Hills, NY 11375, (212) 263–2078. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Colgate-Palmolive Co., Inc., of New York, NY.

MC 152015 (Sub-2), filed November 29, 1982. Applicant: BLACK BEAUTY TRUCKING CO., INC., P.O. Box 312, Evansville, IN 47702. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638–1301. Transporting *commodities in bulk,* between points in AL, IA, IL, IN, KY, MI, MO, OH, TN, and WI.

MC 153115 (Sub-1), filed November 26, 1982. Applicant: TRIPLE R TRUCKING CO., INC., Route 1, Register, GA 30452. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328, (404)

256–4320. Transporting *lumber, wood products, and forest products,* between points in AL, FL, GA, MD, NC, SC, TN, VA and WV.

MC 156044 (Sub-3), filed November 23, 1982. Applicant: G. T. MOTOR TRANSPORT OF ALABAMA, INC., 101 Kingsberry Road, Fort Payne, AL 35963. Representative: Terry P. Wison, 428 South Lawrence Street, Montgomery, AL 36104, (205) 262–2756. Transporting *general commodities* (except household goods, commodities in bulk and classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contract(s) with Charles McAlpin Brokerage, Inc., of Decatur, AL.

MC 156764 (Sub-5), filed November 29, 1982. Applicant: WELCH TRUCKING, INC., 1105 So. Boulder, Portales, NM 88130. Representative: John R. Welch (same address as applicant), (505) 356–8548. Transporting *waste or scrap paper,* between points in TX, NM, OK, CO and AZ.

For the following, please direct status inquiries to Team 4 at 202–275–7669.

Volume No. OP4–064

Decided: December 10, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 2796 (Sub-11), filed November 26, 1982. Applicant: FULLINGTON AUTO BUS COMPANY, 316 Cherry St., Clearfield, PA 16830. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101, (717) 236–9318. Transporting *passengers,* (1) between Du Bois, PA and Cleveland, OH: from Du Bois over U.S. Hwy 219 to junction U.S. Hwy 119, then over U.S. Hwy 119 to junction U.S. Hwy 322, then over U.S. Hwy 322 to junction PA Hwy 257 at or near Cranberry, then over PA Hwy 257 to Oil City, then over U.S. Hwy 62 to Youngstown, OH, then over U.S. Hwy 422 to Cleveland, OH, and return over the same route, and (2) between junction U.S. Hwy 322 and PA Hwy 208, and Oil City, PA: from junction U.S. Hwy 208 over U.S. Hwy 208 to Fryburg, then over PA Hwy 157 to junction U.S. Hwy 62, then over U.S. Hwy 62 to Oil City, PA, serving all intermediate points.

Note.—Applicant seeks to provide regular-route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922(c)(2)(B) over the same route.

MC 60087 (Sub-24), filed November 18, 1982. Applicant: CURRY MOTOR FREIGHT LINES, INC., 700 Northeast 3rd Ave., Amarillo, TX 79107. Representative: Morris G. Cobb, P.O. Box 9050, Amarillo, TX 79189, (806) 374–1641. Transporting *general commodities,* (1) Between San Antonio, TX and Uvalde, TX from San Antonio over U.S. Hwy 87 to junction TX Hwy 27, then over TX Hwy 27 to junction TX Hwy 41, then over TX Hwy 41 to junction U.S. Hwy 377, then over U.S. Hwy 377 to junction TX Hwy 55, then over TX Hwy 55 to junction U.S. Hwy 83, then over U.S. Hwy 83 to Uvalde; (2) Between Amarillo, TX and Lubbock, TX, over U.S. Hwy 87; (3) Between Plainview, TX and Lubbock, TX, from Plainview over U.S. Hwy 70 to Floydada, TX, then over U.S. Hwy 62 to Ralls, TX, then over U.S. Hwy 82 to Lubbock; (4) Between Lubbock, TX and Odessa, TX, from Lubbock over U.S. Hwy 87 to Lamesa, then over TX Hwy 137 to junction U.S. Hwy 80, and then over U.S. Hwy 80 to Odessa, serving (6) Between Midland, TX and Sonora, TX, from Midland over TX Hwy 349 to Rankin, TX, then over U.S. Hwy 67 to Barnhart, TX, then over TX Hwy 163 to Ozona, TX, then over U.S. Hwy 290 to Sonora; (7) Between Brownfield, TX, and Seminole, TX, over U.S. Hwy 62; (8) Between Seminole, TX and Odessa, TX, (a) over U.S. Hwy 385, and (b) from Seminole over TX FM 181 to junction TX Hwy 302, then over TX Hwy 302 to Odessa; (9) Between Seminole, TX and Denver City, TX, over TX Hwy 214; (10) Between Denver City, TX and Seagraves, TX, over TX Hwy 83; (11) Between Seagraves, TX and Welch, TX, over TX Hwy 83; (12) Between Brownfield, TX and junction TX FM 303 and U.S. Hwy 180, from Brownfield over TX FM 403 to junction TX Hwy 83, then over TX Hwy 83 to junction TX FM 303, then over TX FM 303 to junction U.S. Hwy 180; (13) Between Andrews, TX and Patricia, TX, over TX Hwy 115; (14) Between Andrews, TX, and Lenorah, TX, over TX Hwy 176; (15) Between Frankel City, TX, and junction TX FM 1967 and U.S. Hwy 385, over TX FM 1967; (16) Between Andrews, TX and Frankel City, TX, from Andrews over TX Hwy 176 to junction TX FM 181, then over TX FM 181 to Frankel City; (17) Between Midland, TX, and junction TX Hwy 158 and U.S. Hwy 385, over TX Hwy 158; (18) Between junction TX FM 181 and TX Hwy 302 and Notrees, TX, over TX Hwy 302;
(19) Between junction TX FM 866 and TX Hwy 302 and Goldsmith, TX, over TX FM 866; (20) Between Seminole, TX and Lamesa, TX, over U.S. Hwy 180; (21) Between Rock Springs, TX and Mountain Home, TX, from Rock Springs over U.S. Hwy 377 to Junction, TX, then over Interstate Hwy 10 to junction TX Hwy 27, then over TX Hwy 27 to Mountain Home; (22) Between Sonora, TX and Rock Springs, TX, from Sonora over U.S. Hwy 277 to junction TX Hwy 55, then over TX Hwy 55 to Rock Springs; (23) Between Lubbock, TX, and Reese Air Force Base, Hurlwood, TX, over TX Hwy 114; (24) Between Wheeler, TX and Amarillo, TX, from Wheeler over TX Hwy 152 to Pampa, then over U.S. Hwy 60 to Amarillo, serving the off-route point of Lefors, TX; (25) Between Shamrock, TX and Amarillo, TX, over U.S. Hwy 66; (26) Between Wheeler, TX and Welling TX, over U.S. Hwy 83; (27) Between Fredericksburg, TX and Stonewall, TX, over U.S. Hwy 290; (28) Between Midland, TX and San Angelo, TX, from Midland over TX Hwy 158 to junction U.S. Hwy 87, then over U.S. Hwy 87 to San Angelo; (29) Between Robert Lee, TX and Menard, TX, from Robert Lee over TX Hwy 158 to Ballinger, TX, over U.S. Hwy 83 to Menard; (30) Between Eden, TX and San Angelo, TX, over U.S. Hwy 87; (31) Between Mason, TX and Eden, TX, over U.S. Hwy 87; (32) Between Stonewall, TX and Austin, TX, over U.S. Hwy 290; (33) Between Ft. Stockton, TX and Presidio, TX, over U.S. Hwy 67; (34) Between Alpine, TX and Marfa, TX, from Alpine over TX Hwy 118 to Fort Davis, TX, then over TX Hwy 17 to Marfa; (35) Between S Stockton, TX and Sanderson, TX, over U.S. Hwy 275; (36) Between Sanderson, TX and Alpine, TX, over U.S. Hwy 90; (37) Between Ft. Stockton, TX, and junction U.S. Hwy 385 and U.S. Hwy 90, over U.S. Hwy 385; (38) Between Silver, TX and junction TX FM 2059 and TX Hwy 158, over TX FM 2059; (39) San Angelo, TX and Bronte, TX, over U.S. Hwy 277; (40) Between Seminole, TX and the TX–NM State line, over U.S. Hwy 180; and (41) Between Denver City, TX and TX–NM State line, over TX Hwy 83; Serving all intermediate points in (1) through (41); Serving points in Andrews, Dawson, Gaines, Martin, Midland, Ector, Glasscock, Sterling, Coke, Tom Green, Terry, Yoakum, Potter, Wheller, and Pecos Counties, TX, as off-route points in (13) through (20), (28) and (29) above. Condition: (1) Issuance of a certificate in this proceeding is conditioned upon coincidental cancellation, at applicant's written request, of its Certificates of Registration in MC–60087 Sub 4, issued November 7, 1967, MC–60087 Sub 11, issued October 10, 1969, MC–60087 Sub 13, issued April 27, 1970, MC–60087 Sub 15, issued December 1, 1970, MC–60087 Sub 16, issued February 25, 1971, MC–60087 Sub 17, issued July 21, 1972, MC–60087 Sub 19, issued February 3, 1975, and MC–60087 Sub 20, issued May 14, 1976, and (2) to the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issue.

Volume No. OP4–066

Decided: December 13, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 154636, filed November 22, 1982. Applicant: W. S. STEWART CORPORATION, 5456 Edgewood Drive, Salt Lake City, UT 84117. Representative: L. Edward Robbins, 425 S. 400 East, Suite 100, Salt Lake City, UT 84111, (801) 322–1076. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. (except AK and HI).

MC 156107 (Sub-4), filed December 3, 1982. Applicant: VARDAROS MOTOR LINES, INC., 510 Plaza Dr., Suite 1530 H, College Park, GA 30349. Representative: Virgil H. Smith, 74 Hwy N. Box 245, Tyrone, GA 30290, (404) 969–1980. Transporting *resin solution,* and *oil compounds,* between points in Clayton County, GA, Kane County, IL, Los Angeles County, CA, and Ellis County, TX, on the one hand, and, on the other, points in the U.S. (except Ak and HI).

MC 163137 (Sub-2), filed December 3, 1982. Applicant: CABLE TRUCKING SERVICE, Hwy 69 Bypass South, P.O. Box 2204, McAlester, OK 74501. Representative: Lew Gravitt, P.O. Box 53567, Oklahoma City, OK 73152, (405) 524–2268. Transporting *pipe, compressors, separators, gate valves, cement, drilling muds, water, oilfield and construction equipment, coal, dirt, sand, rock, and gravel,* between points in OK, on the one hand, and, on the other, points in TX, LA, and KS.

Volume No. OP4–068

Decided: December 13, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 60157 (Sub-36), filed December 3, 1982. Applicant: C. A. WHITE TRUCKING COMPANY, 5327 N Central Exp., Suite 316, Dallas, TX 75205. Representative: Michael D. McCormick, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638–1301. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except HI).

MC 118846 (Sub-27), filed December 3, 1982. Applicant: DALE JESSUP, INC., R.R. 1, Box 252, Camby, IN 46113. Representative: Walter F. Jones, Jr., 1111 E. 54th St., Suite 155, Indianapolis, IN 46220, (317) 257–4066. Transporting *machinery,* between points in IL, OH and IN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 150247, (Sub-7), filed December 3, 1982. Applicant: VAN EERDEN TRUCKING COMPANY, INC., 1150 Freeman SW., Grand Rapids, MI 49503. Representative: J. Michael Smith, 800 Calder Plaza Bldg., Grand Rapids, MI 49503, (616) 459–8311. Transporting *food and related products,* between points in MI, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, FL, GA, IA, ID, IL, IN, KS, KY, LA, MN, MO, MS, NE, NM, NV, NC, OH, OK, OR, SC, TN, TX, UT, VA, WA, WV, WI, and WY.

MC 161056, (Sub-2), filed December 1, 1982. Applicant: AMERICAN HIGHWAYS, INC., 2717 S. Redwood Rd., Suite 6, W. Valley City UT 84119. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, (208) 343–3071. Transporting (1) *general commodities* (except classes A and B explosives, and household goods), between points in the U.S., under continuing contract(s) with Menard, Inc., of Eau Claire, WI; and (2) (a) Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions); and (b) *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. Note: Persons wishing to oppose parts (2)(a) and (b) of this application may do so 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.

MC 162776, (Sub-2), filed December 3, 1982. Applicant: DMI TRUCKING, INC., P.O. Box 129, Huntingburg, IN 47546. Representative: Edward G. Baxelon, 135 S LaSalle St., Chicago, IL 60603, (312) 236–9375. 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 Woodcraft Manufacturing Co. of Vincennes, IN, Wilmes Window Manufacturing Co., Inc. of Ferdinand, IN, Jack B. Parker Co., Inc. of Jasper, IN, and Agri Central Sales, Inc., Dubois Wood Products, Inc., Styline Corp. and Ferdinand Furniture Co., all of Huntingburg, IN.

MC 164976, filed December 2, 1982. Applicant: ROY A. AND KEVIN L. NELSON d.b.a. NELSON TRUCKING, Route 2, Roseau, MN 56751. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424, (612) 927–8855. Transporting *fertilizer,* between points in Roseau and Kittson Counties, MN, on the one hand, and, on the other hand, points in the U.S. (except AK and HI).

MC 164996, filed December 3, 1982. Applicant: EFFICIENT TRUCKING, INC., 564 Haymore Ave., N, Worthington, OH 43085. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215, (614) 228–8575. Transporting *concrete, glass or stone products, metal products, auto parts, machinery and building material,* between points in OH, IN, IL, MU, VA, KY, WV, PA, TN, NC, MD and points in that part of NY on and east of Interstate Hwy 81.

Volume No. OP4–070

Decided: December 13, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 30107 (Sub-4), filed November 29, 1982. Applicant: ANDY'S EXCAVATING, INC., 45 Morgan Hill Rd., Easton, PA 18042. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966, (215) 357–7220. Transporting those *commodities which because of their size or weight require the use of special handling or equipment,* between points in CT, DE, MD, NJ, NY, OH, PA, VA, WV, and DC.

MC 151556 (Sub-7), filed November 29, 1982. Applicant: ALLSTATE TRANSPORTATION COMPANY, 2000 W. 96th St., Bloomington, MN 55431. Representative: Marvin M. Mueller (same address as applicant), (612) 881–3378. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–34395 Filed 12–17–82; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

In the matter of Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods).

The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an

application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These 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.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon 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, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated 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. OP1–226

Decided: December 10, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 541 (Sub-11), filed November 19, 1982. Applicant: THE NEW BRITAIN TRANSPORTATION COMPANY, 257 Woodlawn Rd., Berlin, CT 06037. Representative: L. C. Major, Jr., Suite 304, Overlook Bldg., 6121 Lincolnia Rd., P.O. Box 11278, Alexandria, VA 22312, (703) 750–1112. Transporting *passengers*, in special and charter operations, between points in the U.S. (including AK, but excluding HI).

Note.—Applicant receives governmental financial assistance for the purchase or operation of buses, or is an operator for such a recipient.

MC 41581 (Sub-2), filed December 2, 1982. Applicant: WAGNER TOURS, INC., 865 Belmont Ave., North Haledon, NJ 07508. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123, (212) 239–4610. Transporting *passengers*, in special and charter operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 130271 (Sub-1), filed December 2, 1982. Applicant: PATRICK TOURS AND TRAVEL, INC., 21 Division St., New York, NY 10002. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123, (212) 239–4610. Transporting *passengers*, in special and charter operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 142011 (Sub-7), filed December 2, 1982. Applicant: LEISURE TIME TOURS, INC., 4 Houvenkoph Rd., Mahwah, NJ 07430. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123, (212) 239–4610. Transporting *passengers*, in special and charter operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 161291 (Sub-2), filed December 6, 1982. Applicant: BIG SKY TRUCKING, 8280 Finch, Dr., Helena, MT 59601. Representative: Randall D. Stewart (same address as applicant), (406) 458–9366. 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.

For the following, please direct status calls to Team 2 (202) 275–7030.

Volume No. OP 2–318

Decided: December 13, 1982.

By the Commission, Review Board No. 1, members Parker, Chandler, and Fortier.

MC 29592 (Sub-17), filed November 26, 1982. Applicant: ARROW STAGE LINES, INC., 720 E. Norfolk Ave., Norfolk, NE 68701. Representative: D. Douglas Titus, 340 Insurance Exchange Bldg., Sioux City, IA 51101, 712–277–1434. Transporting *passengers*, in charter and special operations, between points in the U.S. (including AK, but excluding HI).

Note.—Applicant seeks to provide privately-funded charter or special transportation.

MC 140403 (Sub-4), filed November 29, 1982. Applicant: FRANCISCAN LINES, INC., 375 Illinois St., San Francisco, CA 94107. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108, 415–495–7570. Transporting *passengers*, in charter and special operations, between points in the U.S. (including AK, but excluding HI).

Note.—Applicant seeks to provide privately-funded charter or special transportation.

MC 147553(B) (Sub-19), filed November 24, 1982. Applicant: DENNIS MOSS AND GARY MOSS, d.b.a. MOTOR WEST, P.O. Box 1405, Caldwell, ID 83605. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, (208) 343–3071. Transporting (1)(a) *general commodities* (except classes A and B explosives and housegoods), between points in the U.S. (except AK and HI), under continuing contract(s) with American Strevell, Inc., of Salt Lake City, UT; (2)(b) *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., (including AK and HI), and (3)(b) *As a broker of general commodities* (except household goods), between points in th U.S. (including AK and HI).

Note.—Part (1)(a) is published in the Federal Register, this issue, with "regular applications".

MC 151422 (Sub-10), filed December 2, 1982. Applicant: MINN-DAK TRANSPORT, INC., 40–1st Ave. NW., P.O. Box N, Pelican Rapids, MN 56572. Representative: Thomas J. Van Osdel, 15 Broadway, Suite 502, Fargo, ND 58102, 701–235–4487. As a *broker of general commodities* (except household goods), between points in the U.S. (including AK, but excluding HI).

MC 164812, filed November 22, 1982. Applicant: RICHARDSON BUS SERVICE, INC., 5702 West Lacy Rd., Madison, WI 53711. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705–0086, 608–238–3119. Transporting *passengers,* in charter and special operations, beginning and ending at points in IL, IN, IA, MI, MN, and WI, and extending to points in the U.S. (including AK, but excluding HI).

Note.—Applicant seeks to provide privately-funded charter or special transportation.

MC 164833, filed November 23, 1982. Applicant: M. A. J. TRANSIT, INCORPORATED, 58–64 Maurice Ave., Naspeth, NY 11378. Representative: Sidney J. Leshin, 3 East 54th St., New York, NY 10022, 212–759–3700. Transporting *passengers,* in special and charter operations, between points in the U.S. (including AK, but excluding HI).

Note.—Applicant seeks to provide privately-funded charter or special transportation.

MC 164943, filed November 24, 1982. Applicant: GABLE'S BUS SERVICE, Route 2, Box 268, Strawberry Plains, TN 37871. Representative: Carl Gable, Jr. (same address as applicant), 615–933–7298. Transporting *passengers,* in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter or special transportation.

Volume No. OP2–319

Decided: December 10, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 88293 (Sub-7), filed November 22, 1982. Applicant: AUDUBON TRAILS COACH LINE, INC., Rte. 8, Box 85, Evansville, IN 47711. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204–3491, 317–638–1301. Transporting *passengers,* in special and charter operations, between points in the U.S. (including AK, but excluding HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 91742 (Sub-2), filed November 22, 1982. Applicant: TIMBERLANE TRANSPORTATION, INC., P.O. Box 423, Rte. 125, Plaistow, NH 03865. Representative: Andrew J. Carraway, 1600 Wilson Blvd, Suite 1301, Arlington, VA 22209, 703–522–0900. Transporting *passengers,* in special and charter operations, between points in the U.S. (including AK, but excluding HI).

Note.—Applicant seeks to provide privately-funded charter or special transportation.

MC 155023 (Sub-1), filed November 22, 1982. Applicant: PETERSON BUS SERVICE, INC., P.O. Box 330, New London, MN 56273. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402, 612–333–1341. Transporting *passengers,* in charter and special operations, beginning and ending at points in MN, ND, SD, IA, and WI, and extending to points in the U.S. (including AK, but excluding HI).

Note.—Applicant seeks to provide privately-funded charter or special transportation.

For the following, please direct status inquiries to Team 5 at 202–275–7289.

Volume No. OP5–281

Decided: December 8, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 788 (Sub-4), filed December 1, 1982. Applicant: THE MCMAHON TRANSPORTATION CO., 6515 Belair Road, Baltimore, MD 21206. Representative: Jeremy Kahn, 1511 K St., NW., Suite 733, Investment Bldg., Washington, DC 20005, (202) 783–3525. Transporting *passengers,* in charter and special operations, beginning and ending at points in MD, and extending to points in the U.S. (except (HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 99408 (Sub-14), filed November 29, 1982. Applicant: CITY DELIVERY SERVICE, INC., 1 Passan Dr., Wilkes-Barre, PA 18702. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517, (717) 344–8030. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except HI).

MC 95098 (Sub-2), filed November 29, 1982. Applicant: BOONTON TRANSPORT, 62 Water Street, Newton, NJ 07860. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123, (212) 239–4610. Transporting *passengers,* in special and charter operations between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 144288 (Sub-1), filed November 23, 1982. Applicant: EVANS RELIABLE MESSENGER, INC., 482 Summer Street, Stamford, CT 06901. Representative: Robert A. Martinik, Jr., 25 Third Street, Stamford, CT 06905, (203) 348–7300. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 164849, filed November 23, 1982. Applicant: STEPHEN R. BARRY, d.b.a. SRB ASSOCIATES, 8 Old Coach Lane Amherst, NH 03031. Representative: Mary E. Kelley, 22 Stearns Ave., Medford, MA 02155, 617–396–4090. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

Volume No. OP5–284

Decided: December 9, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 6969 (Sub-1), filed November 22, 1982. Applicant: MERCHANTS FORWARDING COMPANY, 8747 Brandt, Dearborn, MI 48126. Representative: Ronald J. Mastej, 900 Guardian Bldg., Detroit, MI 48226, 313–963–3750. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 54698 (Sub-5), filed November 29, 1982. Applicant: VALLEY DISTRIBUTING AND STORAGE, 1 Passan Dr., Wilkes-Barre, PA 18702. Representative: Raymond Talipski, 121 Main St., Taylor, PA 18517, 717–344–8030. As a *broker of general commodities* (except household goods), between points in the U.S. (except HI).

MC 102299 (Sub-10), filed November 29, 1982. Applicant: THE BALTIMORE & ANNAPOLIS RAILROAD COMPANY, P.O. Box 490, 801 Baltimore-Annapolis Blvd., Glen Burnie, MD 21061. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St., N.W., Washington, DC 20005, 202–783–3525. Transporting *passengers in charter and*

special operations, beginning and ending at points in DE, MD, NJ, NY, PA, VA, WV, and DC, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 138389 (Sub-4), filed November 22, 1982. Applicant: HUDSON VALLEY BUS CO. INC., Englewood Terrace, Mahopac, NY 10541. Representative: Sidney J. Leshin, 3 East 54th St., New York, NY 10022, (212) 759–3700. Transporting *passengers,* in special and charter operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 139769 (Sub-3), filed November 26, 1982. Applicant: FALCON CHARTER SERVICE, INC., 625 Bayshore Blvd., San Francisco, CA 94124. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108, (415) 986–8696. Transporting *passengers,* in special and charter operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 139688 (Sub-2), filed November 24, 1982. Applicant: ROYAL COACH LINES, INC., 798 Nepperhan Ave., Yonkers, NY 10703. Representative: Sidney J. Leshin, 3 East 54th St., New York, NY 10022, (212) 759–3700. Transporting *passengers,* in special and charter operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 164769, filed November 18, 1982. Applicant: WAYNETTE L. WALLACE, d.b.a. KW ENTERPRISES P.O. Box 344, Farm Road 2450, Krum, TX 76249. Representative: Waynette L. Wallace (same address as applicant), (817) 482–3797. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-34391 Filed 12-17-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Decision Notice; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board No. 3, Members Krock, Joyce, Dowell.

Agatha L. Mergenovich,

Secretary.

Please direct status inquires to Team Four at (202) 275–7669.

Volume No. OP4–FC–073

MC–FC–81058. By decision of December 13, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 3 approved the transfer to CAISSON FOUNDATIONS, INC., d.b.a. PRINCIPIO TRUCKING, York, PA, of Permit No. MC–136787 (Sub-No. 1), issued July 2, 1976, to BIBEY TRUCKING COMPANY, INC., Perryville, MD, authorizing the transportation of *sand and gravel,* in bulk, from the site of pits of Mason-Dixon Sand and Gravel Co., a division of York Buiding Products Co., Inc., at or near North East, MD, to Reading, Kennett Square, Chester, and Coatesville, PA, and Bear, Brookside Park, Dover, Middleton, Newark, and Wilmington, DE, under continuing contract(s) with Mason-Dixon. An application for temporary authority has been filed. Representative: Robert H. Stewart, 1020 N. Hartley St., York, PA 17405, for both transferee and transferor.

Volume No. OP4–FC–072

MC–FC–81057. By decision of December 13, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 3 approved the transfer to GARY R. HOBIN and JAMES R. NYMAN, doing business as, GARY R. HOBIN and JAMES R. NYMAN TRUCKING, Philomath, OR, of Certificates Nos. MC-150347 Sub 1 and MC-150347 Sub 2, issued December 2, and November 6, 1980, respectively, to Hobin Trucking Co., Inc., Philomath, OR, authorizing the transportation of *lumber and lumber mill products,* between named facilities at or near Philomath, OR, on the one hand, and, on the other, points in AZ, CA, NV, UT and WA, and *Building materials,* from points in CA and NV, to points in OR and WA. Representative: Gary R. Hobin, 610 S 19th St., P.O Box 750, Philomath, OR 97370.

[FR Doc. 82-34390 Filed 12-17-82; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP3–56]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: December 13, 1982.

90-Day Intrastate Motor Common Carriers of Passengers

The following applications, filed on or after November 19, 1982, are governed by Part 1168 of the Commission's Rules of Practice. See 49 CFR Part 1168, published in the **Federal Register** on November 24, 1982, at 47 FR 53275. For compliance procedures, see 49 CFR 1168.6 and 49 U.S.C. 10922(c)(2)(E).

Persons wishing to oppose an application must follow the rules under 49 CFR Part 1168. In addition to fitness grounds, applications may be opposed on the grounds that the transportation to be authorized would directly compete with a commuter bus operation and would have a significant adverse effect on all commuter bus service in the area in which the competing service will be performed. Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request

and upon 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, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated 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 25 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 30 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.

By the Commission, Review Board Number 2, Members Carleton, Williams, and Ewing.

AGatha L. Mergenovich,

Secretary.

NOTE.—All applications are filed under 49 U.S.C. 1092(c)(2)(A) for authority to operate as a motor common carrier of passengers in intrastate commerce on a route over which applicant has interstate, regular-route authority on November 19, 1982.

Please direct status inquiries to Team 3, (202) 275–5223.

MC 1934 (Sub-52), filed December 6, 1982. Applicant: THE ARROW LINE, INC., 105 Cherry Street, P.O. Box 387, East Hartford, CT 06108. Representative: Helen D. Smith (same address as applicant), (203) 289–1531. Applicant seeks authority in intrastate commerce to conduct service at all intermediate points on routes in No. MC–1934 (Sub-No. 46), as follows: To operate over the route between Bridgeport, CT, and Albany, NY, to provide intrastate service at all intermediate points between Bridgeport and Hartford, CT.

[FR Doc. 82-34392 Filed 12-17-82; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 316]

Motor Carriers; Permanent Authority Decisions, Restriction Removals; Decision-Notice

Decided: December 13, 1982.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of these applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Shaffer, Williams, and Higgins.

Agatha L. Mergenovich,

Secretary.

MC 63390 (Sub-24)X, filed November 19, 1982. Applicant: CARL R. BIEBER, INC., Vine and Baldy St., Kutztown, PA 19530. Representative: L. C. Major, Jr., P.O. Box 11278, Alexandria, VA 22312. Subs 15 and 22F: authorize passenger service to all intermediate points on described routes between Reading, PA and New York, NY (Sub 15), between Kutztown and Allentown, PA, and between Kutztown an Bethlehem, PA (Sub 22F).

MC 83745 (Sub-12)X, filed November 17, 1982. Applicant: UNIVERSAL TRUCKING, INC., 6020 Hohman Avenue, Hammond, IN 64320. Representative: Joel H. Steiner, 135 South LaSalle St., Suite 206, Chicago, IL 60603. Sub-No. 9 certificate: (1) Broaden general commodities, with usual exceptions to "general commodities (except classes A and B explosives, household goods, and commodities in bulk)"; and (2) broaden Chicago, IL, to Kane, Lake, DuPage, Cook and Will Counties, IL and Lake and Porter Counties, IN.

MC 111397 (Sub-138)X, filed November 22, 1982. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth St., Paducah, KY 42001. Representative: H. S. Melton, Jr., P.O. Box 7406, Paducah, KY 42001. Sub 119 (1) broaden general commodities (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities requiring the use of special equipment, contractors' equipment, building, excavating, and mine machinery equipment, road building equipment, machinery, coal, limestone, lumber, wood products, motor vehicles, liquified natural gas, spent carbon, and fat, oils, and unprocessed gases to "general commodities (except classes A and B explosives and household goods)"; (2) broaden the site of Paducah-McCracken County Riverport Authority at Paducah, KY, TO McCracken County, KY; (3) eliminate restriction requiring "prior movement by water"; (4) remove the restriction against the transportation of (a) petroleum and petroleum products in bulk, in tank vehicles, to points in IL, IN, MO, AR, and TN; and (b) liquid chemicals, in bulk, in tank vehicles to points in VA, MO, AR, and points in Brooke, Hampshire, Kanawha, Marion, Marshall, Monongalia, Pleasant, and Wetzel Counties, WV; and (5) change one-way to radial authority.

MC 126472 (Sub-26)X, filed November 30, 1982. Applicant: WILLCOXSON TRANSPORT, INC. R.R. #2, Kahoka, MO 63445. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Subs- 1, 2, 4, 12, 13, 16, 21F, 23F, and 24F; (1) broaden to (a) "chemicals and related products" from: liquid

fertilizer, in Sub 1; dry fertilizer and dry fertilizer compounds, in Sub 4; agricultural insecticides, fungicides, and herbicides, in Sub 12; anhydrous ammonia, in Subs 16 and 23F; dry fertilizer and fertilizer materials, in Sub 24F; (b) "petroleumn natural gas and their products" from liquefied petroleum gas, in Sub 2; (c) metal products" from new and used anhydrous ammonia nurse tanks and component parts thereof, in Sub 13; (d) "lumber and wood products" from used wooden pallets, in Sub 16; (e) "ores and minerals" from sand, gravel, and limestone, in Sub 21F. (2) change one-way to radial authority in all Subs. (3) expand specified facilities limitations and cities to counties: Corydon, IA (Wayne County), in Sub 1; facilities at Cantril, IA (Van Buren County), in Sub 2; facilities at Fort Madison, IA (Lee County), in Sub 4; Janesville, WI (Rock County), in Sub 12; Fort Madison, Fort Dodge, Garner, Bellevue, and Early, IA (Lee, Webster, Hancock, Jackson, and Sac Counties, respectively), Sugar Creek and Selma, MO (Jackson and Jefferson Counties), Omaha, NE (Douglas and Sarpy Counties, NE and Pottawattamie County, IA), in Sub 16; facilities at Brunswick, MO (Chariton County), in Sub 24F. (4) remove: in bulk, in tank vehicles, and in containers limitations, wherever they appear; originating at and destined to restriction in Sub 12; precisely located facilities restrictions (Sub 21F).

MC 126709 (Sub-15)X, filed November 17, 1982. Applicant: SABER, INC., 514 Floyd Blvd., Sioux City, IA 51104. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104. Sub 13F: (1) Broaden animal fats, animal oils, and animal greases to "food and related products and chemicals and related products"; (2) change one-way to radial authority; (3) expand Sioux Falls to Lincoln and Minnehaha Counties, SD; Sioux City, IA to Dakota County, NE, Woodbury and Plymouth Counties, IA, and Union County, SD; and Estherville, IA to Emmet County, IA: and (4) remove the in bulk, in tank vehicles restrictions.

MC 138730 (Sub-13)X, filed November 19, 1982. Applicant: CARAVAN COACH LINES, INC., RD 3 Box 451, Wharton, NJ 07885. Representative: L. C. Major, Jr., Suite 304, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312. Sub 10: Applicant holds interstate regular-route authority authorizing service on various routes in New Jersey including all intermediate points which are restricted to the transportation of pasengers originating at or destined to either the La Guardia or Kennedy International Airports, New York NY. Applicant seeks to remove that restriction on the basis that it precluded service at all intermediate points for passengers originating at or destined to any points other than the two named airports.

MC 145883 (Sub-4)X, filed November 29, 1982. Applicant: DANIEL B. ROEDIGER, Rt. 5, Box 205, St Rt 33, Wapakoneta, OH 45895. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43125. Sub-38F certificate: (1) broaden soy bean meal to "food and related products"; (2) remove facility limitation and expand Sidney to Shelby County, OH; (3) change one-way to radial authority; and (4) remove the in bulk restriction.

[FR Doc. 82-34393 Filed 12-17-82; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. AB-6 (Sub-N 128)]

Rail Carriers; Burlington Northern Railroad Co.—Abandonment—in Grays Harbor County, WA; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that the Commission, Review Board Number 3, has issued a certificate authorizing the Burlington Northern Railroad Company to abandon its rail line between milepost 75.50, near Hoquiam, and milepost 96.36, at the end of the line near Aloha, a distance of 20.86 miles, in Grays Harbor County, WA, subject to certain conditions. Since no investigation was instituted, the requirement of § 1152.27(b) (formerly § 1121.38(b)) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1152.35 of the Regulations) (formerly § 1121.45). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to § 1152.27 (formerly § 1121.38) 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. 82-34394 Filed 12-17-82; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Agency Forms Under Review

December 16, 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, or extensions. 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

Extension (No Change)

- Immigration and Naturalization Service

Department of Justice
Data Relating to Beneficiary of Private Bill
Nonrecurring
Individuals or households

Parties to Private Bills: 500 responses: 500 hours; not applicable under 3504(h).
David Reed—395–7231

• Immigration and Naturalization Service
Department of Justice
UPR–1, Uniform Parole Reports
Transmittal Letter to Violator of section 1426(h) of Title 18 U.S.C. (Unauthorized Reproduction of Certificate of Naturalization or Citizenship
Nonrecurring
Individuals or households
Violators of Section 1426(h), Title 18 U.S.C.: 500 responses; 125 hours; not applicable under 3504(h).
David Reed—395–7231

• Immigration and Naturalization Service,
Department of Justice
Application for Advance Permission to Return to Unrelinquished Domicile
Nonrecurring
Individuals or households
Resident Aliens returning to the United States: 58 hours; 234 hours; not applicable under 3504(h).
David Reed—395–7231

• Immigration and Naturalization Service
Department of Justice
Alien Employment Questionnaire
Nonrecurring
Business or other institutions (except farms)
Private businesses, offices or factories employing aliens: 5,000 responses; 833 hours; not applicable under 3504(h).
David Reed—395–7231

• Immigration and Naturalization Service
Department of Justice
Report of Alien Person Institutionalized On Occasion
State or Local Governments
Correctional institutions, hospitals, sanatoriums: 6,000 responses; 1,500 hours; not applicable under 3504(h).
David Reed—395–7231

Extension (Adjustment to Burden Only)

• Immigration and Naturalization Service
Department of Justice
Application for Waiver of Passport and/or Visa
Nonrecurring
Individuals or households
Alien Waiving Nonimmigrant Document Requirements: 6,000 responses; 996 hours; not applicable under 3504(h)
David Reed—395–7231

• Drug Enforcement Administration
Department of Justice
Piperidine Report
On Occasion
Businesses or other institutions (except farms)
Wholesale and retail chemical suppliers: 400 responses; 100 hours; not applicable under 3504 (h)
David Reed—395–7231

Larry E. Miesse,

Department Clearance Officer, Systems Policy Staff, Office of Information Technology, Justice Management Division, Department of Justice.

[FR Doc. 82–34456 Filed 12–17–82; 8:45 am]
BILLING CODE 4410–01–M

Drug Enforcement Administration

Eleanor J. Fendler, Ph. D.; Revocation of Registration

On September 30, 1982, the Acting Administrator of the Drug Enforcement Administraton (DEA) directed an Order to Show Cause to Eleanor J. Fendler, Ph. D., Standard Oil Company, Warrensville Laboratory, 4440 Warrensville Center Road, Cleveland, Ohio 44128. Dr. Fendler was previously registered at Kimberly Clark Corporation, P.O. Box 999, 2100 Winchester Road, Neenah, Wis. 54956. The order sought to revoke DEA Certificate of Registration PF0200511 issued to Dr. Fendler as a researcher under 21 U.S.C. 823. The statutory ground for the order was the revocation on February 17, 1982, of Special Use Authorization #226 issued to Dr. Fendler by the State of Wisconsin Controlled Substances Board. That document was Dr. Fendler's authorization to handle controlled substances in Wisconsin. More than 30 days have elapsed since issuance of the Order and Dr. Fendler has not responded to it. The Acting Administrator deems Dr. Fendler to have waived her opportunity for a hearing in this matter, and enters this final order on the record as it appears (21 CFR 1301.57; 21 CFR 1301.54(d) 1301.54(e)).

Examining the record, the Acting Administrator finds that the Wisconsin Controlled Substances Board ("the Board") registered Dr. Fendler to conduct research in controlled substances. The Board accepted Dr. Fendler's surrender of her application for renewal upon learning that Dr. Fendler had submitted an application to conduct research at Kimberly-Clark in 1980 when Kimberly-Clark does not use controlled substances in any of its research and does not possess any controlled substances on its premises. Dr. Fendler had indicated to the Board that another researcher at Kimberly-Clark would verify her application and that this researcher authorized controlled substances to be used at Kimberly-Clark. In fact, the other researcher was unaware of the application filed with the Board by Dr. Fendler.

DEA Compliance Investigators contracted Dr. Fendler to obtain a volumtary surrender of DEA Certificate of Registration PF0200511, to no avail. On September 2, 1982, Dr. Fendler indicated she would mail the certificate to the DEA Chicago Office. The Acting Administrator finds that Dr. Fendler has never voluntarily surrendered the certificate even after being informed that she lacked statutory authority to possess it.

This agency has consistently held that termination of a registrant's state authority to handle controlled substances requires DEA to revoke its Certificate of Registration. See *Hardley Famous Sisters Inc., d.b.a. Yerba Santa Pharmacy*, 47 FR 3693 (1982); *Henry Weitz, M.D.*, 46 FR 34858 (1981); *David Sachs, M.D., Docket No. 77–22, 42 FR 29112 (1977)*. The Acting Administrator has no alternative but to revoke the DEA Certificate of Registration previously issued to Dr. Fendler. While this action is virtually automatic when a state agency terminates a registrant's controlled substance authority, the Acting Administrator is constrained to make an observation. Dr. Fendler acted, at best, unprofessionally in falsifying her application with the Wisconsin Board for controlled substance registration and in not surrendering her DEA certificate as she said she would. DEA registration is a trust that is not to be treated lightly. Researchers, as well as physicians, dentists and other practitioners, have an obligation to responsibly handle the controlled substances their DEA registration entitles them to handle. Dr. Fendler has not discharged that obligation.

Accordingly, pursuant to the authority vested in the Attorney General and redelegated to the Administrator of the Drug Enforcement Administration, the Acting Administrator hereby revokes DEA Certificate of Registration PF0200511 issued to Eleanor J. Fendler, Ph. D. The revocation is effective immediately.

Date: December 9, 1982.

Francis M. Mullen, Jr.,

Acting Administrator.

[FR Doc. 82–34460 Filed 12–17–82; 8:45 am]
BILLING CODE 4410–09–M

Ronald Wardell Andrews, M.D.; Denial of Application

On September 28, 1982, the Acting Administrator of the Drug Enforcement

Administration (DEA) directed to Ronald Wardell Andrews, M.D., (Respondent), 5308 North Broad Street, Philadelphia, PA. 19141, an Order to Show Cause seeking to deny Respondent's application for renewal of his DEA registration, AA9000629. The statutory basis for the order under 21 U.S.C. 824(a)(2) was Respondent's conviction in the United States District Court for the Eastern District of Pennsylvania of nine counts of knowing and intentional distribution of controlled substances in violation of 21 U.S.C. 841(a)(1). These were felony offenses relating to controlled substances.

Respondent, through counsel, waived his right to a hearing and submitted a written statement on the matters of fact and law raised in the Order to Show Cause, as he is permitted to do under 21 CFR 1301.54(c). The Acting Administrator has carefully considered Respondent's statement and the investigative file in this matter and enters his final order under 21 CFR 1301.57.

Respondent's position is that his conviction is not final since Respondent has taken an appeal from his conviction to the United States Court of Appeals for the Third Circuit. This Administration has long and consistently maintained that a revocation of registration or denial of application is lawful even if a conviction is on appeal. See, *Carl Oslin Ramsey*, Docket No. 71–2, 36 FR 24077 (1971); *Don Williams t/a WEWA Drugs*, 41 FR 52554 (1976); *Isadore I. Rosen, M.D.*, 43 FR 14746 (1978); *Joseph J. Godorov, D.O.*, Docket No. 78–8, 43 FR 36702 (1978); *Lamar T. Zimmerman, M.D.*, 45 FR 3405 (1980). In *Faunce Drug Store*, Docket No. 82–3, 47 FR 30122 (1982), the Acting Administrator concluded that "a registrant is convicted of a controlled substance related felony if there is a judgment of guilt, plea of guilty or *Nolo contendere*, or some other indication that he has been found guilty of a controlled substance related felony." This conclusion is based on judicial interpretations of 21 U.S.C. 824(a)(2) and similar statutes. The court in *Perry–Hooker, M.D. v. Four Unnamed Known Agents of the Drug Enforcement Administration*, Civil Action No. 75–273 (D.Vt. 1975) held that the plaintiff had been "convicted" for the purpose of section 824(a)(2) at the time a guilty verdict was returned and that the suspension of his DEA registration was proper. For cases defining finality of convictions, see *Berman v. United States*, 302 U.S. 211, 58 S.Ct. 164 (1937) and *Korematsu v. United States*, 319 U.S. 432, 63 S.Ct 1124 (1943). See also *United States v. Rosenstengel*, 323 F. Supp. 499 (E.D. Mo. 1971), where the court interpreted the term "convicted" in 18 U.S.C. 1202(d) (relating to possession of firearms by convicted felons) in its broadest sense, concluding that to narrowly construe the term would clearly frustrate Congressional intent. Based on this precedent, the Acting Administrator finds that Respondent is "convicted" of a controlled substance related felony as that term is used in 21 U.S.C. 824(a)(2).

Having examined the record in this case, the Acting Administrator concludes that the application for registration submitted by Respondent should be denied. The Acting Administrator finds that Respondent was convicted, following a jury trial, of nine counts of illegal distribution of controlled substances to DEA Special Agents operating undercover. Respondent wrote prescriptions for Quaalude (methaqualone), Seconal (secobarbital) and Desoxyn (methamphetamine), all heavily abused Schedule II controlled substances, as well as Tussionex (hydrocodone), a Schedule III controlled substance. There was no medical justification for these prescriptions. Respondent has submitted no evidence that would mitigate the denial of his application, and the Acting Administrator can discern none from the record.

It is the decision of the Acting Administrator to deny the Respondent's application for renewal of his DEA registration. Accordingly, pursuant to the authority vested in the Attorney General and redelegated to the Administrator of the Drug Enforcement Administration, the Acting Administrator hereby denies the application for renewal of DEA registration AA9000629 executed by Ronald Wardell Andrews, M.D., on June 3, 1982. This action is effective January 19, 1983.

Dated December 9, 1982.

Francis M. Mullen, Jr.,

Acting Administrator.

[FR Doc. 82–34459 Filed 12–17–82; 8:45 am]

BILLING CODE 4410–09–M

Office of Justice Assistance, Research and Statistics

Regional Information Sharing System (RISS)

AGENCY: Office of Justice Assistance, Research, and Statistics, Justice.

ACTION: Request for public comment.

SUMMARY: The Office of Justice Assistance, Research and Statistics (OJARS), pursuant to Attorney General Order Number 886–80, proposes to issue a guideline for the award of funds to support regional information sharing system projects. OJARS invites interested persons to comment on the proposed guideline for the Regional Information Sharing System (RISS) Program. Comments received will be considered by OJARS before the final publication of this guideline. The period for public comment is 30 days. After publication of the final guideline following the comment period, participating projects may apply for refunding or may revise application on file in accordance with the final guideline.

As defined by Executive Order 12291, this proposed notice does to constitute a "major" notice because it does not result in: An effect on the economy of $100 million or more, (b) a major increase in any costs or prices, and, (c) adverse effects on competition, employment, investment, productivity, or innovation among American enterprise.

This proposed notice if promulgated, will not have "significant economic impact on a substantial number of small entities", as defined by the Regulatory Flexibility Act (Pub. L. 96–354).

DATES: Comments are dues on or before January 19, 1983.

ADDRESS: Send comments to H. T. Tubbs, Director, Program Management Division, Office of Policy and Management, OJARS, 633 Indiana Avenue NW., Washington, D.C. 20531, 202/724–5961.

FOR FURTHER INFORMATION CONTACT: H. T. Tubbs, Director, Program Management Division, Office of Policy and Management, OJARS, 202/724–5961.

Robert F. Diegelman,

Acting Director, Office of Justice Assistance, Research and Statistics.

Program Announcement

Subject: Announcement of the availability of financial assistance to continue support of the provisions of multijurisdictional intelligence information sharing services to state and local member agencies.

Summary: The Office of Justice Assistance, Research and Statistics announces its intention to award grants to seven projects participating in the Regional Information Sharing System (RISS) Program as authorized by Attorney General Order Number 886–80. Applicant eligibility is limited to existing projects which are in compliance with the legal, administrative and program requirements for finanical assistance.

Date: Applications will be reviewed upon receipt and financial assistance grant awards issued within 90 days from receipt. The closing date for receipt of applications for Fiscal Year 1983 funds is July 1, 1983.

Scope of Program Announcement

Funding and Administration of the Regional Information Sharing Systems (RISS) Program

1. *Purpose.* The purpose of this manual is to provide information and guidance concerning the funding and administration of the Regional Information Sharing Systems (RISS) Program. This manual is complemented by additional regulations, guidelines, instructions, and policies such as 28 Code of Federal Regulations (CFR) Part 23, 28 CFR Part 18, M7100.1B, Financial and Administrative Guide for Grants I4062.7, Standards for Equipment to be Acquired with LEAA Grant Funds, and G7100.5, Control and Use of Confidential Funds Under the RISS Program.

2. *Scope.* This manual is of interest to state and local criminal justice agencies, institutions, and organizations involved in the administration and implementation of the RISS Program.

3. *Introduction.*

A. *Authority.* Attorney General Order No. 886–80 authorizes the Director, Office of Justice Assistance, Research and Statistics (OJARS), after appropriate consultation with the Administrator of the Drug Enforcement Administration and the Assistant Attorney General in charge of the Criminal Division, to exercise the power and authority to administer the State and Local Drug Strike Force Grant Program, hereafter named as the Regional Information Sharing Systems Program (RISS). This authorization provides the authority to promulgate such regulations as are necessary for effective administration of this program.

B. *Oversight and Administration.* The Executive Group, composed of the Assistant Attorney General in charge of the Criminal Division, the Administrator of the Drug Enforcement Administration, and the Director, OJARS, exercises responsibility for the oversight and overall administration of the RISS Program. To assist the Executive Group in its responsibilities, the OJARS Intelligence Systems and Policy Review Board makes recommendations to the Executive Group concerning funding of applications and policy issues dealing with intelligence information and systems, and develops and implements oversight procedures to ensure compliance with the Standards for Criminal Intelligence Operations (28 CFR Part 23). Daily management of the RISS Program is conducted through the Program Management Division, Office of Planning and Management, OJARS.

4. *Program Goals and Objectives.* The goal of the RISS Program is to enhance the ability of state and local criminal justice agencies to identify, target, and remove criminal conspiracies and activities spanning jurisdictional boundaries. The primary objectives of the program are to encourage and facilitate the rapid exchange and sharing of information pertaining to known or suspected criminals or criminal activity among federal, state and local law enforcement agencies, and to enhance coordination/communication among those agencies in pursuit of criminal conspiracies determined to be interjurisdictional in nature. Secondary objectives are to provide technical and financial resources to augment existing multi-jurisdictional enforcement resources/operations. These technical and financial resources may include specialized equipment, training and investigative funds.

5. *Program Description.*

A. *Problem Analysis.* Major criminal offenses, including traditional and non-traditional organized crime, drug trafficking and major white collar crime, often span jurisdictional boundaries to the extent that two or more state or local jurisdictions may be required to respond to the same offense or conspirators. This multi-jurisdictional characteristic can pose significant problems for state and local law enforcement in target identification, allocation of enforcement resources, and coordination of those resources to affect successful multi-jurisdictional investigations and prosecutions. Many of these problems stem from the fact that, although state and local enforcement agencies individually may have pieces of information concerning multi-jurisdictional conspirators and their activities, they lack a mechanism by which this information can be exchanged and/or collected to support multi-jurisdictional investigations and prosecutions. Consequently, the enforcement community's response to the conspiracy/offense may be fragmented, duplicative, counterproductive, and limited. In addition to the lack of information exchange, many law enforcement agencies are deficient in specialized equipment, training, and investigative resources to mount successful multi-jurisdictional operations commensurate with the sophistication of the conspiracy/offense.

B. *Results Sought.* It is expected that successful implementation of the RISS Program will achieve some or all of the following results:

- Operation of a modern regional communication system capable of the controlled receipt, analysis, evaluation, storage, dissemination and updating of information concerned with organized criminal activity, drug trafficking, and white collar crime.
- Established system of coordination and communication among enforcement agencies for targeting and investigating criminal conspiracies and activities as a means to overcome problems associated with multi-jurisdictional enforcement operations.
- Allocation of technical and financial resources to participating state and local enforcement agencies in their investigation of multi-jurisdictional organized crime, drug trafficking, and white collar crime.
- Increased opportunity for arrest and successful prosecution of conspirators targeted by participating state and local enforcement agencies.
- Recovery of criminal assets (i.e., contraband, stolen equipment) by multi-jurisdictional enforcement operations evolving from services provided by the project.

6. *Program Strategy and Project Components.*

A. *Strategy.* The strategy of the RISS Program is to maintain operational centers throughout the United States to service state and local criminal justice agencies. Specifically, the strategy for the program, provided congressional appropriations continue, is to continue the six regional information system centers: the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network, the New England States Police Administrator's Conference, the Mid-States Organized Crime Information Center, the Regional Organized Crime Information Center, the Rocky Mountain Information Network, and the Western States Information Network. Support will also be given to continue the LEVITICUS Project, an investigative/prosecutorial information sharing project directed against major white collar criminals involved in various criminal enterprises affecting the acquisition and mining of coal in the Appalachian region.

B. *Activity Components.* The following are either required or optional components/activities of projects funded under this program. Optional components must be designed to support the required information-sharing component.

1. *Information Sharing Component (Required).* Every project will maintain and operate either a manual and/or

automated information-sharing component that is responsive to the needs of participating enforcement agencies in addressing multi-jurisdictional offenses/conspiracies. This component must be capable of providing controlled input, dissemination rapid retrieval, and systematized updating of information to authorized agencies. This component must also possess the ability to perform analysis of information provided to the project/component. (See Para. 13.B, Special Requirements).

2. *Investigative Support Component (Optional).* Projects may establish and operate an investigative support component by providing financial assistance to participating agencies for their conduct of multi-jurisdictional investigations. Financial resources may include funds for the purchase of information, contraband that may be used as evidence, services, investigative travel and per diem, and overtime compensation. The LEVITICUS project is permitted to pay salaries and overtime for investigative personnel. (See Para. 13.A, Special Requirements).

3. *Specialized Equipment Component (Optional).* Projects may establish and maintain a pool of special investigative equipment for loan to participating agencies. (See Para. 13.D, Special Requirements).

4. *Technical Assistance Component (Optional).* Projects may establish and maintain a component to provide technical assistance to member agencies. Through use of project personnel and others in participating agencies, consultation, advice, and information may be made available to member agencies concerning use of specialized equipment, investigative procedures, accounting of project funds if provided by the project in support of investigations, and information analysis. This component will emphasize use of technical resources among the projects as necessary and available.

5. *Training Component (Optional).* Projects may establish and maintain a training component to upgrade investigative skills of personnel from participating agencies. Such training assistance may consist of financial support to send personnel to training courses, seminars, and conferences or design and delivery of special training courses by project staff.

C. *Administrative Components.* Each project must be comprised of three basic administrative components: an oversight group, project staff, and, member agencies.

1. *Oversight Group.*— Each project must have an established oversight group, i.e., Policy Board, Executive Committee, Supervisory Board, that is comprised of representatives from participating state and local agencies. The primary purpose of the oversight group is to provide policy and direction affecting project operations and administration.

2. *Project Staff.* Each project must contain a core group of staff that is of sufficient size and expertise to accomplish the stated objectives of the grant. An organizational structure must be developed that reflects the ability of the project to administer and operate the project with regard to the project components discussed in Para. 6.B.1 through 5.

3. *Member Agencies.* Each project must be made up of selected state and local criminal justice and/or regulatory agencies within the project's service area.

7. *Eligibility to receive grants.* The Policy Board or Executive Committee for each Riss project will select the state or local criminal justice agency eligible to apply for funding under this Program. Final approval of the applicant will remain with the Office of Justice Assistance, Research and Statistics (OJARS).

8. *Deadline for Submission of Applicantions.* Applications must be received by OJARS at least 90 days prior to the anticipated start date of the new award.

9. *Dollar Range and Number of Grants.* The award of seven grants is anticipated annually, ranging from $500,000 to $2 million per 12 month period of award.

10. *Matching Requirements.* Projects/grants may be funded up to 100 percent of total project/grant costs. Projects are encouraged to obtain and utilize other resources to the maximum extent possible for the purpose of augmenting project operations.

11. *Application Requirements.*

A. *Preparation.* All applications must be prepared on Standard Form 424, Application for Federal Assistance with Attachment OJARS Form 4000/3 (Appendix 1).

B. *Content.* The following information must be included in the application to OJARS:

(1) *Budget Narrative.* Applicants for grants must submit on separate sheets a budget narrative. The budget narrative should detail by budget category the Federal share. The purpose of the budget narrative is to relate items budgeted to project activities and to provide justification and explanation for budget items, including criteria and cost data used to arrive at the estimates for each budget category. The following information is provided to assist the applicant in developing the budget narrative.

(a) *Personnel Category.* List each position by title (and name of employee if available), show annual salary rate and percentage of time to be devoted to the project by the employee. Compensation paid for employees engaged in Federally assisted activities must be consistent with that paid for similar work in other activities of the applicant.

(b) *Fringe Benefits Category.* Indicate each type of benefit included and the total cost allowable to employees assigned to the project.

(c) *Travel Category.* Itemize travel expenses of project personnel by purpose (e.g., staff to training site, advisory group meetings, etc.) and show basis of computation (e.g., "Five trips for 'x' purpose at $80 average cost $50 transportation and two days per diem at $15" or "Six people to 3-day meeting at $70 transportation and $45 subsistence"). In training activities where travel and subsistence for trainees is included, this should be separately listed indicating the number of trainees and the unit costs involved. (See Para. 13. E, Special Requirements).

(1) Identify the tentative location of all training sessions, meetings, and other travel whenever possible.

(2) Applicants should consult such references as the Official Airline Guide and the Hotel and Motel Redbook in projecting travel costs to obtain competitive rates.

(d) *Equipment.* List each type of equipment to be purchased or rented with unit or monthly cost. (See Para. 13. D, Special Requirements).

(e) *Supplies.* List items within this category by major type (office supplies, training materials, postage, etc.) and show basis for computation. Provide unit or monthly estimates.

(f) *Contractual Category.* State the selection basis for any contract or subcontract or prospective contract or subcontract (including equipment).

(1) For individuals to be reimbursed for personal services on a fee basis, list by name or type of consultant or service, the proposed fee (by day, week or hour), and the amount of time to be devoted to such services.

(2) For other types of contracts indicate the type of services to be performed and the estimated contract cost data.

(g) *Construction Category.* Describe construction or renovation which will be accomplished using grant funds and the method used to calculate cost. Allowable costs will be limited to project site modifications.

(h) *Other Category.* Include under "Other" such items as rent, reproduction, telephone, janitorial or security services and investigative expenses as defined in Para. 4, G7100.5 (See Appendix 3). List items by major type with basis of computation shown. (Provide square footage and cost per square foot for rent. Provide local and long distance telephone charges separately).

(i) *Indirect Cost Category.* The Administration may accept any indirect cost rate previously approved for an applicant by a Federal agency. Applicants must enclose a copy of the approved rate agreement with the grant application.

(j) *Program Income.* If applicable, provide a detailed estimate of the amount of program income to be generated during the grant period and its proposed application (to reduce the costs of the project or to increase the scope of the project). Also, describe the potential source of program income. (Refer to Para. 42., OJARS M7100.1B).

(2) *Project Narrative.* Each applicant will present its project narrative in the following format, which will be used in lieu of the format reflected in page 11 of SF 424.

(a) Description of the problems and needs to be addressed by the project.

(b) Summary of past accomplishments since project inception and their relationship to previously identified goals and objectives.

(c) Description of types of files, as approved by the projects' supervisory boards, that comprise the project's information sharing system, i.e., primary subject, associates, M.O., etc. and a description of the purpose of these files in relationship to the information-sharing system.

(d) Description of project goals and objectives to be achieved.

(1) The project goals should be consistent with the program goal set forth in Para. 4, of this Guideline.

(2) Objectives msut describe quantifiable achievements to the extent possible for each goal and take into consideration each of the project components set forth in Para. 6. B. of this Guideline.

(e) Description of project operations to include administrative and decisionmaking structure (including organizational chart).

(f) Description of milestones/major achievements to be accomplished.

(g) Summary of all assessments, evaluations and/or audits, other than those initiated by the Department of Justice.

(h) List of member agencies.

(3) *Supporting Documents.* The following documents must append the application:

(a) A current Equal Opportunity Employment Program (EEOP) which meets the requirements of 28 CFR 42.301, *et seq.* This requirement applies to applicant agencies that have fifty or more employees, which have received grants or $25,000 and which have a service population with a minority representation of 3% or more. (See Appendix 2.)

(b) A copy of a letter transmitting notification of project activities to state legislatures in those jurisdictions being serviced by the project. (See Para. 13.F, Special Requirements).

(c) Certifications signed by the appropriate authorities indicating:

(1) Compliance with G7100.5, Control and Use of Confidential Funds Under the RISS Program. (See Appendix 3).

(2) Compliance with 28 CFR Part 23 (See Appendix 4).

(3) State Criminal Justice Council (CJC) review, if CJC is serving as grantee.

(d) Constitution and/or bylaws adopted by the project.

(e) Procedures developed by the project for the administration of confidential funds if such funds are being requested in the application. (See Appendix 3).

(f) Procedures developed by the project for the administration of the information system as required in 28 CFR Part 23. (See Para. 13B, Special Requirements, and Appendix 4.)

(g) All assessments, evaluations and/or audit reports, other than those initiated by the Department of Justice, describing project activities.

12. *Reports.* Reporting requirements for grants/projects awarded under the RISS Program are articulated in Chapter 2, M7100.1B, Financial and Administrative Guide for Grants. The six regional information-sharing systems will use the quarterly narrative report format shown in Appendix 6. The Leviticus Project will use the format shown in Appendix 7.

13. *Special Requirements*

A. *Confidential Funds.* Approval by the Grantor Agency is required for all grantees/subgrantees prior to the use of funds for confidential expenditures. Confidential expenditures are herein defined as funds used for purchase of services, purchase of evidence (physical), and purchase of information. (See Appendix 3, OJARS Guideline G7100.5, "Control and Use of Confidential Funds Under the RISS Program").

(1) *Confidential expenditures* will be considered in all grants funded under this program provided that the process and procedures to be utilized by individual projects are included as part of the grant application and comply with G7100.5.

(2) *A signed certification* must be submitted by the Project Director that indicates he has read, understands, and agrees to abide by the conditions pertaining to confidential fund expenditures as set forth in OJARS' Guideline G7100.5. For a sample of the required certification, refer to Appendix 3.

(3) *Funds that are seized and revert* to the project as a result of the use of confidential funds shall be deemed program income pursuant to OMB Circular A102 up to the total amount of confidential funds used under the grant. (Refer to Para. 42, OJARS M7100.1B.).

(4) *The budgeting for and use of* confidential expenditures under this program is considered a support service to the primary objective of sharing information. These funds should only be allocated:

(a) When the particular merit of a case warrants the expenditure of these funds;

(b) to support multi-jurisdictional investigations in which two or more agencies are actively involved;

(c) where the user agency agrees that information obtained will be furnished to the project data base; and,

(d) when no other source of funds exists.

B. *Criminal Intelligence Systems Operating Policies (28 CFR Part 23).* All projects funded under the RISS program will be subject to the provisions of 28 Code of Federal Regulations (CFR) Part 23. "Criminal Intelligence Systems Operating Policies." (See Appendix 4).

(1) *Written procedures* for individual project compliance with these "Operating Policies" must accompany each application for funding. Specific application requirements for each of the Operating Policies of 28 CFR 23.20 are as follows:

(a) Application must describe the process by which information submitted is evaluated to ensure compliance with "reasonable suspicion of criminal activity" standard, and that the information has not been obtained in violation of applicable Federal, state or local laws and ordinances [§ 23.20(a), (b), (c)].

(1) Description must define what constitutes "reasonable suspicion of criminal activity" as a predicate for collecting, maintaining, and entering information [§ 23.20(a)].

(2) Description must explain system of controls to ensure that no information is

entered that violates applicable Federal, state or local laws and ordinances [§ 23.20(a)].

(b) Application must describe the procedures by which incoming information is received, processed, and stored [§ 23.20(f)].

(1) Procedures must indicate date of receipt (for purge purposes), the identity of submitting agency and the assignment of levels of sensitivity and confidence of the information [§ 23.20(f)].

(2) Description must discuss administrative, technical and physical safeguards (including audit trails) to ensure against unauthorized access and against intentional or unintentional damage [§ 23.20(f)].

(c) Application must describe the process by which information is disseminated [§ 23.20(d), (e), (f)].

(1) Description must discuss procedures for ensuring that access to the information is based on the "need to know/right to know the data in the performance of a law enforcement activity" [§ 23.20(d)].

(2) Description must discuss process used to ensure that information is disseminated only to other law enforcement authorities who agree to follow procedures regarding data entry, maintenance, security, and dissemination that are consistent with 28 CFR 23.20. Sample certification forms should be attached [§ 23.20(e)(1)].

(d) Application must describe procedures used to ensure that all information retained has relevancy and importance [§ 23.20(g)].

(1) Description must explain how information is screened for relevancy and to ensure that it is not misleading, obsolete, or otherwise unreliable [§ 23.20(g)].

(2) Description must discuss purging process and how reviewed material is annotated to reflect name of reviewer, date of review and explanation as to decision to retain. Any information that has been in the system but has not been reviewed for a period of two years must be reviewed and validated before it can be utilized or disseminated [§ 23.20(g)].

(3) Description must discuss how any recipient agencies are notified that information has been changed or purged [§ 23.20(g)].

(e) Application must describe sanctions to be used to control unauthorized access, utilization, or disclosure of information contained in the system [§ 23.20(1)].

(2) *The Criminal Intelligence Systems and Operating Policies Review Board* and/or the OJARS Program Manager will perform onsite visits during the project period to assess compliance with the Operating Policies.

(3) *Noncompliance with Operating Policies* is sufficient justification for project termination. Project activities determined to be noncompliant will be formally communicated to the grantee for redress. If the issues of noncompliance are not satisfactorily resolved by the established deadline date, OJARS may suspend all or part of the grant. If the issues still remain unresolved past the deadline date attached to the suspension action, OJARS may notify the grantee of an intent to terminate the grant. The grantee will have up to ten (10) working days from the date of the notice to file a written request for a compliance hearing pursuant to 28 CFR Part 18. If no request for a hearing is received by OJARS, the grant will be terminated.

(4) *The following Special Conditions* will be added to each award.

(a) Grantee agrees to be in compliance with the Criminal Intelligence Systems Operating Policies (28 CFR Part 23). Compliance will include all certifications required by § 23.30(a)(1)–(4) of these policies. The Criminal Intelligence Systems and Operating Policies Review Board, or its individual or group designees, may visit the project in order to determine compliance with these policies.

(b) Grantee/subgrantee agree that if automated equipment for use in connection with a criminal intelligence system is to be obtained with grant funds, then:

(1) Direct remote terminal access to data shall not be made available to system users; and,

(2) No modifications to system design shall be undertaken without prior OJARS approval [§ 23.20(h)].

(c) OJARS shall be notified prior to initiation of formal information exchange procedures with any Federal, state, regional, or other information system not indicated in the grant documents as initially approved at time of award [§ 23.20(i)].

(d) Grantee/subgrantee agree that no electronic, mechanical, or other device for surveillance purposes will be purchased, rented, or used in the course of this project that is in violation of the provisions of Title III of Pub. L. 90351, as amended, or any applicable state statute related to wiretapping and surveillance [§ 23.20(j)].

(e) Grantee/subgrantee agree that there shall be no harassment or interference with any lawful political activities as part of the intelligence system operation [§ 23.20(k)].

C. *Field Personnel.* Field personnel are defined as project employees (either direct or by formal contract) whose primary job function is to provide liaison services between the project and member agencies and who generally represent the project interests in assigned States throughout the service area.

(1) *It is the policy of OJARS to allow* the funding and utilization of field personnel provided that their activities are confined to liaison with and support of member agencies. Authorized liaison and support activities include:

(a) Dissemination of information collected by member agencies to other agencies requesting same;

(b) Provision of fixed site technical assistance to member agencies;

(c) Consultation and advice to member agencies in the completion of required reports and evaluations;

(d) Recruitment of new member agencies and liaison with existing members; and,

(e) Provision of training to law enforcement and prosecutorial agencies in project related law enforcement practices and techniques.

(2) *It is the policy of OJARS to prohibit* the involvement of field personnel in operationsl or investigative functions normally associated with the duties of a sworn law enforcement officer. These prohibited functions include:

(a) Handling informants (including paying informants; briefing or debriefing informants);

(b) Participation in any fixed or mobile surveillance (including providing fixed or mobile radio coordination);

(c) Participation in any other investigative activity, including collection of new intelligence from overt or covert sources, purchase of evidence, and undercover operations, such as drug buys or sting operations; and,

(d) Use of or carrying any firearm or other dangerous weapon while in the performance of project duties.

(3) *Each project that utilizes field personnel must develop* and submit to OJARS procedures that govern the use of and supervisory controls over its field personnel. These procedures must include:

(a) Specific job descriptions against which field personnel activities can be compared. These job descriptions must include:

(1) Duties;

(2) Supervisory Controls;

(3) Scope and Effect; and,

(4) Work Environment.

(b) A system of supervisory controls that is designed to manage and account for the activities and time of field personnel.

D. *Equipment.* Purchase or lease of equipment that specifically relates to the

achievement of the project goals and objectives, including repairs which materially increase its useful life, is an allowable expenditure of grant funds. The need for and acquisition of equipment in general is governed by the provisions of Instruction I4062.7, "Standards for Equipment to be Required with LEAA Grant Funds." See Appendix 5). The following further defines equipment acquisition and usage as it applies to the RISS Program.

(1) *All equipment purchases must receive the prior approval* of OJARS. Prior approval may be obtained either through inclusion in the grant application or, subsequently, by a prior written request.

(2) *Each application must contain a certification* governing the acquisition of equipment. (See Appendix 5).

(3) *No electronic, mechanical, or other device* may be purchased, rented, or used in the course of the project that is in violation of Title III, Pub. L. 90–351, as amended, and applicable state statutes related to wiretapping and surveillance.

(4) *Helicopters and airplanes* may not be purchased with grant funds. However, the rental of such equipment is allowable on an as needed basis provided that such rental is included as a line item in the approved grant application and is confined to ongoing investigations being performed by member agencies.

E. *Travel.* Travel must be categorized and described as either Administrative or Investigative. Administrative travel should be budgeted within the "Travel" category and is defined as travel performed by project employees or advisory board members to attend or participate in meetings, conferences, training, etc., to receive or provide technical assistance, or to perform liaison services to other projects or member agencies. Investigative travel should be budgeted within the "Other" category and is defined as travel performed by member agencies in the furtherance of ongoing investigations being supported by the project.

(1) *Each project must develop* and submit to OJARS internal travel procedures that:

(a) Document the project's official travel policies;

(b) Define the travel request, approval and voucher process;

(c) Explain the system of advances and reimbursements; and

(d) Describe the documentation necessary for approval and payment of travel vouchers.

(2) *Grantee may follow their own* established travel policies or the Federal travel rates. If a grantee does not have established travel rates, the grantee must abide by the Federal travel regulations.

(3) *Subgrantees may follow their own* established travel rates. If a subgrantee does not have an established travel rate, then:

(a) The subgrantee may follow the grantee-established travel policies; or,

(b) The subgrantee may abide by the Federal travel regulations.

(4) *Management attitudes towards travel* should be designed to minimize travel costs and eliminate nonessential travel. The following guidance should be observed by project management.

(a) Use alternatives. Travel should be permitted only when the matter cannot be handled via conference call or other mode of communication.

(b) Limit number of persons traveling. Only the minimum number of persons necessary to accomplish the purpose of the trip should be authorized to travel.

(c) Conference travel should be limited. Travel to conferences, seminars and meetings should be limited to those which directly further project goals and objectives. Whenever possible, limit attendance to a single individual who would then be responsible for summarizing and reporting results to other staff members.

(d) Examine location of meetings/conferences. Carefully consider cost benefits for all attendances prior to selecting sites for meetings or conferences.

(e) Utilize local training courses. Whenever possible, local training courses should be used to minimize travel costs.

(f) Minimize duration of trips. Trips should be as short as possible to accomplish their official purpose.

(g) Consolidate trips. To the extent possible, travel should be performed for more than a single purpose and visits to more than one location made in a series without returning to the official duty station.

(h) Assess alternate modes of common carriers. Consider all costs associated with different types of common carriers. This is especially true in the Northeast corridor where train service may provide the most cost beneficial method of travel.

(i) Use special fares. Utilize special excursion fares of other discount fares whenever possible.

(5) *All noninvestigative, out-of-region travel* must receive the written prior approval of OJARS on a trip-by-trip basis. The request for approval of each trip must provide specific information concerning the purpose of travel, who will be traveling, the dates of travel, and a certification that sufficient funds exist within the travel category of the approved project budget to accommodate the requested travel.

F. *Legislative Notification.* The State legislature in each State included in a RISS project must be notified that a RISS project is operating within its boundaries. Notification may be either directly to the legislature or to a body designated to act while the legislature is not in session. Each project, therefore, must provide evidence that the requisite notification has occurred. Evidence may take the form of a sample letter of notification to be included in the grant application. Copies of all letters of notification must be kept in file at the project headquarters.

G. *Prohibition Against Lobbying.* All activities under the grant, including oral and written grantee or subgrantee actions and direct or indirect congressional contact, shall be made in accordance with the anti-lobbying provision of the LEAA Financial and Administrative Guide for Grants (OJARS M7100.B, Chapter 5, Para. 75, October 2, 1980) as interpreted by OJARS Office of General Counsel Legal Opinions No. 74–1, No. 75–45, and 77–30.

[FR Doc. 82-34388 Filed 12-17-82; 8:45 am]
BILLING CODE 4410-18-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Physics; Subcommittee for Review of NSF Gravitational Physics Program

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463 the National Science Foundation announces the following meeting:

Name: Advisory Committee for Physics, Subcommittee for the Review of the National Science Foundation Gravitational Physics Program.

Date and time: January 10–11, 1983; 9:00 a.m. to 5:00 p.m., each day.

Place: Room 341, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Margrete S. Klein, Staff Associate, Division of Physics, Room 341, National Science Foundation, Washington, D.C. 20550. Telephone (202) 357–7611.

Purpose of subcommittee: To provide oversight concerning NSF support and planning for research in gravitational physics.

Agenda: To review NSF Gravitational Physics program documentation as part of the program oversight function.

Reason for closing: The meeting will deal with a review of grants and declinations in which the Subcommittee will review materials containing the names of applicant institutions and principal investigators and privileged information from the files pertaining to the proposals. The meeting will

also include a review of the peer review documentation pertaining to applicants. These matters are within exemption (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, National Science Foundation, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

December 15, 1982.

[FR Doc. 82-34441 Filed 12-17-82; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Behavioral and Neural Sciences; Subpanel on Neurobiology Group "B"; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subpanel on Neurobiology of the Advisory Panel for Behavioral and Neural Sciences.

Date and time: January 13 and 14, 1983; 9:00 a.m. to 5:00 p.m. each day.

Place: The Board Room of the Holiday Inn, Fisherman's Wharf, 1300 Columbus Avenue, San Francisco, CA 94133.

Type of meeting: Closed.

Contact Person: Dr. Nathaniel G. Pitts, Associate Program Director, Neurobiology Program, Room 320, National Science Foundation, Washington, D.C. 20550, telephone 202/357–7471.

Purpose of panel: To provide advice and recommendations concerning support for research in neurobiology.

Agenda

To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing

The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting

This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, National Science Foundation, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

December 15, 1982.

[FR Doc. 82-34438 Filed 12-17-82; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Biotic Systems and Resources; Subpanel on Ecology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subpanel on Ecology of the Advisory Panel for Biotic Systems and Resources.

Date and time: January 13 and 14, 1983—8:30 a.m. to 5:00 p.m. each day.

Place: Room 1141, National Science Foundation, 1800 G St., NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Gary W. Barrett, Program Director, Ecology (202) 357–9734, Room 1140, National Science Foundation, Washington, D.C. 20550.

Purpose of subpanel: To provide advice and recommendations concerning support for research in Ecology.

Agenda

Review and evaluation of research proposals and projects as part of the selection process of awards.

Reason for Closing

The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting

This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, National Science Foundation, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

December 15, 1982.

[FR Doc. 82-34443 Filed 12-17-82; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Biotic Systems and Resources; Subpanel on Population Biology and Physiological Ecology; Notice of Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subpanel on Population Biology and Physiological Ecology of the Advisory Panel for Biotic Systems and Resources.

Date and time: January 20 and 21, 1983—8:30 a.m. to 5:00 p.m. each day.

Place: Room 1141, National Science Foundation, 1800 G. St., NW., Washington D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Robert E. Cook, Program Director, Population Biology and Physiological Ecology (202) 357–9728, Room 1140, National Science Foundation, Washington, D.C. 20550.

Purpose of subpanel: To provide advice and recommendations concerning support for research in population biology and physiological ecology.

Agenda

Review and evaluation of research proposals and projects as part of the selection process of awards.

Reason for Closing

The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting

This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, National Science Foundation, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

December 15, 1982.

[FR Doc. 82-34440 Filed 12-17-82; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Biotic Systems and Resources; Subpanel on Systematic Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subpanel on Systematic Biology of the Advisory Panel for Biotic Systems and Resources.

Date and Time: January 10 and 11, 1983—8:30 a.m. to 5:00 p.m. each day.

Place: Room 1141, National Science Foundation, 1800 G St., NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact Person: Dr. Wallace E. LaBerge, Program Director, Systematic Biology (202) 357–9588, Room 1140, National Science Foundation, Washington, D.C. 20550.

Purpose of subpanel: To provide advice and recommendations concerning support for research in systematic biology.

Agenda

Review and evaluation of research proposals and projects as part of the selection process of awards.

Reason for Closing

The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting

This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, National Science Foundation, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

December 15, 1982.

[FR Doc. 82-34442 Filed 12-17-82; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Physiology, Cellular and Molecular Biology; Subpanel on Regulatory Biology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Subpanel on Regulatory Biology of the Advisory Panel for Physiology, Cellular and Molecular Biology.

Date and time: January 26, 27 and 28, 1983 (8:30 a.m. to 5:00 p.m.).

Place: Conference Room 338, National Science Foundation; 1800 G Street, NW; Washington, DC 20550.

Type of meeting: Closed.

Contact person: Dr. Bruce L. Umminger, Program Director, Regulatory Biology, Room 332, National Science Foundation, Washington, D.C. 20550, Telephone 202/357–7975.

Purpose of subpanel: To provide advice and recommendations concerning support for research in regulatory biology.

Agenda

To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for Closing

The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting

This determination ws made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer delegated the authority to make such determinations by the Director, National Science Foundation, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 82-34439 Filed 12-17-82; 8:45 am]

BILLING CODE 7555-01-M

POSTAL RATE COMMISSION

[Docket No. A83–10]

Liberty Farms, Calif.; Order of Filing of Appeal

December 15, 1982.

In the matter of: Liberty Farms, California 95647; Beverly Brownell, Petitioner.

On November 30, 1982, the Commission received a Mailgram from Mrs. Beverly Brownell ("Petitioner") expressing her concern about the Postal Service's plans to close the Liberty Farms, California, post office. It was unclear whether Mrs. Brownell wanted the Commission to consider this an appeal of the Postal Service's determination. Consequently, the Secretary of the Commission, Mr. David F. Harris, wrote to Mrs. Brownell on November 30, 1982, and asked whether it was her intention to file an appeal. On December 10, 1982, the Commission received Mrs. Brownell's second letter in which she clearly stated her intention to appeal the Postal Service's determination to close the Liberty Farms post office. Her letter effectively requests the review provided by section 404(b) of the Postal Reorganization Act [39 U.S.C. 404[b]].[1]

The petition sets out the Postal Service action complained of in sufficient detail to warrant further inquiry to determine whether the Postal Service complied with the applicable law and its regulations for the closing of post offices.[2]

Upon preliminary inspection, the Petitioner's letter of December 10, 1982, appears to present as issues of law all of the factors considered by the Postal Service in making a determination to close a post office, namely:

1. The effect of such closing on the community served by such post office [39 U.S.C. 404(b)(2)(A)];

2. The effect of such closing on an employee of the Postal Service employed at such office [39 U.S.C. 404(b)(2)B)];

3. Whether such closing is consistent with the policy of the Government, as stated in section 101(b) of this title, that the Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining [39 U.S.C. 404(b)(2)(C)];

4. The economic savings to the Postal Service resulting from such closing [39 U.S.C. 404(b)(2)(D)].

Other issues of law may become apparent when the Commission has had the opportunity to examine the record made by the Postal Service. The record may be found to resolve adequately one or more of the issues presented by the Petitioner's letter.

In view of the above, and in the interest of expediting this proceeding under the 120-day decisional deadline imposed by section 404(b)(5), the Postal Service is advised that the Commission reserves the right to request a legal memorandum from the Service on the issues described above and/or any further issues of law disclosed by the record in this case. In the event that the Commission finds such memorandum necessary to explain or clarify the Service's legal position or interpretation on any such issue, it will make the request therefor by order, specifying the issues to be addressed.

When such a request is issued, the memorandum shall be filed within 20 days of the issuance, and a copy of the memorandum shall be served on the Petitioner by the Service.

In briefing the case or in filing any motion to dismiss for want of prosecution, in appropriate circumstances the Service may incorporate by reference all or any portion of a legal memorandum filed pursuant to such an order.

The Commission orders:

(A) The appeal letter from Mrs. Beverly Brownell be accepted as a petition for review pursuant to section 404(b) of the Act [39 U.S.C. 404(b)].

(B) The Secretary of the Commission shall publish this Notice and Order in the **Federal Register.**

By the Commission.

David F. Harris,

Secretary.

Appendix

Docket No. A83–10, Liberty Farms, California

December 10, 1982—Filing of Petition
December 15, 1982—Notice and Order of Filing of Appeal
December 27, 1982—Filing of Record by Postal Service [*see* 39 CFR 3001.113(a)].
December 30, 1982—Last day for filing of petitions to intervene [*see* 39 CFR 3001.113(b)].
January 10, 1983—Petitioner's Initial Brief [*see* 39 CFR 3001.115(a)].

[1] 39 U.S.C. 404(b) was added to title 39 by Pub. L. 94–421 (September 24, 1976), 90 Stat. 1310–11. Our rules of practice governing these cases appear at 39 CFR 3001.110 *et seq.*

[2] 42 FR 59079–85 (November 17, 1977). The Commission's standard of review is set forth at 39 U.S.C. 404(b)(5).

January 25, 1983—Postal Service Answering Brief [*see* 39 CFR 3001.115(b)].

February 9, 1983—(1) Petitioner's Reply Brief should Petitioner choose to file one [*see* 39 CFR 3001.115(c)]; (2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interest of prompt and just decision may require, in scheduling or dispensing with oral argument.

March 30, 1983—Expiration of 120 day decisional schedule [*see* 39 U.S.C. 404(b)(5)].

[FR Doc. 82-34405 Filed 12-17-82; 8:45 am]
BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 12891; 812-8386]

Chicago Partners I et al.; Application

December 10, 1982.

In the matter of; Chicago Partners I, Chicago Partners II, Winthrop Financial Co., Inc. and Linnaeus-Hawthorne Associates, 225 Franklin Street, Boston, Mass. 0210, (812-8386).

Chicago Partners I and Chicago Partners II (the "Partnerships"), each of which is a District of Columbia limited partnership, and their general partners, Winthrop Financial Co., Inc., and Linnaeus-Hawthorne Associates ("Linnaeus-Hawthorne") (collectively referred to hereinafter as ("Applicants")) filed an application on November 30, 1982, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting the Partnerships from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that the Partnerships were formed on July 1, 1982, under the District of Columbia Limited Partnership Act, and are designed to provide private investors with a means of acquiring equity interests in government-assisted housing and to otherwise implement the policy of Title IX of the Housing and Urban Development Act of 1968 (the "1968 Act"). Each Partnership has acquired a limited partnership interest in a separate Illinois partnership (the "Operating Partnership") which will construct, own and operate a portion of a multi-use high-rise complex ("Ontario/Erie"). Ontario/Erie, located in an area of government-assisted urban renewal, is receiving financing assistance from federal governmental agencies. Applicants contend that each Partnership will exist and be operated as a "two-tier" limited partnership in accordance with Investment Company Act Release No. 8456 (August 9, 1974) ("Release No. 8456").

Applicants state that each Partnership is organized as a limited partnership because a limited partnership is the only form of organization which provides an investor with both liability limited to his capital investment and the ability to claim on his individual tax return the deductions, losses, credits, and other tax items a partnership can pass through to its partners. Applicants further state that each Partnership's investment objectives are to invest in its respective Operating Partnership, provide tax benefits on a current basis, obtain reasonable protection for its investment in the respective Operating Partnership, provide potential for appreciation, and provide potential for cash distributions from operations (on a limited basis), refinancing, or sale of Ontario/Erie.

According to the application, Chicago Partners I was formed to invest as a 98.998 percent limited partner in Ontario Place Associates, A Ltd. Partnership ("Operating Partnership I"), an Illinois limited partnership. Operating Partnership I will construct, own and operate 470 rental apartment units and a ground level garage (the "Residential Project") in Ontario/Erie. Applicants state that tenants of 20 percent of the apartment units in the Residential Project will be eligible for rental assistance from the United States Department of Housing and Urban Development ("HUD"). Chicago Partners II was formed to invest as a 98.998 percent limited partner in Erie Place Associates, A Ltd. Partnership ("Operating Partnership II"), which will construct, own and operate the first 6 floors of Ontario/Erie with approximately 111,000 net rentable square feet of office and retail space (the "Commercial Project"). Applicants further state the investment by each Partnership in its respective Operating Partnership (other than short-term interim investments made prior to the making of all capital contributions to the Operating Partnership and which are not subject to the discretion of management) will be its only investment; Chicago Partners I and Chicago Partners II will not acquire interests in any other entities or property.

Applicants state that although the Residential Project and the Commercial Project are considered two legally separate interests in real estate and will be operated as separate real estate enterprises, all financing, HUD mortgage insurance, and construction commitments relating to Ontario/Erie were executed by Operating Partnership I and Operating Partnership II as co-borrowers. Ontario/Erie is receiving permanent financing from the Government National Mortgage Association ("GNMA"), and HUD is insuring the construction loan and permanent mortgage.

Applicants state that Winthrop Financial Co., Inc. ("Managing General Partner") is the managing general partner of each Partnership. Linnaeus-Hawthorne, an affiliate of the Managing General Partner, is also a general partner of each Partnership.

According to the application, each Partnership will be controlled by the Managing General Partner, and the limited partners, consistent with their limited liability status, will not be entitled to participate in the control of the business of the Partnership. Applicants state, however, that limited partners owning a majority of Partnership interests will have the right to amend their respective partnership agreement, dissolve the Partnership, remove any general partner and elect a replacement therefor. Any amendment to the respective partnership agreements may not allow the limited partners to take part in the control of the Partnership's business or otherwise affect their limited liability. Applicants represent, in addition, that under each partnership agreement, each limited partner is entitled to review all books and records of the Partnership at any and all reasonable times.

Applicants state that Chicago Partner I will offer 85 units of limited partnership interest (the "units") at $154,000 per unit to investors meeting certain suitability standards described below, pursuant to Section 4(2) of the Securities Act of 1933, as amended (the "Securities Act") and Regulation D promulgated thereunder. Applicants further state that Chicago Partners II will offer 30 units of limited partnership interests at a price of $159,500 per unit to investors meeting the same suitability standards. Although the offerings of units in Chicago Partners I and Chicago Partners II will be conducted as separate offerings, they will be treated as a single offering for certain purposes of the Securites Act, including, for example, determining the number of permitted purchasers of units under Regulation D. Applicants represent that subscriptions for units must be approved by the Managing General Partner, and such approval will be made conditional upon representations as to suitability of the investment for each subscriber.

Applicants state that although the Partnerships' direct control over the management of the respective Operating Partnerships is limited, the Partnerships'

ownership of interests in the Operating Partnerships will be the economic equivalent of direct ownership of the Commercials Project and Residential Project themselves. The interests in the Operating Partnerships will have no value other than the Projects themselves.

Applicants state that the general partners and their affiliates will receive various fees and reimbursements as compensation for formation and operation of the Partnership. Applicants further state that the substantial fees and other forms of compensation that will be paid to these persons will not have been negotiated through arm's length negotiations. Applicants assert, however, that insofar as the Release No. 8456 requirement of fair dealing by the general partners with the limited partners of the Partnership is concerned, as reflected by the basic organizational docucments of the Partnership, the partnership agreements and the memorandum relating to the offering of units contain numerous provisions designed to insure such fair dealing. For example, with respect to the above described compensation, Applicants represent that the terms of all such compensation will be fair and not less favorable to the Partnership than would be the case if such terms had been negotiated with independent third parties. Applicants further represent that they believe such compensation meets all applicable guidelines necessary to permit the units to be offered and sold in the various states which prescribe such guidelines, including the statement of policy adopted by the North American Securities Administration in respect of real estate programs. Applicants also state that no fees will be payable to the Managing General Partner, or any of its affiliates, if all units offered to investors are not sold.

Although the Applicants believe that neither Partnership is an investment company, Applicants request that the Partnerships be exempted from the provisions of the Act pursuant to Section 6(c) of the Act. Section 6(c) of the Act authorizes the Commission to exempt any person, security, transaction, or any class or classes of persons, securities, or transactions, from the provisions of the act and the rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants contend that the exemption of the Partnerships from the provisions of the Act is both necessary and appropriate in the public interest because the form of organization of each Partnership (*i.e.*, a limited partnership), which is necessary to provide private investors with certain tax advantages without which investment in government-subsidized housing would not be attractive, does not conform to the regulatory framework of the Act.

Applicants contend that to defeat the limited partnership arrangement by application of the Act would be to eliminate the primary means of attracting private equity capital into government-assisted housing and would frustrate the national policy declared by Congress in Section 901 of Title IX of the 1968 Act: "to encourage the widest possible participation by private enterprise in the provision of housing for low or moderate income families. . . ."

Applicants also contend that the exemption would be consistent with the protection of investors and the purposes and policies underlying the Act because interests in each Partnership are being sold only to sophisticated investors as contemplated by Release No. 8456. In addition to representing that he or she is either an "accredited investor" as prescribed by Regulation D or one of up to 35 "qualified investors" who meet certain suitability requirements, each prospective investor in each Partnership will be required to represent in his or her subscription agreement that: (a) he or she meets any special requirements of his or her state of residence and/or state in which the transaction occurs; (b) his or her overall commitment to investments which are not readily marketable is reasonable in relation to his or her net worth; (c) he or she is willing and able to bear the economic risk of his or her investment in the units, has no need for liguidity in such investment and is able to sustain a complete loss of such investment; (d) he or she has read the partnership and operating partnership agreements and the memorandum for purposes of evaluating the risks of investing in the units; (e) he or she has substantial experience in making investment decisions of this type or is relying on his or her qualified adviser in making this investment decision; and (f) is purchasing units for his or her own account, for investment, and not with a view to resale. Furthermore, Applicants state, it is anticipated that comparable suitability standards will be imposed by each Partnership in connection with any transfer of units, and any such transfer will be subject to various restrictions. In addition, under the laws of certain states, an investor may transfer units only to persons who meet similar standards, and each Partnership will require assurance that such standards are met.

Applicants state that the general partners are required to act in a fiduciary capacity with respect to each Partnership and its limited partners. Finally, Applicants represent that although the general partners are engaged in other transactions independent from those involving the Partnerships, the Partnerships will not acquire or lease properties or interests therein to the general partners or their affiliates.

Notice is hereby given that any interested person may, not later than December 31, 1982, at 5:30 p.m., submit to the commission, in writing, a request for a hearing on the application accompanied by a statement as to the nature of his/her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or such person may request notification should the Commission order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such reguest shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. An order disposing of the application herein will be issued as a matter of course following said date unless the commission thereafter orders a hearing, upon request or upon its own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82-34409 Filed 12-17-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12892-5366]

Merchants Bancorporation; Application

December 10, 1982.

In the matter of Merchants Bancorporation, 8th and Jackson Streets, Topeka, Kans. 66112, (812-5366).

Merchants Bancorporation ("Applicant"), a Kansas corporation, filed an application, and an amendment thereto, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting four corporations to be formed by Applicant from all of the provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it was incorporated under the laws of Kansas in 1981 and is a one-bank holding company registered under the Bank Holding Company Act of 1956, as amended. Applicant's principal subsidiary is the Merchants National Bank of Topeka (the "Bank"), which is engaged in the commercial banking and trust business in Topeka, Kansas. Applicant's stock is held of record by 480 stockholders and is registered under the Securities Exchange Act of 1934.

Applicant states that under Kansas law a bank holding company may not acquire 25 percent or more of the voting shares of more than one bank. Thus, applicant represents that until such time as the Kansas law is changed to permit multi-bank holding companies, Applicant cannot acquire more than 24.9 percent of the stock of any bank other than Bank.

Applicant notes that due to the fact that the Kansas law does not restrict the ownership by individual stockholders, singly or collectively, of more than one bank or bank holding company, various means have been employed to create privately-owned chain-bank systems under which each bank in the system is held by a one-bank holding company that is under common control with others in the system.

Applicant states that because of the loss of public deposits, the lack of growth in the Topeka economy and the competition of money market funds, Bank's deposits have declined in recent years. Applicant believes that in order to compete effectively for deposits with money market funds and other financial institutions, it must, in the long term, have the ability to acquire banks in other communities. With the continuing expansion and growth of privately owned chain-bank systems and the recent entry into the bank acquisition marketplace of larger competitors, Applicant represents that its need to secure this capability has become immediate. Without an early capability for expansion, Applicant's management believes that many attractive acquisition opportunities could well be lost and that the stockholders will not be able to take advangages of opportunities to maximize the value of their banking investment.

Applicant has developed a proposed plan which it states will provide a vehicle for the acquisition by Applicant of a significant interest in other banks located in Kansas and give Applicant the right to acquire the remaining interest at such time as multi-bank holding companies are permitted in Kansas. Applicant believes that the proposed plan is superior to the alternative means of acquiring significant interests in other Kansas banks because it will enable all of its stockholders to participate in the benefits of such acquisitions.

Applicant states that the proposed plan involves the creation of four new subsidiaries ("Corp. A", "Corp. B", "Corp. C", and "Corp. D", collectively the "Corps.") which initially be capitalized by the sale of stock to Applicant in exchange for the assignment of separate time deposits in the Bank. Applicant further states that each Corp. will attempt to purchase a bank whose principal office is located in Kansas with the funds provided from its initial capitalization together with the proceeds of additional stock sales to Applicant and bank borrowings. In order to ensure the availability of consolidated tax returns, Applicant represents that no acquisition will be effected unless at least 80 percent of a bank's outstanding stock can be acquired.

Applicant states that its shareholders will initially receive temporary, non-transferable certificates representing their interests in the Corps. ("temporary certificates"). These certificates will be issued together with a letter explaining that they should be turned over to an escrow agent, the Bank, and that any transfer by them of their holdings in Applicant's stock will constitute a transfer of their interests in the Corps. Applicant represents that at such time as an agreement in principal or a binding agreement has been reached with respect to the purchase of at least 80 percent of the outstanding stock of a bank (but in any event prior to the closing of such acquistion), the stock of the acquiring Corp. will be distributed to the persons who are stockholders of Applicant at the date for the distribution of the Corps.' stock. Applicant further represents that it anticipates that the Corps. will acquire their respective banks within three years from the date of the order and, therefore, the Corps. will cease to fall within the defintiion of investment company under Section 3(a)(1) of the Act at that time. Applicant states that, due to the difficulty of finding suitable acquistion targets in the current competitive environment, it would be unable to represent with certainty that such acquistions would occur within three years.

Following the distribution of the temporary certificates, Applicant will own 4.9 percent of the stock of the Corps. However, Applicant states that it will be obligated under a subscription agreement entered into with each of the Corps. to purchase enough newly issued shares to make it the owner of up to 24.9 percent of their outstanding stock. Applicant represents that the closing for a subscription would take place contemporaneously with a purchase of at least 80 percent of the outstanding stock of a bank by the acquiring Corp.

Applicant states that the subscription agreement will grant an option to it to purchase all of the assets of the issuing Corp., which would include the bank stock held by the issuing Corp. Applicant represents that the option will not be exercisable until multi-bank holding companies become legally permissible in Kansas. According to the application, the exercise price of the option will be equal to the net book value of the issuing Corp. and will be payable solely in stock of the Applicant having an equivalent net book value.

Applicant states that one of the key components of the proposed plan is to ensure that stockholders of Applicant acquire ownership for Federal income tax purpose of the Corps. stock upon transfer to them of the temporary certificates during the Applicant's current fiscal year, ending December 31, 1982. Applicant anticipates that the realization of losses in Bank's bond portfolio arising from sales of a portion thereof will eliminate all consolidated earnings in the current year. Since the Applicant was recently organized and has no accumulated earnings and profits for tax purposes and will have none in the current year, Applicant has sought a ruling from the Internal Revenue Service confirming that the distribution of the temporary certificates will constitute a non-taxable return of capital to Applicant's shareholders rather than a taxable dividend if completed during the current year. Applicant states that but for this tax factor, the distribution of the stock of a particular Corp. by Applicant to its shareholders could be timed to coincide with obtaining an agreement in principle to acquire a bank's stock. Applicant points out that in such case, the period during which that Corps.' assets would need to be invested to preserve their value would be eliminated almost completely. Applicant

submits that it would be unfair to impose such a tax burden on its shareholders (who it should be noted will also be the Corps.' shareholders) merely in order to avoid the potential costs and burdens of registration and regulation under the Act.

Rule 3a–2 under the Act provides an exclusion from the definition of an investment company under Section 3(a)(1) during a period of time not to exceed one year, provided that the issuer has a bona fide intent to be engaged primarily, as soon as is reasonably possible (in any event by the termination of such period of time), in a business other than that of investing, reinvesting, owning, holding or trading in securities.

According to the application, during the period between the sale of stock of each Corp. to Applicant and the use of the proceeds of such sales by each Corp. (together with certain additional funds ro be provided from the sources described above) to acquire at least 80 percent of the stock of a bank, those proceeds will remain in time deposits. Applicant states that although time deposits such as those held by the Corps. are cash items for purposes of Section 3(a)(3) of the Act, they may be "securities" for purposes of Section 3(a)(1). Without necessarily agreeing, Applicants states that the Corps. therefore potentially constitute "investment companies" within the meaning of Section 3(a)(1) of the Act notwithstanding the fact that the interest form those time deposits will not be reinvested, and such deposits will not be liquidated until acquistions are made.

Applicant states that it believes that Corps. could avoid registration and regulation under the Act by holding their assets in cash or in non-interest bearing bank accounts. Applicant notes, however, that unless such assets are appropriately invested there will be a depletion of those assets by a discount factor equal to the time value of money. Applicant submits that the imposition of such a burden on the Corps.' shareholders would not only be unfair but would raise a question as to whether such action would be consistent with management's fiduciary obligations.

Applicant represents that each of the Corps. would be able to meet the requirements of the exemption form Section 3(a)(1) provided by Rule 3a–2 under the Act with the exception that the length of the period during which their assets are invested in time deposits may, depending upon the availablity of suitable acquisition candidates, exceed one year. Applicant is therefore requesting that the Commission issue an order pursuant to Section 6(c) of the Act exempting each of the Corps. from all of the provisions of the Act.

Section 6(c) of the Act permits the Commission, among other things, to grant an exemption by order upon application from any provision or provisions of the Act provided such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant submits that its requested exemptive order should be granted because the Corps. will have a bona fide intent to be engaged primarily, as soon as reasonably possible, and in any event in less than three years, in a business other than that of investing, reinvesting, owning, holding or trading in securities. Applicant states that this intent is evidenced by the purpose for the formation of the Corps. as well as the competitive factors outlined above. Applicant further states that this intent is evidenced by the purpose for the formation of the Corps. as well as the competitive factors outlined above. Applicant further states that this intent will also be evidenced by ths same objective standards set forth in Rule 3a–2. Applicant represents in this regard that the predominant activity of the Corps. during the period prior to consummation of an acquisition will be to locate suitable acquisition candidates and negotiate the terms of an acceptable acquisition agreement. Applicant further represents that there may be regulatory waiting periods and other factors outside of its control. While each Corps.' assets will be invested in time deposits, Applicant represents that such investment will be made solely in order to preserve the value of the capital of the Corps. pending an acquisition and that there will be no speculative activity in such investments. In view of the limited purposes of the investment, its temporary nature, and the lack of speculative actiivity, the Applicant submits that the Corps. should not be deemed to be engaged primarily in the business of investing, reinvesting or trading in securites for purposes of evaluating the appropriateness of exemptive relief under Section 6(c) of the Act.

Applicant points out that in compliance with Rule 3a–2 under the Act, the bona fide intent discussed above will be evidenced by the adoption by each Corp.'s board of directors of a series of resolutions to the effect that, prior to the acquisition of 80 percent or more of the outstanding stock of a bank: (i) The Corps.' assets will be held solely as time deposits; (ii) such investments will be made solely in order to preserve the value of the Corps.' capital and the Corps. shall not engage in any sort of speculative activity in such securities; (iii) the sole purpose and business activity of the Corps. during such period (other than the making of investments to preserve the value of its capital) shall be to locate a bank whose main office is in Kansas and which is a suitable candidate for acquisition by the Corps. and to take such steps as are necessary or appropriate to effectuate such acquisition; (iv) the Corps.' management will be authorized, empowered and directed to use their best efforts to accomplish the foregoing purpose as soon as reasonably possible; and (v) the Corps. shall not hold itself out as being engaged primarily in the business of investing, reinvesting, owing, holding or trading in securities. Applicant submits that the limitations placed on the Corps.' business activities by such resolutions should also ensure that those activities are consistent with the policies underlying Rule 3a–2 and the standards for granting exemptive relief under Section 6(c).

Notice is hereby given that any interested person may, not later than December 31, 1982, at 5:30 p.m., submit to the Commission, in writing, a request for a hearing on the application accompanied by a statement as to the nature of his/her interest, the reasons for such request and issues, if any, of fact or law proposed to be controverted, or such person may request notification should the Commission order a hearing therein. Any such communication should be addressed: Secretary, securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. An order disposing of the application herein will be issued as a matter of course following said date unless the Commission thereafter orders a hearing upon request or upon its own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82-34417 Filed 12-17-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12890; 812-5358]

Prime Cash Fund; Application

December 10, 1982.

In the matter of; Prime Cash Fund, 200 Park Avenue, New York, N.Y. 10017; (812-5358).

Prime Cash Fund ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application requesting an order of the Commission pursuant to Section 6(c) of the Act exempting Applicant from the provisions Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 therunder to the extent necessary to permit Applicant to compute its net asset value per share, for the purposes of effecting sales, redemptions and repurchases of its shares, to the nearest one cent on a share value of one dollar. Applicant represents that in all other respects, portfolio securities held by Applicant will be valued in accordance with the views set forth in Investment Company Act Release No. 9786 (May 31, 1977) ("Release No. 9786"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is organized as a Massachusetts business trust, and that it is a "money market" fund, the investment objective of which is to achieve as high a level of current income as is consistent with high stability and liquidity of capital, through investment in a portfolio of "money market" securities meeting specified quality standards. According to the preliminary prospectus filed on October 8, 1982, with Applicant's N-1 registration statement under the Securities Act of 1933, Applicant proposes to invest in (1) Obligations issued or guaranteed by the United States government or its agencies or instrumentalities ("U.S. Government Securities"); (2) time deposits, certificates of deposit, bankers' acceptances and other bank instruments, if they are obligations of a domestic bank subject to regulation by the U.S. Government and having total assets of at least $1.5 billion (but not including obligations issued by foreign branches of these banks), and instruments secured by any such obligation; (3) commercial paper, including variable amount master demand notes, rated A-1 by Standard & Poor's Corporation ("S&P") Prime-1 or by Moody's Investors Service, Inc. ("Moody's") or, if not rated, issued by a corporation the debt obligations of which Applicant is permitted to acquire; (4) corporate debt obligations if they are rated AAA or AA by S&P, or Aaa or Aa by Moody's; and (5) certain other obligations accompanied by a guarantee of principal and interest by either a bank the obligations of which Applicant may acquire, or by a corporation the commercial paper of which Applicant may acquire; and (6) repurchase agreements relating to the foregoing classes of securities. Applicant's preliminary prospectus states that the collateral under any repurchase agreement will be marked to market every business day so that the value of the collateral is at least equal to the value of the loan, including the accrued interest earned thereon, plus sufficient additional market value as is considered necessary to provide a margin of safety. The preliminary prospectus also states that Applicant's investment adviser will regularly review the financial strength of all vendors of repurchase agreements to Applicant. Finally, Applicant's preliminary prospectus states that Applicant will not enter into a repurchase agreement which will cause more than 10% of its assets to be subject to repurchase agreements having a maturity of more than seven days.

Applicant states that its net asset value per share will remain constant at $1.00 except under extraordinary circumstances, as capital changes are reflected in dividends declared rather than in net asset value. Applicant states further that the maintenance of a constant net asset value per share is a crucial factor in attracting and retaining investors. Applicant believes that by valuing its shares in accordance with the "penny-rounding" valuation method it will be able to maintain a constant share value for its shareholders together with full liquidity and a statisfactory investment yield.

Rule 22c-1 provides, in pertinent part, that no registered investment company or principal underwriter therefor, issuing any redeemable security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Section 2(a)(41) of the Act defines value to mean (i) with respect to securities for which market quotations are readily available, the market value of such securities and (ii) with respect to other securities and assets, fair value as determined in good faith by the board of directors.

Rule 2a-4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution, redemption and repurchase shall be an amount that reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a-4 further provides that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors. The Commission has expressed the view that, among other things, (1) Rule 2a-4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent generally, with the provisions of Rule 2a-4 for a "money market" fund using a "floating" net asset value to "round off" calculations of its net asset value per share to the nearest one cent on a share value of $1.00 (Release No. 9786). Although Applicant does not use a floating net asset value, it believes that an exemption from the above-cited provisions is necessary to enable Applicant to use the penny-rounding method of valuation in circumstances in which Applicant's capital depreciation on a particular day exceeds its current income for that day. Under such circumstances, Applicant would want to be able to maintain its net asset value per share at $1.00 notwithstanding the effect which capital depreciation would have upon the net asst value for that day.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of the Act or of any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In suppport of the exemptions requested, Applicant states that the

issuance of the requested order is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. It is asserted that shareholders who purchase Applicant's shares with the expectation of receiving high current income and stability of principal would be unfairly treated should there be a deviation from the $1.00 price per share. Applicant represents that prior to adopting the penny-rounding valuation method, Applicant's Board of Trustees shall have determined, in good faith based upon a full consideration of all material factors, that, absent unusual circumstances, such valuation method will fairly reflect the value of each shareholder's interest in Applicant; and Applicant has agreed that it will continue to use the penny-rounding valuation method only so long as its board of Trustees believes that such method fairly reflects the value of each shareholder's interest. In addition, applicant submits that by adhering to the conditions set forth immediately hereinafter it will substantially reduce the likelihood of significant variations from a constant share price and of any dilution of the assets and returns of incoming or outgoing shareholders:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's Board of Trustrees undertakes—as a particular responsibility within its overall duty of care owed to Applicant's shareholders—to assure to the extent reasonably practicable, taking into account current market conditions affecting Applicant's investment objective, that the price per share as computed for purposes of distribution, redemption and repurchase, rounded to the nearest one cent, will not deviate from one dollar.

2. Applicant will maintain a dollar-weighted average portfolio maturity[1] appropriate to its objective of maintaining a stable price per share. Applicant will not purchase any instrument with a remaining maturity of more than one year; nor will it maintain a dollar-weighted average portfolio maturity that exceeds 120 days.[2]

3. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which the Board of Trustees determines present minimal credit risks, and which are of "high quality" as determined by any major rating service, or, in the case of any instrument that is not rated, of comparable quality as determined by the Board of Trustees.

Notice is hereby given that any interested person may, not later than January 4, 1983, at 5:30 p.m., submit to the Commission, in writing, a request for a hearing on the application accompanied by a statement as to the nature of his/her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or such person may request to be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. An order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon its own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter including the date of the hearing and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82-34408 Filed 12-17-82; 8:45 am]

BILLING CODE 8010-01-M

[1] In determining the dollar-weighted average portfolio maturity and the maturity of any individual instrument, Applicant will use the definition of "maturity of an instrument" contained in proposed Rule 2a-7 set forth in Release No. IC-12206 (January 29, 1982), whether or not the proposed rule is withdrawn, or upon the effectiveness of a final rule, the definition contained in such final rule. Applicant will also treat instruments called for redemption in one year or less as maturing within one year.

[2] In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

[Release No. 12889; 812-536.]

Trinity Liquid Assets Trust; Application

December 10, 1982.

In the matter of: Trinity Liquid Assets Trust; 200 Park Avenue, New York, N.Y. 10017; (812-5360).

Trinity Liquid Assets Trust ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application requesting an order of the Commission pursuant to Section 6(c) of the Act exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit Applicant to compute its net asset value per share, for the purposes of effecting sales, redemptions and repurchases of its shares, to the nearest one cent on a share value of one dollar. Applicant represents that in all other respects, portfolio securities held by Applicant will be valued in accordance with the views set forth in Investment Company Act Release No. 9786 (May 31, 1977) ("Release No. 9786"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a "money market" fund organized as a Massachusetts business trust, the investment objective of which is to achieve as high a level of current income as is consistent with high stability and liquidity of capital, through investment in a portfolio of "money market" securities meeting specified quality standards. According to the preliminary prospectus filed with Applicant's N-1 Registration Statement under the Securities Act of 1933 on October 8, 1982, Applicant proposes to invest in (1) Obligations issued or gruaranteed by the United States government or its agencies or instrumentalities ("U.S. Government Securities"); (2) time deposits certificates of deposit, bankers' acceptances and other bank instruments if they are obligations of a domestic bank subject to regulation by the U.S. Government and having total assets of at least $1.5 billion (but not including obligations issued by foreign branches of these banks), and instruments secured by any such obligation; (3) commercial paper, including variable amount master demand notes, rated A-1 by Standard & Poor's Corporation ("S&P") or Prime-1 by Moody's Investors Service, Inc ("Moody's") or, if not rated, issued by a corporation the debt obligations of which Applicant is permitted to acquire; (4) corporate debt obligations if they are rated AAA or AA by S&P or Aaa or Aa by Moody's; (5) certain other obligations accompanied by a guarantee of principal and interest by either a bank the obligations of which Applicant may acquire, or by a

corporation the commmercial paper of which Applicant may acquire; and (6) repurchase agreements relating to the foregoing classes of securities. Applicant's preliminaray prospectus states that the collateral under any repurchase agreement will be marked to market every business day so that the value of the collateral is at least equal to the value of the loan, including the accrued interest earned thereon, plus sufficient additional market value as is considered necessary to provide a margin of safety. The preliminary prospectus also states that the Adviser will regularly review the financial strength of all vendors of repurchase agreements to Applicant. Finally, Applicant's preliminary prospectus states that Applicant will not enter into a repurchase transaction which will cause more than 10% of its assets to be subject to repurchase agreements having a maturity of more than seven days.

Applicant states that its net asset value per share will remain constant at $1.00 except under extraordinary circumstances, as capital changes are reflected in dividends declared rather than in net asset value. Applicant states further that the maintenance of a constant net asset value per share is a crucial factor in attracting and retaining investors. Applicant believes that by valuing its shares in accordance with the "penny-rounding" valuation method it will be able to maintain a constant share value for its shareholders together with full liquidity and a satisfactory investment yield.

Rule 22c–1 provides, in pertinent part, that no registered investment company or principal underwriter thereof, issuing any redeemable security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Section 2(a)(41) of the Act defines value to mean (i) With respect to securities for which market quotations are readily available, the market value of such securities and (ii) with respect to other securities and assets, fair value as determined in good faith by the board of directors.

Rule 2a–4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution, redemption and repurchase shall be an amount that reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further provides that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors. The Commission has expressed the view that, among other things, (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent generally, with the provisions of Rule 2a–4 for a "money market" fund using a "floating" net asset value to "round off" calculations of its net asset value per share to the nearest one cent on a share value of $1.00 (Release No. 9786). Although Applicant does not use a floating net asset value, it believes that an exemption from the above-cited provisions is necessary to enable Applicant to use the penny-rounding method of valuation in circumstances in which Applicant's capital depreciation on a particular day exceeds its current income for that day. Under such circumstances, Applicant would want to be able to maintain its net asset value per share at $1.00 notwithstanding the effect which capital depreciation would have upon the net asset value for that day.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of the Act or of any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the exemptions requested, Applicant states that the issuance of the requested order is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. It is asserted that shareholders who purchase Applicant's shares with the expectation of receiving high current income and stability of principal would be unfairly treated should there be a deviation from $1.00 per share. Applicant represents that prior to adopting the penny-rounding valuation method, Applicant's Board of Trustees shall have determined, in good faith based upon a full consideration of all material factors, that absent unusual circumstances, such valuation method will fairly reflect the value of each shareholder's interest in Applicant; and Applicant has agreed that it will continue to use the penny-rounding valuation method only so long as the Board of Trustees believes that such method fairly reflects that value of each shareholder's interest. In addition, Applicant submits that its adherence to the conditions set forth below will substantially reduce the likelihood of significant variations from a constant share price and of any dilution of the assets and returns of incoming or outgoing shareholders:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's Board of Trustees undertakes—as a particular responsibility within its overall duty of care owed to Applicant's shareholders—to assure to the extent reasonably practicable, taking into account current market conditions affecting Applicant's investment objective, that Applicant's price per share as computed for the purposes of distribution, redemption and repurchase, rounded to the nearest one cent, will not deviate from one dollar.

2. Applicant will maintain a dollar-weighted average portfolio maturity [1] appropriate to its objective of maintaining a stable price per share. Applicant will not purchase any instrument with a remaining maturity of more than one year; nor will it maintain a dollar-weighted average portfolio maturity that exceeds 120 days. [2]

3. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which the Board of Trustees determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the Board of Trustees.

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[1] In determining the dollar-weighted average portfolio maturity and the maturity of any individual instrument, Applicant will use the definition of "maturity of an instrument" contained in proposed Rule 2a–7 set forth in Release No. IC–12206 (January 29, 1982), whether or not the proposed rule is withdrawn, or upon the effectiveness of a final rule, the definition contained in such final rule. Applicant will also treat instruments called for redemption in one year or less as maturing within one year.

[2] In fullfilling this condition, if the disposition of a portfolio instrument result in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

Notice is hereby given that any interested person may, not later than January 4, 1983, at 5:30 p.m., submit to the Commission, in writing, a request for a hearing on the application accompanied by a statement as to the nature of his/her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or such persons may request to be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (be affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. An order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon its own motion. Persons who request a hearing, or advise as to whether a hearing is ordered, will receive any notices and orders issued in this matter including the date of the hearing and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82-34411 Filed 12-17-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19327; File No. SR—MCC—82—19]

Midwest Clearing Corp.; Filing of Proposed Rule Change

December 13, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on November 26, 1982, the Midwest Clearing Corporation filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change would amend MCC's By-Laws to increase the number of members of the Board of Directors by two, from 25 to 27. The two additional positions will be filled by public governors, i.e., governors not affiliated with a broker or dealer.

In its filing, MCC stated that the participation and added perspectives provided by public governors is valued by MCC's Board of Directors. With the expectation that the changes in the securities industry will continue at a rapid rate, and indeed may accelerate, the Board will be required to consider and act upon a much broader range of policy matters than ever before. The additional public governor positions will benefit the Board by their added participation in handling such policy matters. MCC stated that the proposed amendments to the By-Laws are consistent with Section 17A(b)(3)(C) of the Securities Exchange Act of 1934 in that it helps assure fair representation of its shareholder (the Midwest Stock Exchange) in the selection of its directors and administration of its affairs.

In order to assist the Commission in determining whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register.** Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Reference should be made to File No. SR-MCC-82-19.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82-34410 Filed 12-17-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19323; File No. SR-OCC-82-25]

Options Clearing Corp.; Self—Regulatory Organizations; Proposed Rule Change Relating to OCC's Options Pledge Program

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on November 9, 1982, the Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by OCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Proposed Rule Change

The proposed rule change implements OCC's Options Pledge Program. Proposed new Rule 614 would permit OCC's Clearing Members to pledge excess long market-maker option positions as collateral to support loans from banks or other Clearing Members. The proposed rule change would also add a new interpretation to Rule 601 to make it clear that long option positions which are pledged as collateral cannot be paired with short option positions contained in any other account of the Clearing Member or otherwise used to reduce the amount of margin which the Clearing Member is required to pay under OCC's rules. In addition, Rule 1106 would be amended to specify the procedures to be used by OCC to close out pledged option positions in the event that the Clearing Member is suspended.

II. Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of, and basis for, the proposed rule change. The text of these statements may be examined at the places specified below. OCC has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to implement OCC's Options Pledge Program as authorized by Article VI, Section 3(d) of OCC's By-Laws. The Options Pledge Program is intended to facilitate the ability of OCC's Clearing

Members to finance their positions by permitting them to pledge excess long market-maker option positions as collateral to support loans from banks or other Clearing Members.

The Options Pledge Program would operate as follows. A Clearing Member may establish a Pledge Account which would be associated with another specific account ("Primary Account") of the Clearing Member which must be either (i) a combined Market-Makers' or specialists' account or (ii) a separate Market-Maker's or specialist's account which is confined to the Clearing Member's transactions as a Market-Maker or specialist. Whenever the Clearing Member desires to pledge a long option position to a Pledgee, the Clearing Member shall file a form instructing OCC to transfer such position from the Primary Account to the Pledge Account. If certain specified conditions are satisfied, OCC will effect the transfer on the next business day and will confirm in writing to the Pledgee and the Clearing Member that such position has been transferred into the Pledge Account. OCC will subordinate its lien on the options in the Pledge Account ("Pledged Options") to the security interest of the Pledgee, thus enabling the Pledgee to use the Pledged Options as collateral to support a loan to the Clearing Member. A Pledged Option shall continue to be pledged to the Pledgee until it is exercised, sold, transferred back to the Primary Account with the written consent of the Pledgee, or until the day before it expires.

A Clearing Member would be permitted to exercise or sell Pledged Options without the consent of the Pledgee because such transactions may need to be effected in response to rapidly changing market conditions, in which case it would be too time consuming to obtain the Pledgee's prior consent for each such transaction. If the Pledgee needs additional security following the sale or exercise of Pledged Options, it is expected that the Pledgee and the Clearing Member will arrange for the loan balance to be paid down or new collateral to be deposited. However, as a last resort, the Pledgee will have the right under Rule 614(i) to demand payment of the profit resulting from an exercise transaction (measured by the difference between the exercise price of the option and the closing price of the underlying stock on the day of exercise) or, in the case of a sale transaction, the closing price of the option on the day of sale. If the Pledgee makes a timely demand for such payment, the Clearing Member will be obligated to make such payment. If the Clearing Member does not, then OCC will take certain specified steps to attempt to collect such payment from the Clearing Member on behalf of the Pledgee.

The proposed rule change is consistent with the purposes and requirements of Section 17A of the Securities Exchange Act of 1934 because it promotes the prompt and accurate clearance and settlement of options transactions. It facilitates the ability of OCC's Clearing Members to finance their positions by permitting them to pledge excess long market-maker option positions as collateral to support loans from banks or other Clearing Members and reduces their borrowing costs by allowing such loans to be secured by pledged options rather than handled on an unsecured basis. Moreover, the proposed rule change contains a number of protective provisions designed to insure that OCC's system of financial safeguards would not be jeopardized.

(B) Burden on Competition

OCC does not believe that the proposed rule change will have any material impact on competition.

(C) Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments were not and are not intended to be solicited by OCC with respect to the proposed rule change, and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to be proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: Decembr 10, 1982.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82-34414 Filed 12-17-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19321; File No. SR-PCC-82-5]

Pacific Clearing Corp.; Filing of Proposed Rule Change

December 10, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on July 12, 1982, the Pacific Clearing Corporation ("PCC") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change would amend Article XI of PCC's By-Laws, with regard to the indemnification of PCC's directors, officers, employees and agents, to conform to recent amendments to the California Corporation Law. Under the propsed rule change, PCC would indemify its "agents" to the maximum extent permissible under California law against all reasonably incurred fines, settlements, expenses, judgments and other fees. The proposal generally adopts the definition of "agent" in the California Corporation Law by including in that category, among others, past or present directors, officers, employees or other agents of PCC or of another entity, if serving in that capacity at PCC's request. PCC believes that the proposal is consistent with Section 17A of the Act because it will assure fair representation

of members of PCC in the selection of directors by removing impediments to serving in such capacity.

In order to assist the Commission in determining whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register.** Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Referecne should be made to File No. SR–PCC–82–5.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82–34412 Filed 12–17–82; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 19322; File No. SR–PSDTC–82–2]

Pacific Securities Depository Trust Co.; Filing of Proposed Rule Change

December 10,1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on July 12, 1982, the Pacific Securities Depository Trust Company ("PSDTC") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change would amend Article XIII of PSDTC's By-Laws, with regard to the indemnification of PSDTC's directors, officers, employees and agents, to conform to recent amendments to the California Corporation Law. Under the proposed rule change, PSDTC would indemnify its "agents" to the maximum extent permissible under California law against all reasonably incurred fines, settlements, expenses, judgments and other fees. The proposal generally adopts the definition of "agent" in the California Corporation Law by including in that category, among others, past or present directors, officers, employees or other agents of PSDTC or of another entity, if serving in that capacity at PSDTC's request. PSDTC believes that the proposal is consistent with Section 17A of the Act because it will assure fair representation of members of PSDTC in the selection of directors by removing impediments to serving in such capacity.

In order to assist the Commission in determining whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register.** Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549. Reference should be made to File No. SR–PSDTC–82–2.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82–34413 Filed 12–17–82; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 19294A, SR–Phlx–82–10]

Philadelphia Stock Exchange, Inc.; Proposed Rule Change

December 10, 1982.

In the matter of Philadelphia Stock Exchange, Inc., 1900 Market Street, Philadelphia, PA 19103, (SR–Phlx–82–10), Order Approving Proposed Rule Change.

On December 3, 1982, Securities Exchange Act Release No. 19294 was issued providing approval of a proposed rule change by the Philadelphia Stock Exchange, Inc. ("Phlx") to, among other things, require specialists and alternate specialists to file daily reports with the Phlx under Phlx Rule 236 setting forth the closing position in each Phlx primary issue in which such specialist or alternate specialist is registered. The Release misidentifies the relevant Phlx rule as Rule 274; the correct number is Rule 236.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82–34415 Filed 12–17–82; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 19325; SR—Phlx—82—13]

Philadelphia Stock Exchange, Inc.; Proposed Rule Change

December 10, 1982.

In the matter of Philadelphia Stock Exchange, Inc.; 1900 Market Street, Philadelphia, PA 19103; (SR–Phlx–82–13).

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on November 10, 1982, the Philadelphia Stock Exchange, Inc. ("Phlx") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change further modifies Phlx option rules regarding delivery of disclosure documents and dissemination of educational materials to conform them to the revised disclosure system for standardized options recently adopted by the Commission.[1] In particular, under the proposed rule change, references to the Options Clearing Corporation ("OCC") prospectus in various Exchange rules

[1] The revised disclosure system was proposed in Securities Exchange Act Release No. 18836 (June 24, 1982), 47 FR 28688 (July 1, 1982) and approved in Securities Exchange Act Release No. 19055 (September 16, 1982), 47 FR 41950 (September 23, 1982).

are replaced, where appropriate, with references to the basic and supplemental options disclosure documents.[2] Also, Exchange Rule 1029 would be amended to apply to "educational materials" as well as to advertisements and sales literature.[3] Finally, Exchange Rule 1044 would be amended to make clear that the time frame for performing delivery and payment obligations for exercised foreign currency options must correspond with the time periods specified in OCC rules.[4]

[2] On October 19, 1982, the Commission approved a proposed rule change filed by the Phlx which replaced references to the current OCC prospectus with references to the current options disclosure document. Securities Exchange Act Release No. 19156; File No. SR–Phlx–82–11. The present proposal makes clear that the delivery requirements pertaining to the core disclosure document also pertain to supplemental disclosure documents, such as the disclosure document covering foreign currency options.

[3] The proposed change modifies Rule 1029 of the Exchange so as to conform to Commission Rule 134a under the Securities Act of 1933, which was adopted as part of the revised disclosure system for standardized options. Rule 134a provides that written materials relating to standardized options shall not be deemed a prospectus under Section 2(10) of the Securities Act provided that certain prescriptive requirements are met and provided that the materials are limited to explanatory information describing the general nature of the standardized options markets, one or more options strategies, as well as the correlative risks involved. The proposed rule change specifies that educational material pertaining to foreign currency options may only be used it it meets the requirements of Rule 134a. The proposed rule change also specifies that, along with advertisements and sales literature, educational material must be approved in advance by the member organization's Compliance Registered Options Principal or his designee and that, along with every advertisement, educational material must be submitted to, and approved by, the Exchange prior to circulation.

[4] In particular, OCC Rule 1607 provides that OCC and the individual broker/clearing member must establish and maintain bank accounts in correspondent banks in each issuing country for purposes of receiving or delivering the foreign currency underlying options contracts. Phlx Rule 1044 provides that the holder exercising a put option, "as promptly as practicable" after exercise, and the writer of a call option, "as promptly as practicable" after assignment of an exercise notice, must arrange for the deposit of the requisite units of foreign currency underlying the exercised option into a designated bank account in the issuing country. Phlx's proposed rule change further provides, however, that the payment of the option exercise price or the deposit of the underlying foreign currency "must be required to occur in correspondence with the timetables specified in the rules of the [OCC]. * * *" Under OCC Rule 1604(a), the exercise settlement date between a broker/clearing member and OCC is the third business day after an exercise notice is properly tendered to OCC. Thus, currently, "customer-side" settlement under the "as promptly as practicable" provision in Phlx Rule 1044 must occur no later than three business days after exercise so as to allow for "street side" settlement under OCC Rule 1604(a) on the third business day after exercise.

Interested persons are invited to submit written data, views, and arguments concerning the proposed rule change within 21 days from the date of publication of the submission in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Reference should be made to File No. SR–Phlx–82–13.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of the filing and of any subsequent amendments also will be available at the principal office of the above-mentioned self-regulatory organization.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 of the Act and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof, in that the rule change simply implements the immediate use of the new disclosure system for standardized options as well as the immediate start-up of trading on foreign currency options, both of which were the subject to extensive notice prior to adoption or approval by the Commission. In addition, the portions of the proposed rule change relating to the delivery of the disclosure document and dissemination of educational materials are substantially similar to other self-regulatory organization proposed rule changes recently approved by the Commission.[5]

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and hereby is, approved.

[5] *See* Securities Exchange Act Release Nos. 19156 (October 19, 1982) and 19309 (December 8, 1982).

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82-34416 Filed 12-17-82; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 05/05–0098]

Doan Resources Corp.; Filing of Application for Approval of a Conflict of Interest Transaction

Notice is hereby given that Doan Resources Corporation (DRC), 110 East Grove, Midland, Michigan 48640, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act), has filed an application with the Small Business Administration (SBA) pursuant to section 312 of the Act and covered by § 107.1004 of the SBA Rules and Regulations, governing Small Business Investment Companies (13. CFR 107.1004 (1982)) for approval of a conflict of interest transaction falling within the scope of the Section of the Act and Regulations.

Subject to such approval, DRC proposes to provide funds to Sequoia Turner Corporation (STC), for the purpose of providing additional working capital.

The proposed financing is brought within the purview of Section 107.1004(b)(1) of the Regulations because Mr. James R. Weersing, a stockholder of STC, is an Investment Advisor to the Licensee, and therefore is considered an Associate of Doan Resources Corporation as defined by § 107.3 of the Regulations.

Notice is hereby given that any interested person may, not later than ten (10) days from the date of publication of the Notice, submit written comments on the proposed transaction to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: December 14, 1982.

Robert G. Lineberry,

Deputy Associate Administrator for Investment

[FR Doc. 82-34467 Filed 12-17-82; 8:45 am]

BILLING CODE 8025-01-M

[Application No. 06/06-0265]

Sunwestern Capital Corp.; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102(1982)), for a license to operate as a small business investment company, under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 *et seq.*) by:

Applicant: Sunwestern Capital Corporation
Address: One Dallas Center, Suite 2225 Dallas, Texas 75201
Proposed Private Capital: $2,500,000
Area of Operations: State of Texas

James F. Leary, 225 One Dallas Centre, Dallas, Texas 75201, Chairman & President
F. B. Goldman, 2225 One Dallas Centre, Dallas, Texas 75201, Vice President & Director
J. Kevin Murphy, 2720 Stemmons Freeway, Suite 805, South Tower, Dallas, Texas 75207, Secretary & Director
Dan M. Krausse, 6750 LBJ Freeway, Suite 1130—One Oaks Plaza, Dallas, Texas 75240, Treasurer & Director
Mary A. Eckert, 2225 One Dallas Centre, Dallas, Texas 75201, Assistant Secretary
Sunwestern Management, Inc., 2225 One Dallas Centre, Dallas, Texas 75201, Manager
Cyrus J. Lawrence, Inc., 115 Broadway, New York, New York 10006, Investment Advisor
Sunwestern Investment Fund, 2225 One Dallas Centre, Dallas, Texas 75201, 100 Percent

No entity owns 10 or more percent of Sunwestern Investment Fund.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is hereby given that any person may, not later than 15 days from the date of publication of this Notice, submit written comments to the Deputy Associate Administrator for Investment, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice will be published in a newspaper of general circulation in the Dallas, Texas area.

(Catalog of Federal Domestic Assistance Program, No. 59.011, Small Business Investment Companies)

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

Dated: December 10, 1982.

[FR Doc. 82-34466 Filed 12-17-82; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[CM-8/585]

Secretary of State's Advisory Committee on Private International Law; Study Group on Arbitration; Meeting

There will be a meeting of the Study Group on Arbitration, a study group of the subject Advisory Committee, at 10:00 a.m. on Friday, January 28, 1983, at the United States Mission to the United Nations in New York City. Members of the general public may attend up to the capacity of the meeting room and participate in the discussion subject to instructions of the Chairman.

The primary purpose of the meeting is to consider the draft model law on international commercial arbitration which is being prepared by a working group of the United Nations Commission on International Trade Law (UNCITRAL). Other matters concerning United States participation in conventions and treaties concerning international commercial arbitration will be discussed as time permits.

The United States Mission is located at the corner of 45th Street and First Avenue. Participants in the meeting should use the auditorium entrance on 45th Street. As entry is controlled and will be facilitated by advance arrangements, members of the general public planning to attend are requested no later than January 26, 1983, to notify Ms. Rochelle Renna, Office of the Assistant Legal Adviser for Private International Law, Department of State, Washington, D.C. (telephone (202) 632-8134), of their name, affiliation, address, and phone number.

Robert K. German,

Executive Director, Secretary of State's Advisory Committee on Private International Law.

December 7, 1982.

[FR Doc. 82-34343 Filed 12-17-82; 8:45 am]

BILLING CODE 4710-08-M

[CM-8/584]

Secretary of State's Advisory Committee on Private International Law; Study Group on Negotiable Instruments; Meeting

There will be a meeting of the Study Group on Negotiable Instruments, a study group of the subject Advisory Committee, at 10:00 a.m. on Friday, January 14, 1983, at the United States Mission to the United Nations in New York City. Members of the general public may attend up to the capacity of the meeting room and participate in the discussion subject to instructions of the Chairman.

The primary purpose of the meeting is to consider the draft conventions on international bills of exchange and promissory notes, and on international checks. Both conventions were prepared by a working group of the United Nations Commission on International Trade Law (UNCITRAL). The Study Group will also examine draft comments on the draft conventions for ultimate submission to UNCITRAL by the United States Government.

The United States Mission is located at the corner of 45th Street and First Avenue. Participants in the meeting should use the auditorium entrance on 45th Street. As entry is controlled and will be facilitated by advance arrangements, members of the general public planning to attend are requested no later than January 12, 1983, to notify Ms. Rochelle Renna, Office of the Assistant Legal Adviser for Private International Law, Department of State, Washington, D.C. (telephone (202) 632-8134), of their name, affiliation, address, and phone number.

Peter H. Pfund,

Vice Chairman, Secretary of State's Advisory Committee on Private International Law.

[FR Doc. 82-34342 Filed 12-17-82; 8:45 am]

BILLING CODE 4710-08-M

[CM-8/583]

Shipping Coordinating Committee; Committee on Ocean Dumping; Meeting

The Committee on Ocean Dumping, a subcommittee of the Shipping Coordinating Committee, will hold two open meetings during January 1983. The purpose of these meetings is to discuss U.S. positions for the provisional Agenda of the Seventh Consultative Meeting of Contracting Parties to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, to convene February 14-18, 1983 in London.

The first meeting will be held on Wednesday, January 5, 1983 from 2:00 to 5:00 P.M.; the second will be held on Thursday, January 27, 1983 commencing at 9:30 A.M. Both meetings will take place in room 2814 (Mall) Waterside Mall, Environmental Protection Agency, 401 M Street, SW, Washington, D.C.

On January 5, the meeting will focus on the agenda item regarding the proposals to amend the Annexes of the Convention to prohibit the dumping of all radioactive wastes into the ocean. Copies of the documents transmitted by the Secretariat in regard to these proposals have been circulated to the members of the Committee. Comments received from the members and draft working papers prepared by EPA will be discussed in preparation for the development of a formal U.S. position on this issue.

The January 27 meeting will be for the purpose of discussing draft U.S. position papers on the Provisional Agenda items, other than the radioactive waste issue. Prior to the Committee meeting, copies of the draft position papers and related background documents will be distributed to the members for review.

Members of the public may attend up to the seating capacity of the room.

For further information contact Ms. Norma Highes, Executive Secretary, Committee on Ocean Dumping (WH-585), Environmental Protection Agency, Washington, D.C. 20460. Telephone: (202) 755-2927.

The Chairman will entertain comments from the public as time permits.

Dated: December 10, 1982.

Samuel V. Smith,

Executive Secretary, Shipping Coordinating Committee.

[FR Doc. 82-34340 Filed 12-17-82; 8:45 am]

BILLING CODE 4710-09-M

[CM-8/586]

Shipping Coordinating Committee; Subcommittee on Safety of Life at Sea; Meeting

The U.S. SOLAS Working Group on Fire Protection will conduct an open meeting on January 6, 1983, at 9:30 a.m., in room 1303 of the Coast Guard Headquarters Building, 2100 Second Street, SW., Washington, D.C. 20593.

The purpose of this meeting will be to:

—Discuss plans for FP 28 (January 17-21, 1983)

Members of the public may attend up to the seating capacity of the room.

For further information contact Mr. Donald J. Kerlin, U.S. Coast Guard (G-MTH-4/13), Washington, D.C. 20593. Telephone: (202) 426-2197.

Dated: December 6, 1982.

Samuel V. Smith,

Executive Secretary, Shipping Coordinating Committee.

[FR Doc. 82-34341 Filed 12-17-82; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-82-26]

Petitions for Exemption; Summary of Petitions Received Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before January 10, 1983.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. , 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on December 14, 1982.

John H. Cassady,

Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
23386	Mid Pacific Airlines, Inc.	14 CFR 121.371(a), and 121.378	To permit petitioner to utilize Tom Domestic Airlines, an FAA-certified foreign repair station, and Nitto Maintenance Co. for the inspection, overhaul, and repair of its YS-11 aircraft.
23441	Vought Corp.	14 CFR 91.70(a)	To permit petitioner to operate various versions of the A-7 and F-8 aircraft at speeds in excess of 250 knots IAS below 10,000 feet MSL. Operations would be conducted within specified areas.
23442	Harold J. Cutler	14 CFR 61.187(b)	To permit petitioner to instruct certificated flight instructor students prior to having held petitioner's flight instructor certificate for 24 months.
23416	Empire Airlines, Inc.	14 CFR 121.371 and 121.378	To permit petitioner to utilize Braathens S.A.F.E. of Sola, Norway, to repair and overhaul equipment on its F-28 aircraft.
23447	Amway Corp.	14 CFR Portions of Parts 21 and 91	To permit petitioner to operate its Boeing 727 aircraft N529AC using an FAA-approved master minimum equipment list.

DISPOSITIONS OF PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
19911	Aerovias Nacionales de Colombia, S.A. (AVIANCA)	14 CFR 313(a) & 601(c)	To extend the expiration date of Exemption 2892B, as amended, to allow petitioner to operate five leased, U.S.-registered Boeing 727 airplanes, N200AV, N202AV, N203AV, N204AV, and N205AV, using a FAA-approved maintenance and inspection program and Boeing 727 minimum equipment list. *Granted 12/3/82.*
22198	Pilgrim Airlines	14 CFR 121.503(e)	To permit petitioner to employ five pilots to fly more than 1,000 hours during calendar year 1982. *Denied 12/1/82.*
23254	Office of Aircraft Services, U.S. Department of Interior	14 CFR 91.79(c)	To permit petitioner to operate in Hawaii over sparsely populated areas and open water closer than 500 feet to persons or property. *Partial grant 11/30/82.*
22690	Boeing Commercial Airplane Co.	14 CFR 61.57(c)	To allow petitioner's pilots to substitute six takeoffs and landings in a 90-day period in any and/or all large transport category aircraft types produced by petitioner for the specified general experience requirements. *Granted 11/23/82.*
20254	Royale Airlines	14 CFR 135.225(e)(1)	To permit petitioner to take off from Polk Army Air Field, Fort Polk, Louisiana, with one-half mile visibility. *Granted 12/1/82.*
23361	Japan Air Lines Co., Ltd. (JAL)	14 CFR 121.181, 61.77(e)(4), 63.23(e)(3), 91.27, 91.29, 91.165 and Part 125.	To permit petitioner to operate a leased Boeing 747-200F aircraft N211JL, using an approved continuous airworthiness maintenance and inspection program and minimum equipment list. *Partial grant 12/1/82.*
23179	Scandinavian Airlines System (SAS)	14 CFR 313(a), and 601(c)	To amend Exemption 3584 to extend the termination date through February 1983. All other conditions remain unchanged. The exemption allows SAS to continue to operate and maintain a leased U.S.-registered B-747 using an FAA-approved MEL and continuous airworthiness maintenance program. *Granted 11/30/82.*
23428	Venezolana Int'l. de Aviacion, S.A. (VIASA), & World Airways, Inc..	14 CFR Parts 21, 43, 91, & 121	To permit VIASA to operate a B-747-273C airplane using the FAA-approved master minimum equipment list and World to maintain the aircraft using the FAA-approved continuous airworthiness maintenance and inspection program, in accordance with the lease agreement between VIASA and World. *Granted 12/3/82.*
23425	Venezolana Internacional de Aviacion, S.A. (VIASA)	14 CFR Parts 21 & 91	To permit petitioner to operate two leased U.S.-registered DC-9-80 aircraft using an FAA-approved master minimum equipment list and continuous airworthiness maintenance and inspection program. *Granted 12/7/82.*
23061	Fluor Corp.	14 CFR Portions of Parts 21 and 91	To permit petitioner to operate its Boeing 727 aircraft in accordance with a Minimum Equipment List. *Withdrawn 12/9/82.*

[FR Doc. 82-34382 Filed 12-17-82; 8:45 am]

BILLING CODE 4910-13-M

Research and Special Programs Administration

[Docket Nos. IRA-13, 14, 15]

Inconsistency Ruling, IR-5, City of New York Administrative Code Governing Definitions of Certain Hazardous Materials; Correction

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Correction of inconsistency ruling.

SUMMARY: This document corrects amendments to the Inconsistency Ruling, IR-5, that was published in the **Federal Register** on November 18, 1982, FR Doc. 82-31395. The purpose of this correction is to correct typographical and citation errors.

EFFECTIVE DATE: December 20, 1982.

FOR FURTHER INFORMATION CONTACT: Vita A. Simon, Office of the Chief Counsel, Research and Special Programs Administration, Washington, D.C. 20590, (202) 755-4972.

SUPPLEMENTARY INFORMATION: This correction is necessary because some grammatical errors in the published document may cause confusion in the interpretation of the ruling. In addition, some citations contained errors and required correction.

In consideration of the foregoing, the following corrections are made in IR-5 appearing at page 51991 of the **Federal Register** issued on November 18, 1982 (FR Doc. 82-31395).

1. On page 51992, the tenth line, first column, is corrected by changing the spelling of "proceding" to "proceeding".

2. On page 51992, the forty-fourth line, second column, is corrected by changing the spelling of "requirment" to "requirement".

3. On page 51994, the ninth line, first column is corrected by inserting the word "and" between "thereunder" and "are".

4. On page 51994, the forty-seventh line, first column, is corrected by changing the citation date from "1977" to "1974".

5. On page 51994, the fifty-fourth line, first column, is corrected by changing the word "material" to "materials".

6. On page 51994, the first line, third column, is corrected by changing the word "aper" to "paper".

7. On page 51994, the 27th line, third column, is corrected by changing that line to read "* * * Additional different requirements".

Issued in Washington, D.C. on December 13, 1982.

Joseph T. Horning,

Acting Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 82-34271 Filed 12-17-82; 8:45 am]

BILLING CODE 4910-60-M

Grants and Denials of Applications for Exemptions

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Notice of grants and denials of applications for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted in November 1982. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

RENEWAL AND PARTY TO EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
3187-X	DOT-E 3187	PPG Industries, Incorporated, Pittsburgh, PA.	49 CFR 173.119(m), 173.21(b), 173.218, 173.221(a)(3).	To renew; and to authorize an additional rectangular container of high density polyethylene, overpacked in a fiberboard box. (Mode 1.)
4631-X	DOT-E 4631	Nitrochem Energy Corporation, Biwabik, MN.	49 CFR 173.114a, 173.304(a)	To authorize use of non-DOT specification hopper-type tank trucks and cargo tank trailers, for shipment of a blasting agent and a nonflammable compressed gas. (Mode 1.)
4760-X	DOT-E 4760	Air Products and Chemicals, Incorporated, Allentown, PA.	49 CFR 172.101, 173.315(a)	To authorize use of a non-DOT specification cargo tank for transportation of liquefied helium. (Mode 1.)
4844-X	DOT-E 4844	BAJ Vickers Ltd., Avon, England	49 CFR 173.301(i), 173.302, 173.304	To authorize the use of non-DOT specification foreign made steel cylinders for shipment of certain nonflammable gases. (Mode 1.)
5959-X	DOT-E 5959	El Paso Products Company, Odessa, TX	49 CFR 172.101, 173.315(a)	To authorize shipment of liquefied ethylene in non-DOT specification insulated cargo tanks. (Mode 1.)
6066-X	DOT-E 6066	Union Carbide Corporation, Danbury, CT	49 CFR 173.119, 173.125, 46 CFR 98.35	To authorize use of non-DOT specification portable tanks, for transportation of certain flammable and combustible liquids. (Modes 1 and 3.)
6369-X	DOT-E 6369	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	49 CFR 172.101, 173.346(a)(10), 173.347(a)(2), 173.352(a)(4), 173.374(a).	To authorize use of DOT specification 105A400W, 112A400W, 114A400W, 120A300W, and proposed 120A400W tank car tanks, for transportation of certain class B poisonous liquids. (Mode 2.)
6392-X	DOT-E 6392	El Paso Products Company, Odessa, TX	49 CFR 172.101, 173.314(c)	To authorize use of non-DOT specification vacuum insulated tank car tanks for transportation of a liquefied flammable compressed gas. (Mode 2.)
6434-P	DOT-E 6434	Rhone-Poulenc Inc., Monmouth Junction, NJ.	49 CFR 173.377(l)(1)	To become a party to Exemption 6434. (Modes 1 and 2.)
6589-P	DOT-E 6589	Life Support Products, Inc., Anaheim, CA	49 CFR 173.302(a)(1), 175.3	To become a party to Exemption 6589. (Modes 1, 2, 4, and 5.)
6607-X	DOT-E 6607	Bio-Lab, Incorporated, Convyers, GA	49 CFR 173.217(a)	To authorize a preformed expanded polystyrene molding, or thermoformed polyvinyl chloride tray, as inner packaging, overpacked in a fiberboard box, for transportation of a certain oxidizing material. (Modes 1, 2, and 3.)
6614-X	DOT-E 6614	Hasa Chemicals, Incorporated, Saugus, CA.	49 CFR 173.263(a)(28), 173.277(a)(6)	To authorize use of non-DOT specification polyethylene bottles, packed inside a high density polyethylene box, for transportation of certain corrosive liquids. (Mode 1.)
6629-X	DOT-E 6629	The Boeing Company, Seattle, WA	49 CFR 173.304(a)(1), 173.305(c), 175.3	To authorize use of a modified DOT Specification 4B cylinder, for transportation of certain gases or mixture of gases or a nonhazardous material and a gas. (Modes 1, 4, and 5.)
6695-X	DOT-E 6695	Produits Chimiques Ugine Kuhlmann, Paris, France.	49 CFR 173.315	To authorize use of a non-DOT specification IMO Type 5 portable tank, for transportation of certain nonflammable compressed gases. (Modes 1, 2, and 3.)
6802-X	DOT-E 6802	Welders Gas & Supply, Sioux Falls, SD	49 CFR 173.315(a)	To authorize transport of liquefied argon, nitrogen and oxygen in non-DOT specification truck mountable cargo tanks. (Mode 1.)
6802-X	DOT-E 6802	Harvey Company, Greensburg, PA	49 CFR 173.315(a)	To authorize transport of liquefied argon, nitrogen and oxygen in non-DOT specification truck mountable cargo tanks. (Mode 1.)
6824-P	DOT-E 6824	All Pure Chemical Company, Incorporated, Tracy, CA.	49 CFR 173.217(a)	To become a party to Exemption 6824. (Modes 1, 2, and 3.)
6824-P	DOT-E 6824	Hasa Chemicals, Incorporated, Saugus, CA.	49 CFR 173.217(a)	To become a party to Exemption 6824. (Modes 1, 2, and 3.)
6824-P	DOT-E 6824	Alstar Company, Saugus, CA	49 CFR 173.217(a)	To become a party to Exemption 6824. (Modes 1, 2, and 3.)
6932-X	DOT-E 6932	Compagnie des Containers Reservoirs, Paris, France.	49 CFR 173.264(b)(4)	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of anhydrous hydrofluoric acid. (Modes 1 and 3.)
6932-X	DOT-E 6932	Fauvet-Girel, Paris, France	49 CFR 173.264(b)(4)	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of anhydrous hydrofluoric acid. (Modes 1 and 3.)
6932-X	DOT-E 6932	Eurotainer, Paris, France	49 CFR 173.264(b)(4)	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of anhydrous hydrofluoric acid. (Modes 1 and 3.)
6932-X	DOT-E 6932	Produits Chimiques Ugine Kuhlmann, Paris, France.	49 CFR 173.264(b)(4)	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of anhydrous hydrofluoric acid. (Modes 1 and 3.)
6949-X	DOT-E 6949	FMC Corporation, Philadelphia, PA	49 CFR 173.190(b)(4)	To authorize use of marine portable tanks, for transportation of certain flammable solids. (Modes 1, 2, and 3.)
6971-X	DOT-E 6971	PolyScience Corporation, Niles, IL	49 CFR Parts 100-199	To authorize transport of small quantities of reagent chemicals in inside glass bottles packed in metal boxes, overpacked in a strong wooden or fiberboard box. (Modes 1, 2, 3, 4, and 5.)
6984-X	DOT-E 6984	Ireco Chemicals, Salt Lake City, UT	49 CFR 173.103(a), 173.66(g), 177.835(g)(2)(i).	To authorize packaging of 1000 or less electric blasting caps in inside pasteboard cartons or tubes, overpacked in an IME Standard 22 container. (Mode 1.)
6984-P	DOT-E 6984	Angus Chemical Company, Northbrook, IL.	49 CFR 173.103(a), 173.66(g), 177.835(g)(2)(i).	To become a party to Exemption 6984. (Mode 1.)
7013-X	DOT-E 7013	Airco Welding Products, Murray Hill, NJ	49 CFR 173.315(a)(1)	To authorize use of a non-DOT specification cargo tank, for transportation of a flammable compressed gas. (Mode 1.)
7046-X	DOT-E 7046	J. T. Baker Chemical Company, Phillipsburg, NJ.	49 CFR 173.269, 178.340-5(c)	To authorize use of modified DOT Specification MC-312 glass lined cargo tanks, for transportation of certain corrosive liquids and a certain oxidizer. (Modes 1 and 3.)
7052-P	DOT-E 7052	National Center for Atmospheric Research, Palestine, TX.	49 CFR 172.101, 175.3	To become a party to Exemption 7052. (Modes 1, 2, 3, and 4.)
7096-X	DOT-E 7096	Fike Metal Products Corporation, Blue Springs, MO.	49 CFR 173.304(a)(1), 178.55	To authorize shipment of bromotrifluoromethane (Freon 1301) in non-DOT specification cylinders. (Modes 1, 2, and 3.)
7220-X	DOT-E 7220	Grief Brothers Corporation, Springfield, NJ.	49 CFR Part 173, Subart D, E, F, and H	To authorize manufacture, marking and sale of non-DOT specification reusable, blow-molded, polyethylene containers, for shipment of certain corrosive, flammable liquids, oxidizers and Class B poisonous liquids. (Modes 1, 2, and 3.)
7285-X	DOT-E 7285	Produits Chimiques Ugine Kuhlmann, Paris, France.	49 CFR 173.315(a)	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of certain nonflammable, liquefied gases. (Modes 1, 2, and 3.)
7546-X	DOT-E 7546	Grumman Aerospace Corporation, Bethpage, NY.	49 CFR 173.119, 173.302(a)(1), 173.304(a), 173.305(a), 173.34(d), 175.3.	To authorize use of a heat pipe radiator assembly for shipment of certain flammable liquids and nonflammable and flammable compressed gases. (Modes 1 and 3.)
7632-X	DOT-E 7632	Enterprise Service Company, Houston, TX.	49 CFR 173.315(a)(1), 173.315(c)(1)	To authorize use of an insulated DOT Specification MC-331 cargo tank, for transportation of a liquefied gas mixtures (Mode 1.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7650-X	DOT-E 7650	ICI Americas, Incorporated, Wilmington, DE.	49 CFR 173.315	To authorize use of non-DOT specification vacuum insulated steel portable tanks for shipment of certain nonflammable compressed gases. (Modes 1 and 3.)
7677-X	DOT-E 7677	San Diego Gas & Electric Company, San Diego, CA.	49 CFR 172.101, 173.315(a)	To authorize shipment of liquefied natural gas (methane) in non-DOT specification vacuum insulated truck mounted portable tanks. (Mode 1.)
7778-X	DOT-E 7778	Schenley Distillers, Inc. New York, NY	49 CFR 172.400(a) Part 107 Subpart B, Subchapter B, App. B.	To authorize barrels of distilled spirits to be transported without being labeled or having the exemption number marked on the barrel or shipping paper. (Modes 1 and 2.)
7808-X	DOT-E 7808	Whitmire Research Laboratories, Inc., St. Louis, MO.	49 CFR 173.304, 173.34(d), 175.3	To authorize shipment of insecticides in DOT Specification 39 cylinders equipped with a pressure relief device. (Modes 1, 2, 3, and 4.)
7940-X	DOT-E 7940	Centennial Plastics Co., Inc., Camden, NJ.	49 CFR 178.19, Part 173, Subparts D, F	To authorize manufacture, marking and sale of non-DOT specification reusable, rotationally molded polyethylene container, for transportation of corrosive and flammable liquids. (Modes 1, 2, and 3.)
8047-P	DOT-E 8047	GCS Container Service SA, Paris, France	49 CFR Part 173, Subparts D, F, Subpart H, J, Subpart K.	To become a party to Exemption 8047. (Modes 1, 2, and 3.)
8053-X	DOT-E 8053	Eastman Kodak Company, Rochester, NY.	49 CFR 173.148(a), 175.3	To authorize shipment of monoethylamine in inside glass bottles-metal cans, overpacked in DOT Specification 12B fiberboard boxes. (Modes 1, 2, and 4.)
8063-X	DOT-E 8063	Union Carbide Corporation, Danbury, Ct	49 CFR 173.304(a)	To authorize use of a vacuum insulated DOT Specification 4L welded cylinder, for transportation of certain nonflammable gases. (Mode 1.)
8067-X	DOT-E 8067	Container Corporation of America, Wilmington, DE.	49 CFR 173.272(g)	To authorize use of a 15-gallon capacity DOT Specification 34 container, for transportation of 95% to 98% sulfuric acid. (Modes 1, 2, and 3.)
8079-X	DOT-E 8079	Container Corporation of America, Wilmington, DE.	49 CFR 178.35a-1	To authorize manufacture, marking and sale of DOT Specification 2SL inside polyethylene containers using a higher density, higher melt index resin, for shipment of those materials authorized in a DOT Specification 2SL. (Modes 1, 2, and 3.)
8080-X	DOT-E 8080	Allied Corporation, Morristown, NJ	49 CFR 173.164	To authorize transport of dry chromic acid in a DOT Specification 105A300W tank car which has been converted to DOT Specification 111A100W. (Mode 2.)
8084-X	DOT-E 8084	Ireco Chemicals, Salt Lake City, UT	49 CFR 173.65(a)(5)	To authorize transport of Class A explosives containing more than 5% of moisture in plastic tubes overpacked in DOT Specification wooden or fiberboard boxes. (Mode 1.)
8111-X	DOT-E 8111	U.S. Department of Energy, Washington, DC.	49 CFR 173.304(a)	To authorize use of non-DOT specification welded, stainless steel cylinders for transportation of a nonflammable gas mixture. (Modes 1, 2, 3, 4, and 5.)
8125-X	DOT-E 8125	Compagnie des Containers Reservoirs, Paris, France.	49 CFR 173.123, 173.315	To authorize use of non-DOT specification portable tanks, for transportation of certain flammable and nonflammable gases and flammable liquids. (Modes 1, 2, and 3.)
8125-X	DOT-E 8125	Fauvet-Girel, Paris, France	49 CFR 173.123, 173.315	To authorize use of non-DOT specification portable tanks, for transportation of certain flammable and nonflammable gases and flammable liquids. (Modes 1, 2, and 3.)
8129-P	DOT-E 8129	Rollins Environmental Services (LA), Inc., Baton Rouge, LA.	49 CFR, 177.834(k), Part 173, Subparts D, E, F, H, Subparts K, L, M, O.	To become a party to Exemption 8129. (Mode 1.)
8129-P	DOT-E 8129	Ecoflo, Inc., Bladensburg, MD	49 CFR, 177.834(k), Part 173, Subparts D, E, F, H, Subparts K, L, M, O.	To become a party to Exemption 8129. (Mode 1.)
8129-P	DOT-E 8129	FMC Corporation, Princeton, NJ	49 CFR, 177.834(k), Part 173, Subparts D, E, F, H, Subparts K, L, M, O.	To become a party to Exemption 8129. (Mode 1.)
8141-X	DOT-E 8141	GTE Products Corporation, Waltham, MA	49 CFR 172.101, 173.206, 173.247	To authorize transport of individual cells and modules consisting of three cells containing lithium metal and thionyl chloride in non-DOT specification wooden boxes. (Mode 1.)
8144-X	DOT-E 8144	ICI Americas Inc., Wilmington, DE	49 CFR 173.133, 175.3, 176.3	To authorize cargo vessel and cargo-only aircraft as additional mode of transportation. (Modes 1, 3, and 4.)
8217-P	DOT-E 8217	GCS Container Service SA, New York	49 CFR F, H, J, and K, Part 173, Subpart D.	To become a party to Exemption 8217. (Modes 1, 2, and 3.)
8225-X	DOT-E 8225	Hoover Universal, Inc., Beatrice, NB	49 CFR 173.119, 173.266, Part 173, Subpart F.	To authorize cargo vessel as an additional mode of transportation and to add various flammable liquids and additional commodities. (Modes 1, 2, and 3.)
8360-X	DOT-E 8360	Grayco Specialist Tank Manufacturing, Fort Worth, TX.	49 CFR 173.119 (a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5 178.343-5.	To authorize manufacture, marking and sale of non-DOT specification cargo tanks designed and constructed in full compliance with DOT Specification MC-307 or MC-312 with certain exceptions, for transportation of certain hazardous materials. (Modes 1.)
8390-P	DOT-E 8390	Micro Image, Inc., Orange, CT	49 CFR 173.272, 178.210, 178.24a	To become a party to Exemption 8390. (Modes 1.)
8390-P	DOT-E 8390	J. T. Baker Chemical Co., Phillipsburg, NJ	49 CFR 173.272, 178.210, 178.24a	To become a party to Exemption 8390. (Modes 1.)
8441-P	DOT-E 8441	EG&G Environmental Equipment Div., Sea-Link System, Herndon, VA.	49 CFR 172.101	To become a party to Exemption 8441. (Modes 1.)
8441-P	DOT-E 8441	National Center for Atomospheric Research, Palestine, TX.	49 CFR 173.101	To become a party to Exemption 8441. (Modes 1.)
8467-X	DOT-E 8467	Societe Auxiliaire de Transports et d'Industries, Paris, France.	49 CFR 173.315	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of nonflammable gases. (Modes 1, 2, 3.)
8467-X	DOT-E 8467	ANF-Industrie, Paris, France	49 CFR 173.315	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of nonflammable gases. (Modes 1, 2, and 3.)
8472-X	DOT-E 8472	Ohmart Corporation, Cincinnati, OH	49 CFR 173.302, 175.3	To authorize use of non-DOT specification, meta., single trip, inside container, for shipment of a nonflammable gas. (Modes 1, 2, 3, 4, and 5.)
8477-X	DOT-E 8477	Mobay Chemical Corporation, Pittsburgh, PA.	49 CFR 173.247(a)	To authorize use of a noninsulated DOT Specification 111A100W6 tank car tanks, for shipment of thionyl chloride. (Modes 2.)
8489-X	DOT-E 8489	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	49 CFR 173.154, 173,182, 173.245b	To authorize shipment of certain oxidizers and corrosive materials in a non-DOT specification collapsible polyethylene-lined, woven polypropylene bag, and a disposable bulk container, (Modes 1. and 3.)
8489-X	DOT-E 8489	FMC Corporation, Philadelphia, PA	49 CFR 173.154, 173.182, 173.245b	To authorize shipment of certain oxidizers and corrosive materials in a non-DOT specification collapsible polyethylene-lined, woven polypropylene bag, and a disposable bulk container. (Modes 1, and 3.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8489-X	DOT-E 8489	Degussa Corporation, Teterboro, NJ	49 CFR 173.154, 173.182, 173.245b	To authorize shipment of certain oxidizers and corrosive materials in a non-DOT specification collapsible polyethylene-lined, woven polypropylene bag, and a disposable bulk container. (Modes 1, and 3.)
8490-P	DOT-E 8490	Union Carbide Corporation, Danbury, CT	49 CFR 173.245(a)(31)	To become a party to Exemption 8490. (Mode 1.)
8506-X	DOT-E 8506	Dow Chemical Company, Midland, MI	49 CFR 178.102-2(c), Part 173 Subpart D, Subpart E, F, H.	To authorize use of a DOT Specification 6D cylindrical steil overpack constructed with two holes below the top chime, for shipment of those materials presently authorized in a DOT Specification 6D. (Mode 1, 2, and 3.)
8531-X	DOT-E 8531	Monsanto Company, St. Louis, MO	49 CFR 172.101, 172.406, 172.504, 173.114(j).	To authorize shipment of nitro carbo nitrate in prescribed DOT Specification bags labeled oxidizer, after December 31, 1980, in order to utilize the existing inventory. (Mode 1.)
8572-X	DOT-E 8572	AMEX, Inc., Hayden Lake, ID	49 CFR 172.101, 172.406, 172.504, 173.114a.	To authorize shipment of a limited number of packages of nitrocarbonitrate, after December 31, 1980, bearing the oxidizer label. (Mode 1.)
8655-P	DOT-E 8655	International Silver Company, Meriden, CT.	49 CFR 173.352(a)(1)	To become a party to Exemption 8655. (Mode 1.)
8691-X	DOT-E 8691	Aluminum Company of America, Palestine, TX.	49 CFR 173.333	To authorize a PVC coated polyester bag, not to exceed 110 pounds as additional container for shipment of aluminum chloride contaminated with phosgene, corrosive solid. (Modes 1, 2, and 3.)
8791-P	DOT-E 8791	Stauffer Chemical Company, Westport, CT.	49 CFR 173.245a, 178.245-1	To become a party to Exemption 8791 (Modes 1, 2, and 3.)

NEW EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8845-N	DOT-E 8845	Pengo Industries, Inc., Fort Worth, TX	49 CFR 173.110(c)(1), 173.80(b), 173.80(c).	To authorize transport of charged oil well jet perforating guns with detonators attached. (Modes 1 and 3.)
8851-N	DOT-E 8851	Process Engineering Inc., Plaistow, NH	49 CFR 173.315	To authorize manufacture, marking and sale of non-DOT specification vacuum insulated portable tanks, for transportation of nonflammable gases. (Modes 1 and 3.)
8862-N	DOT-E 8862	ABERCO Inc., Seabrook, MD	49 CFR 173.119, 173.305	To authorize authorize shipment of propylene oxide, classed as a flammable liquid, in DOT Specification 5P lagged steel drums. (Mode 1.)
8867-N	DOT-E 8867	3M Company, St. Paul, MN	49 CFR 173.119(k), 173.3	To authorize shipment of a certain viscous flammable liquid, n.o.s. in a polyvinyl chloride bottle, overpacked six to a DOT Specification 12B fiberboard box. (Modes 1, 2, and 4.)
8869-N	DOT-E 8869	Air Exec, Inc., Fort Madison, IA	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107, Appendix B.	To authorize carriage of certain Class A, B and C explosives not permitted for air shipment or in quantities greater than those prescribed for air shipment. (Mode 4.)
8870-N	DOT-E 8870	Hach Company, Ames, IA	49 CFR 172.101, 173.286, 175.3	To comingle compatible hazardous materials of various classifications packed in separate inside receptacles not exceeding 8 fluid ounces or 1⅛ lb. packed inside a strong outside container, labeled according to the highest order of hazard, and described as chemical kit. (Modes 1, 2, 4, and 5.)
8878-N	DOT-E 8878	Corning Glass Works, Corning, NY	49 CFR 173.245	To authorize shipment of germanium tetrachloride, corrosive liquid, n.o.s., in glass containers of less than 3 gallon capacity, surrounded by vermiculite placed in a cylindrical steel overpack, packed six to a compartmented wooded box. (Mode 1.)
8886-N	DOT-E 8886	Amerex Corporation, Trussville, AL	49 CFR 173.34(e)(9)	To authorize a longer time period between retests of DOT Specification 4B or 4B240ET cylinders containing nonflammable gas. (Modes 1, 2, and 4.)
8891-N	DOT-E 8891	BIC Corporation, Milford, CT	49 CFR 173.21, 173.308	To authorize not more than two cigarette lighters containing flammable gas to be packed in the same inner container, overpacked in corrugated fiberboard boxes. (Modes 1 and 2.)
8899-N	DOT-E 8899	DIA, Inc., d/b/a Dauphin Island Airways, Mobile, AL.	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107, Appendix B.	To authorize carriage of certain Class A, B and C explosives not permitted for air shipment or in quantities greater than those prescribed for air shipment. (Mode 4.)
8908-N	DOT-E 8908	Diamond Shamrock Corporation, Irving, TX.	49 CFR 173.184	To authorize shipment of dry chromic acid, in non-DOT specification collapsible polyethylene-lined, woven polypropylene bags. (Mode 1.)
8911-N	DOT-E 8911	Olin Corporation, East Alton, IL	49 CFR 173.101	To authorize shipment of scrap, guillotined small arms ammunition loosely packed in non-DOT specification, nonreusable, closed-top wooden crates in truck load lots to an incinerator for disposal. (Mode 1.)
8928-N	DOT-E 8928	Aluminum Company of America, Lafayette, IN.	49 CFR 173.245b(a)	To authorize a one-time shipment of a corrosive solid waste material in a non-DOT specification open top tank. (Mode 1.)
8931-N	DOT-E 8931	CIL Industries, Toronto, Canada	49 CFR 173.272, 179.201-1	To authorize shipment of sulfuric acid, classed as a corrosive material in DOT Specification 111A100W2 tank cars equipped with bottom outlets. (Mode 2.)

EMERGENCY EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 5186-X	DOT-E 5186	Liquid Carbonic Corporation, Chicago, IL	49 CFR 172.101, 173.315(a)	To authorize shipment of a flammable liquefied compressed gas in a non-DOT specification perlite-vacuum insulated cargo tank. (Mode 1.)
EE 8849-X	DOT-E 8849	Global International Airways, Kansas City, MO.	49 CFR 172.101 Column 6(b).	To authorize air transport of rocket ammunition with explosive projectile, Class A explosive that is packed, marked, labeled and loaded in accordance with DOD procedures and requirements. (Mode 4.)

WITHDRAWALS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
3941-X	Pacific Engineering & Production Company of Nevada, Henderson, NV.	49 CFR 173.239a(a)(2)	To authorize transport of ammonium perchlorate in non-DOT specification aluminum portable tanks. (Modes 1 and 2.)
8835-N	Georgia-Pacific Corporation, Atlanta, GA	49 CFR 172.302(b)	To authorize use of shipping papers which list the quantity ordered and product number before the proper shipping name. (Modes 1 and 2.)

Denials

8271-X Request by John Brown Engineers and Constructors Ltd., Hampshire, England to reconsider denial of their request to authorize shipment of a pyrophoric solid dispersed in a flammable liquid in a non-DOT specification portable tank comparable to DOT specification 51 denied November 23, 1982.

8905-N Request by Eurotainer S.A., Paris, France to authorize use of non-DOT specification IMO Type 5 portable tanks for the transportation of pyroforic liquids and those flammable liquids allowed to be shipped in DOT Specification IM 101 portable tank denied November 3, 1982.

NOTE.—Inadvertently omitted from the 47 FR 223 publication of Exemptions issued during October 1982 are the following:

8271-X Request by John Brown Engineers and Constructors Ltd., Hampshire, England to authorize shipment of a pyrophoric solid dispersed in a flammable liquid in a non-DOT specification portable tank comparable to DOT Specification 51 denied October 14, 1982.

8909-N Request by Johnson Controls, Inc., Milwaukee, WI to authorize use of shipping papers which deviate from the proper format required for the description of hazardous materials being shipped denied October 1, 1982.

8922-N Request by PepsiCo., Inc., Purchase, NY to ship as essentially nonregulated a flammable liquid consisting of citrus oil and approximately 65% food grade ethanol in four one-gallon jars packed in a DOT Specification 12A80 fiberboard box denied October 4, 1982 as being unnecessary.

Issued in Washington, D.C., on December 8, 1982.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 82-34284 Filed 12-17-82; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted To OMB for Review

During the period December 3 through December 9, 1982, the Department of the 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: December 3, 1982.

Submitting Bureau: Internal Revenue Service.

OMB Number: 1545-0654.

Form Number: 4752.

Type of Submission: Revision.

Title: Questionnaire—Head of Household.

Purpose: Form 4752—Questionnaire, Head of Household was developed to assist in determining whether or not an individual who claimed this filing status was eligible to claim it and its more favorable tax rate. This information is requested in connection with an examination of the return.

OMB Reviewer: Michael Abrahams, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

* * * * *

Date Submitted: December 3, 1982.

Submitting Bureau: Internal Revenue Service.

OMB Number: 1545-0029.

Form Number: 941, 941E, 941PR and 941SS.

Type of Submission: Revision.

Title: Quarterly Federal Tax Return; Quarterly Return of Withheld Federal Income Tax.

Purpose: Form 941 is used by employers to report payments made to employees subject to income and FICA taxes and the amounts of these taxes. Form 941E is used primarily by State and local governments to report withheld income taxes only. Form 941PR is used by employers in Puerto Rico to report FICA taxes only and Form 941SS is used by employers in the U.S. possessions to report FICA taxes only. The data is used primarily to verify that the correct taxes have been paid.

OMB Reviewer: Michael Abrahams, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

* * * * *

Date Submitted: December 8, 1982.

Submitting Bureau: Internal Revenue Service.

OMB Number: 1545-0128.

Form Number: 1120L.

Type of Submission: Revision.

Title: U.S. Life Insurance Company Income Tax Return.

Purpose: Life insurance companies are required to file an annual return of income and compute and pay any tax due. The data is used to ensure that companies have correctly reported taxable income and paid the correct 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: December 8, 1982.

Submitting Bureau: Internal Revenue Service.

OMB Number: 1545-0197.

Form Number: 5300 and 5301.

Type of Submission: Revision.

Title: Application for Determination for Defined Benefit Plan and Application for Determination for Defined Contribution Plan.

Purpose: IRS needs certain information on the finances and operation of employee benefit plans set up by employers. The IRS uses Forms 5300 and 5301 to obtain the information needed to determine whether the plans qualify under section 401(a) of the Code and the applicable parts of ERISA as approved employee benefit plans. It also uses the information to determine tax exempt status of the related trust under section 501(a) of the Code.

OMB Reviewer: Michael Abrahams (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

* * * * *

Dated Submitted: December 8, 1982.

Submitting Bureau: Alcohol, Tobacco and Firearms.

OMB Number: 1512-0036.

Form Number: ATF F 5020.20.

Type of Submission: Extension.

Title: Form Letter Personnel Inquiry RE: Applicant for Federal Permit.

Purpose: Form is used to check references given by an applicant or an individual connected with an application for a Federal license or permit. The information asked of a reference is the following (length of association, character, integrity, business responsibility and general

reputation for conforming with laws and regulations) about the individual. The form provides evidence as to whether license or permit should be issued.

OMB Reviewer: Arnold Strasser (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

* * * * *

Date Submitted: December 8, 1982.

Submitting Bureau: Internal Revenue Service.

OMB Number: 1545–0023.

Form Number: 720.

Type of Submission: Revision.

Title: Quarterly Federal Excise Tax Return.

Purpose: Form 720 is used to report excise taxes due from retailers and manufacturers on the sale or manufacture of various articles, to report taxes on oil, etc.). It enables IRS to monitor excise tax liability for various categories on a single form and to collect the tax quarterly in compliance with the law and regulations (IRC section 6011).

OMB Reviewer: Michael Abrahams (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

* * * * *

Date Submitted: December 8, 1982.

Submitting Bureau: Alcohol, Tobacco and Firearms.

OMB Number: 1512–0118.

Form Number: ATF F 2148.

Type of Submission: Extension.

Title: Bond-Drawback of Tax on Cigars, Cigarettes, or Cigarette Papers or Tubes.

Purpose: The bond is necessary to secure payment for tobacco articles on which drawback (refund on tariff or other tax) has been claimed and paid. The bond will secure payment in the event that a claim was not lawfully refunded. The bond describes the particular conditions under which the surety company and drawback claimant adhere to a description of what the bond covers.

OMB Reviewer: Arnold Strasser (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Date Submitted: December 8, 1982.

Submitting Bureau: Internal Revenue Service.

OMB Number: 1545–0334.

Form Number: 6450.

Type of Submission: Revision.

Title: Questionnaire to Determine Exemption from Withholding.

Purpose: Form 6450 is used in conjunction with letter 1407(Sc/Do) in contacting employees claiming exemption from withholding when there is no record of a prior year tax return being filed or the prior year tax return showed no tax liability.

OMB Reviewer: Michael Abrahams, (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

* * * * *

Date Submitted: December 8, 1982.

Submitting Bureau: Public Debt.

OMB Number: 1535–0018.

Form Number: PD–4882.

Type of Submission: Extension.

Title: Application for Purchase of U.S. Savings Bonds.

Purpose: Needed to indicate registration and number and denomination of securities desired. Used to document the request for issuance.

OMB Reviewer: Arnold Strasser, (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Joy Tucker,

Departmental Reports, Management Officer.

December 14, 1982.

[FR Doc. 82-34454 Filed 12-17-82; 8:45 am]

BILLING CODE 4810-25-M

Fiscal Service

[Dept. Circ. 570, 1982 Rev., Supp. No. 11]

Voyager Casualty Insurance Co.; Surety Companies Acceptable on Federal Bonds; Termination of Authority

Notice is hereby given that the certificate of authority issued by the Treasury to Voyager Casualty Insurance Company, Jacksonville, Florida, under Sections 9304 to 9308 of Title 31 of the United States Code (formerly 6 U.S.C. 6–13), to qualify as an acceptable surety on federal bonds is hereby terminated, effective today.

The company was last listed as an acceptable surety on federal bonds at 47 FR 28884, July 1, 1982.

With respect to any bonds currently in force with Voyager Casualty Insurance Company, bond approving officers of the Government should secure new bonds with acceptable sureties in those instances where a significant amount of liability remains outstanding.

Questions concerning this termination notice may be directed to the Operations Staff (Surety), Banking and Cash Management, Bureau of Government Financial Operations, Department of the Treasury, Washington, DC 20226, Telephone (202) 634–5752.

Dated: November 12, 1982.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 82-34444 Filed 12-17-82; 8:45 am]

BILLING CODE 4810-35-M

Office of the Secretary

[Dept. Cir. Public Debt Series—No. 36–82]

Treasury Bonds of 2003; Interest Rate

December 15, 1982.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $3,000,000,000 of the United States securities, designated Treasury Bonds of 2003 (CUSIP No. 912810 DC 9). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

Description of Securities

2.1. The securities will be dated January, 4, 1983, and will bear interest from that date, payable on a semiannual basis on August 15, 1983 and each subsequent 6 months on February 15 and August 15 until the principal becomes payable. They will mature February 15, 2003, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Securities registered as to principal and interest will be issued in

denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of registered and book-entry securities, and the transfer of registered securities will be permitted. Bearer securities will not be available, and the interchange of registered or book-entry securities for bearer securities will not be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Wednesday, December 22, 1982. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, December 21, 1982, and received no later than Tuesday, January 4, 1983.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 95.000. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Tuesday, January 4, 1983. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Friday, December 31, 1982. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the

securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4 Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, and to receive payment for and make delivery of securities on full-paid allotments.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

[FR Doc. 82-34554 Filed 12-16-82; 3:28 pm]

BILLING CODE 4810-40-M

[Dept. Cir., Public Debt Series—No. 35-82]

Treasury Notes; Series C-1990

December 15, 1982.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $4,500,000,000 of United States securities, designated Treasury Notes of January 15, 1990, Series C-1990 (CUSIP No. 912827 PA 4). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorties.

2. Description of Securities

2.1. The securities will be dated January 4, 1983, and will bear interest from that date, payable on a semiannual basis on July 15, 1983, and each subsequent 6 months on January 15 and July 15 until the principal becomes payable. They will mature January 15, 1990, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Securities registered as to principal and interest will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of registered and book-entry securities, and the transfer of registered securities will be permitted. Bearer securities will not be available, and the interchange of registered or book-entry securities for bearer securities will not be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard Time, Tuesday, December 21, 1982. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, December 20, 1982, and received no later than Tuesday, January 4, 1983.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, on the basis of a ⅛ of one percent increment, which results

in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 98.250. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securitites specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Tuesday, January 4, 1983. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury, in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Friday, December 31, 1982. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, and to receive payment for and make delivery of securities on full-paid allotments.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

[FR Doc. 82-34553 Filed 12-16-82; 3:28 pm]

BILLING CODE 4810-40-M

UNITED STATES INFORMATION AGENCY

United States Advisory Commission on Public Diplomacy

A meeting of the U.S. Advisory Commission on Public Diplomacy will be held on December 21, 1982 from 9:30 AM to 12:00, and from 1:30 PM to 3:30 PM in Room 600, 1750 Pennsylvania Avenue, NW., Washington, D.C. In the morning, the Commission will discuss USIA's personnel policies and programs; in the afternoon, there will be a discussion of Latin American issues.

Since space is limited, please call Elizabeth Fahl, (202) 724-9244, if you are interested in attending the meeting.

Mary Jane Winnett,

Management Analyst, Management Analysis/Regulations Staff, Bureau of Management, United States Information Agency.

[FR Doc. 82-34450 Filed 12-17-82; 8:45 am]

BILLING CODE 8230-01-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 244
Monday, December 20, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL COMMUNICATIONS COMMISSION

FCC To Hold a Closed Commission Meeting, Wednesday, December 22, 1982

December 15, 1982.

The Federal Communications Commission will hold a Closed Meeting on the subjects listed below on Wednesday, December 22, 1982 following the Open Meeting which is scheduled to commence at 9:30 a.m. in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

Hearing—1—Motions for approval of settlement agreement, related motions to enlarge issues and other pleadings in the Jacksboro-Bridgeport, Texas (Docket Nos. 21333-34); Mineral Wells, Texas (CC Docket Nos. 81-90/91); Jacksboro-Agnes, Texas (CC Docket Nos. 81-68/69); Graham-Jacksonboro, Texas (CC Docket Nos. 81-84/87); and Bridgeport, Texas (CC Docket Nos. 81-423/424).

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
Managing Director and members of his staff
General Counsel and members of his staff
Chief, Office of Public Affairs and members of his staff

Action by the Commission:

Hearing Item 1, December 14, 1982. Commissioners Fowler, Chairman; Quello, Fogarty, Jones, Dawson, Rivera, 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: December 15, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-1842-82 Filed 12-16-82; 2:58 pm]

BILLING CODE 6712-01-M

2

FEDERAL COMMUNICATIONS COMMISSION

FCC To Hold Open Commission Meeting, Wednesday, December 22, 1982.

December 15, 1982.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Wednesday, December 22, 1982, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

General—1—*Title:* Petition for Rule Making and Petition for Waiver filed by the Senstar Security Systems Corporation. *Summary:* The Commission considers a petition for rule making requesting amendment of Part 15, Subpart F to provide for operation of field disturbance sensors in the band 40.66-40.70 MHz and a petition for waiver requesting Commission authorization for operation of the Senstar Perimeter Protection System (i.e., field disturbance sensor) in the bank 40.66-40.70 MHz pending the outcome of the rule making proceeding in this matter.

General—2—*Title:* Notice of Proposed Rulemaking to allocate spectrum for the establishment of a nationwide public air-ground telephone system. *Summary:* The Commission will consider the merits of RM-3524, filed by Airfone, Inc. and RM-3885, filed by Aeronautical Radio, Inc. Each petitioner has requested the allocation of spectrum in the 900 MHz region to establish a nationwide public air-ground telephone system.

Private Radio—1—*Title:* Rulemaking proceeding to implement changes in frequencies, operating procedures, technical standards and other criteria relating to the use of radiotelegraphy in the Maritime Mobile Service. *Summary:* The FCC will consider whether to adopt a Memorandum Opinion and order (Doc. No. 20813) responding to various requests for Reconsideration in regard to rule sections adopted in the Report and Order (FCC 77-380; 42 FR 30999) released June 10, 1977.

Private Radio—2—*Title:* Licensing and availability of narrow-band direct-printing (NB-DP) radio teletypewriter frequencies. *Summary:* The Commission will consider whether to adopt a Notice of Proposed Rule Making to amend its rules effecting assignment of NB-DP frequencies.

Common Carrier—1—*Title:* Modification of Depreciation Rates for Eighteen Domestic Telephone Companies. *Summary:* The Commission has under consideration revised depreciation rates using the straight line equal life group (SLELG) method for eleven Bell operating telephone companies, six GTE affiliates and one Continental affiliate. The proposed SLELG rates are based upon life and net salvage studies prepared by the companies and reviewed by the staffs of the respective state commissions and the FCC in 1980 and 1981. These SLELG rates are primarily for new additions to the central office equipment accounts. The SLELG method was permitted by the Commission in Docket No. 20188, 83 FCC 2d 267 (1980).

Common Carrier—2—*Title:* Petition for Reconsideration of GTE Satellite Corporation 90 FCC 2d 1009 (1982). *Summary:* The Commission will consider the petition of United States Satellite Broadcasting Company, Inc. requesting rescission of the grant, or in the alternative, conditioning the grant by prohibiting the offering of television service to individual residences.

Common Carrier—3—*Title:* Third Report and Order in the Matter of MTS-WATS Market Structure—Phase I, Docket No. 78-72. *Summary:* Telephone companies now receive compensation for providing access to their local network to complete interstate services through an uncoordinated system. They receive the revenue either directly or through the settlements or division of revenues procedures. The Commission will consider whether to adopt an order prescribing rules for computing access charges to replace these existing procedures.

Common Carrier—4—*Title:* American Telephone and Telegraph Company. *Summary:* The Commission will consider two petitions for waiver of section 64.702 of the rules to permit the Bell Operating Companies and other local telephone companies to provide customer premises equipment for disabled persons under tariff.

Common Carrier—5—*Title:* Petition for Reconsideration in Docket No. 79-105, Petition for Declaratory Ruling of General Telephone Co. of Ohio. *Summary:* The Commission will consider the effect of its depreciation rate prescriptions on the ability of state commissions to prescribe inconsistent depreciation rates.

Mass Media—Video—1—"Petition for Special Relief" (CSR-2191X) filed September 13, 1982, by Whitcom Investment Company. Whitcom Investment Company, the corporate parent of State Cable TV Corporation, requests a waiver of Section 76.501(a)(1) of the Commission's Rules to allow Mr. William S. Paley to become a partner in Whitcom.

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: December 15, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S–1843–82 Filed 12–16–82; 2:58 pm]

BILLING CODE 6712–01–M

3

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 47, Pagen No. None at this time. Date Published: None at this time.

PLACE: Board Room, sixth floor, 1700 G Street, N.W., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Lockwood (202–377–6679).

CHANGES IN THE MEETING: The following item has been withdrawn from the open portion of the Bank Board meeting scheduled Thursday, December 16, 1982, at 10:00 p.m.

Implementation of new powers; limitation on loans to one borrower.

[No. 89, December 16, 1982]

[S–1839–82 Filed 12–16–82; 10:00 am]

BILLING CODE 6720–01–M

4

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 47, Page No. None at this time. Date Published: None at this time.

PLACE: Board Room Sixth floor, 1700 G Street, N.W., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Lockwood (202–377–6679).

CHANGES IN THE MEETING: The following item has been put back on the Bank Board Meeting scheduled Thursday, December 16, 1982, at 10:00 a.m.

Implementation of New Powers; Limitations on Loans to One Borrower

[No. 90, December 16, 1982]

[S–1840–82 Filed 12–16–82; 10:38 am]

BILLING CODE 6720–01–M

5

LEGAL SERVICES CORPORATION

Meeting of the Board of Directors

PREVIOUS DATE ISSUED: November 24, 1982.

TIME AND DATE:

2:00 p.m.–5:00 p.m., Thursday, December 16, 1982.

9:00 a.m.–5:00 p.m., Friday, December 17, 1982.

PLACE: Hyatt Regency Washington, Columbia "B" Room, 400 New Jersey Avenue, NW., Washington, D.C.

PREVIOUSLY ANNOUNCED STATUS OF MEETING: Open (Portion of meeting may be closed to discuss personnel matters under 45 CFR 1622.5 (a) and (e).)

Amendments to Notice: (1) Status of Meeting: Open (Portion of meeting may be closed to discuss personnel and litigation matters under CFR 1622.5(a) through 1622.5(h).

Date Issued: December 16, 1982.

Donald P. Bogard,

President.

[S–1841–82 Filed 12–16–82; 12:34 pm]

BILLING CODE 6820–35–M

federal register

Monday
December 20, 1982

Part II

Department of Transportation

Coast Guard

Tank Vessels Carrying Oil In Bulk; Cargo Monitors

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 157

[CGD 76-088b]

Tank Vessels Carrying Oil in Bulk; Cargo Monitors

AGENCY: Coast Guard, DOT.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: In the **Federal Register** of June 27, 1977, the Coast Guard proposed rules concerning the installation and use of cargo monitors on board tank vessels of 150 gross tons and over. The proposal applies both to U.S. seagoing vessels and to foreign vessels that call at U.S. ports. Several comments were received and the rules have been revised to incorporate commenters' recommendations to the extent possible. The proposal has also been revised to include certain requirements in the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973. This notice contains the complete text of the revised proposal. The intended purpose of the proposed rules is to reduce oil pollution in operational discharges from tank vessels.

DATE: Comments on this proposal must be received on or before March 21, 1983.

ADDRESSES: (a) Comments should be mailed to Commandant (G-CMC/44), (CGD 76-088b), U.S. Coast Guard Headquarters, Washington, D.C. 20593. (b) The materials referenced in this notice and all comments received will be available for examination and copying between 8 a.m. and 4 p.m., Monday through Friday, except holidays, at the Marine Safety Council (G-CMC/44), Room 4402, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593 (202-426-1477). Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Lieutenant Jeffrey G. Lantz, Project Officer, Office of Merchant Marine Safety, (G-MVI-5/12), Room 1206, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593 (202-426-4431).

SUPPLEMENTARY INFORMATION: On June 27, 1977, the Coast Guard published a notice of proposed rulemaking (NPRM) for these regulations in the **Federal Register** (42 FR 32684). Interested persons were requested to submit comments and a public hearing was held in Washington, D.C., on November 28, 1977. Notice of the hearing was published in the **Federal Register** of October 27, 1977 (42 FR 56625). A total of 28 comments were received on the NPRM. After the comment period closed, several telephone inquiries were also received concerning potential methods for complying with the proposed requirements. The proposal was also explained and discussed at the 1980 U.S. Coast Guard Tanker Seminar conducted on May 30, 1980. A summary of topics discussed at the seminar is available at the address listed above for examination and copying of comments.

Interested persons are invited to submit written comments on this supplemental NPRM. Persons submitting comments should include their names and addresses, identify this notice (CGD 76-088b), give the specific section to which their comments apply, and give reasons for the comments. Persons desiring acknowledgment of their comments should enclose a stamped, self-addressed postcard or envelope. All comments received before expiration of the comment period will be considered before final action is taken on the proposed rules. The rules may be changed in light of comments received. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

The NPRM was published at the same time as two other sets of proposed pollution prevention regulations. The other two regulatory dockets are:

CGD 75-124 Pollution Prevention—Vessel and Oil Transfer Facilities (33 CFR Parts 154, 155, and 156). Portions of the proposal were later published as final regulations on January 31, 1980 (45 FR 7156). Proposed §§ 155.330 through 155.410, which included a requirement that oil-water separators, bilge alarms, and bilge monitors be installed and used, were not finalized and are currently being revised as a result of comments received.

CGD 76-088a Engineering Equipment: Design and Approval Requirements for Oil Pollution Prevention Equipment (46 CFR Part 162). These regulations were published as final rules in the **Federal Register** on September 13, 1979 (44 FR 53352). The final rules set out specifications and procedures for approving oil-water separators, cargo monitors, bilge monitors, and bilge alarms for use on merchant vessels. A current list of approved monitors can be obtained from the Coast Guard Office of Merchant Marine Safety (G-MVI-3/12), Room 1210, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593 (202-426-1444).

Drafting Information

The principal persons involved in drafting this supplemental NPRM are: Lieutenant Commander Richard M. Cool, Office of Merchant Marine Safety, and William R. Register, Office of the Chief Counsel.

Background Information

In November 1973, the International Maritime Organization (IMO, then referred to as the Inter-Governmental Maritime Consultative Organization, IMCO) adopted the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL 73). In February 1978, MARPOL 73 was incorporated into and modified by the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL Protocol). On July 2, 1980, the U.S. Senate gave its advice and consent to ratification of the MARPOL Protocol, and implementing legislation was signed by the President on October 21, 1980 (Pub. L. 96-478; 33 U.S.C. 1901-1911). The legislation becomes fully effective when the MARPOL Protocol enters into force. The MARPOL Protocol will enter into force on October 2, 1983.

Annex I to the MARPOL Protocol sets forth several requirements applicable to all types of vessels. Regulations 9, 13A, 15, 16, 18, and 21 of the Annex contain specific requirements for the installation and use of oil-water separators, monitors, bilge alarms, and associated pumping, piping, and discharge arrangements. The Annex also includes provisions for approving the design features of the equipment in accordance with IMO design and testing specifications. The IMO specifications are set forth in IMO Resolution A.393(X) and they form the basis for the Coast Guard specifications published in the **Federal Register** on September 13, 1979 (44 FR 53352). Copies of the IMO Resolution may be purchased from the International Maritime Organization, Publications Section, 101-104 Picadilly, London W1V OAE, United Kingdom.

The regulations in this supplemental NPRM adopt the MARPOL Protocol requirements for cargo monitors on seagoing tank vessels. The proposal also adopts two recent IMO interpretations to the MARPOL Protocol. The interpretations are published as appendices to the rules in this Supplemental NPRM. They are not otherwise readily available to the public.

Several MARPOL requirements have already been adopted in regulations published in Subparts A through E of 33

CFR, Part 157. Regulations for tank vessels carrying oil in domestic trade were published in 1975 (40 FR 46280). Regulations for U.S. tank vessels in foreign trade and foreign tank vessels operating in U.S. waters were published in 1976 (41 FR 54177). Additional requirements for segregated ballast tanks (SBT), dedicated clean ballast tanks (CBT), and crude oil washing systems (COW) were published in June 1980 (45 FR 43705). Procedures for obtaining exemptions from the SBT, CBT, and COW requirements were published in Subpart F of Part 157 on January 15, 1981 (46 FR 3510).

Evaluation and Certification

These proposed regulations are considered to be nonsignificant and, accordingly, a draft evaluation has been prepared and placed in the public docket as required by the DOT Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of May 22, 1980). The regulations have also been reviewed in accordance with Executive Order 12291 of February 17, 1981, on Federal Regulations and have been determined not to be major rules under the terms of that order. Likewise, on the basis of the supporting explanation provided below, it is certified that these regulations, if promulgated, would not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (Pub. L. 96–354; 5 U.S.C. 610–612).

The draft evaluation includes an environmental assessment as required by DOT Order 5610.16 and Commandant Instruction M16475.1A. Comments on the content and accuracy of the draft evaluation and environmental assessment may be submitted to the address listed above for submission of comments. They will be considered in conjunction with comments on the supplemental NPRM.

The draft evaluation includes an estimate of the annual costs of these regulations to owners of U.S. ships for 1981 and subsequent years. These costs are $0.7 million for 1981; $13.2 million for 1982; $10.0 million for 1983; $5.0 million for 1984; $5.0 million for 1985; and $0.7 million for 1986 and each subsequent year. (All costs are in 1981 dollars. The present value of these costs is $31.9 million.) A portion of these costs may initially be absorbed by vessel owners, but all costs are eventually expected to be passed on to oil consumers in the form of increased transportation charges.

The costs include estimates for 1981 and 1982—before these regulations are expected to become effective. Some vessel owners are already taking measures to comply with the regulations.

Most of the costs resulting from these regulations will be those involving purchase and installation of cargo monitors and control systems. It is noted, however, that the principal requirements concerning this equipment are mandated by the MARPOL Protocol and implementing legislation in 33 U.S.C. 1901–1911.

The draft evaluation also includes an estimate of costs to owners of foreign vessels for comparative purposes. These costs will be incurred due to flag state enforcement of the MARPOL Protocol rather than as a result of compliance with these regulations.

The cost of these regulations to individual ship owners is estimated to be between $86,000 and $167,000 per vessel, depending in vessel size, delivery date, and date of monitor installation. Many U.S. vessels are independently owned and some of these can be considered to be "small entities." The cost per vessel (whether a large or small entity) represents a marginal, one-time outlay equal to only a small percentage of annual operating costs for a single year (0.9–3.3%). These costs are not considered to be significant.

The cargo monitor and control system required by these proposed regulations would provide both a means for: (1) Determining whether discharges from tankers meet international standards, and (2) recording the oil content of those discharges. These measures, coupled with MARPOL 73 provisions that have already been adopted in 33 CFR Part 157, are expected to reduce by 80% the amount of oil that would be routinely discharged overboard if no pollution prevention measures were used.

Description of the Regulations

1. These proposed regulations would apply both to U.S. seagoing vessels and to foreign vessels that call at U.S. ports. The regulations adopt and interpret various requirements contained in the MARPOL Protocol. Table I lists the proposed regulations, the corresponding MARPOL Protocol provisions, and the intended effect of the proposed requirements.

2. Each of the proposed rules would either clarify or relax an existing regulation in 33 CFR Part 157, or add a new provision that corresponds to a similar requirement in the MARPOL Protocol. The proposed clarifications are non-substantive in nature. The new provisions, with one exception, either relax existing regulations or otherwise have little or no economic impact. The exception relates to the proposed record keeping requirement in § 157.37(d). This requirement is specifically required by the MARPOL Protocol. However, the impact of § 157.37(d) has been minimized to the extent possible as explained in paragraph 22 below.

TABLE I—COMPARISON OF PROPOSED REQUIREMENTS IN SUPPLEMENTAL NPRM AND MARPOL PROTOCOL REQUIREMENTS

Proposed regulation in supplemental NPRM	Corresponding MARPOL protocol requirement or related requirement	Effect of requirement (see notes)
157.03(e)	MARPOL Reg 1(16)	M
157.03(hh)	MARPOL Article I and 33 U.S.C. 1901(1).	C
157.08(b)	MARPOL Reg 15(7) and Annex 3 of MEPC XIV/11.	M/C
157.08(c)	MARPOL Regs 3 and 15(1).	C
157.08(i)(1)	MARPOL Regs 3 and 13C.	N2
157.08(i)(2)	MARPOL Reg 15(5)	M
157.11(a)	MARPOL Reg 15(2)	C
157.11(b)(1)	MARPOL Reg 18(1)	C
157.11(b)(2)(i) and (ii).	MARPOL Reg 18(2)	C
157.11(b)(2)(iii)	MARPOL Reg 15(3)(a), Annex 3 of MEPC XIV/11, and Resolution A.496(XII).	M/N1
157.11(c)	MARPOL Reg 18(4) and Appendix 5 to Annex 3 of MEPC XV/16.	M/N1
157.12(a)	MARPOL Reg 15(3)(a)	C
157.12(b)	MARPOL Reg 15(3)(a)	C
157.12(c)	MARPOL Reg 15(3)(a) and Resolution A.496(XII).	M/N1
157.12(d)(1)	MARPOL Article V	M
157.12(d)(2)	MARPOL Reg 15(1)	M
157.12(e)	MARPOL Reg 13A(3), 15.	M
157.13(a)	MARPOL Reg 18(3)	C
157.19(b)(1)	MARPOL Reg 24(2)	C
157.19(d)	MARPOL Reg 24(6)	M
157.25(a)	MARPOL Article 3 and 33 U.S.C. 1902(a).	M/C
157.25(b)	MARPOL Article 3 and 33 U.S.C. 1902(a).	M/C
157.28	MARPOL Regs 9(6) and 15(1).	C
157.37(a)(5)(i)	MARPOL Reg 18(4)	C
157.37(a)(5)(ii)	MARPOL Reg 18(4) and Annex 3 of MEPC XIV/11.	M
157.37(a)(5)(iii)	MARPOL Reg 18(4) and Annex 3 of MEPC XIV/11.	M
157.37(a)(6)	MARPOL Reg 15(3)(a)	C
157.37(a)(7)	MARPOL Reg 9(1)(a)(i)	N3
157.37(b)	MARPOL Reg 15(7)	M
157.37(c)	MARPOL Reg 15(3)(c)	N3
157.37(d)	MARPOL Reg 15(3)(a)	N4
157.37(e)	MARPOL Reg 18(4) and Annex 3 of MEPC XIV/11.	N1
157.39(b)	MARPOL Regs 9(1)(b) and 9(4).	M/C
157.43(a)(1)	MARPOL Reg 13A(3)	M
157.43(a)(2)	33 U.S.C. 391a (6)	R
157.43(b)(1)	33 U.S.C. 391a (6)	R
157.43(b)(2)	MARPOL Reg 18(4)(b)	M
157.43(c)	MARPOL Reg 18(4)	N3
157.43(c)(1)	MARPOL Reg 18(4)(a)	N3
157.43(c)(2)	MARPOL Reg 18(4) and Annex 3 of MEPC XIV/11.	N1
157.43(c)(3)	MARPOL Reg 18(4) and Annex 3 of MEPC XIV/11.	N1
157.43(c)(4)	MARPOL Reg 18(4)(b)	N3
157.43(d)	MARPOL Article 3	C
Appendix E	Appendix 5 to Annex 3 of MEPC XV/16.	N1
Appendix F	Resolution A.496(XII)	N1

NOTES.—The abbreviations used in the third column of the Table have the following meanings:
"M" means a MARPOL provision that relaxes an existing rule in 33 CFR Part 157.
"C" means a nonsubstantive clarification of an existing rule in 33 CFR Part 157.
"N1" means a new rule that adopts a recent IMO interpretation that relaxes, but is equivalent to an existing MARPOL requirement.
"N2" means a new rule that, although not contained in the MARPOL Protocol, is an equivalent under Regulation 3 of the Protocol.
"N3" means a new rule that imposes a MARPOL provision which would have little or no economic impact.
"N4 means a new rule that imposes a MARPOL record keeping requirement.
"R" means a relaxation to an existing rule in 33 CFR Part 157.

Discussion of Comments and Changes Made

General

1. No comments were received on §§ 157.13, 157.19(d), 157.25, 157.37(c) and 157.39(b), as proposed in the NPRM, and they have been incorporated into the supplemental NPRM without substantive change.

2. Although no comments were received on the revisions to §§ 157.17 and 157.23, as proposed in the NPRM, they have been determined to be unnecessary and are deleted from the supplemental NPRM.

3. Three commenters stated that the term "cargo monitor" in the NPRM is inaccurate and they recommended replacing the term with "oil content monitor," "oil discharge monitor" or "oil-in-water monitor" in order to reflect the intended use of the equipment. Though other terms may better reflect the medium being monitored, the term cargo monitor was chosen to differentiate this unit from a bilge monitor. Accordingly, these recommendations have not been adopted.

4. Editorial revisions have been made to certain requirements to make them more understandable. The principal changes are in § 157.11 of the NPRM, which has been restructured and separated into two sections to explain the requirements more clearly. Proposed § 157.11, as revised, contains requirements for pumping, piping, and discharge arrangements. Proposed § 157.12, as added in the supplemental NPRM, contains requirements for cargo monitors and control systems. Paragraphs § 157.08 (b) and (c) have also been revised to add a cross reference to § 157.12.

5. One commenter questioned whether the proposed piping and monitoring requirements would apply to inland river barges over 150 gross tons. The regulations in this supplemental NPRM apply only to seagoing vessels. The requirements would not apply to inland barges that operate exclusively on rivers.

Specific Regulations

6. *Section 157.03(e).* This change was not in the NPRM. It revises the existing definition of clean ballast to make it consistent with the MARPOL Protocol definition. Specifically, the word "cargo" is deleted from the phrase "from a cargo tank" and a new § 157.03(e)(2) has been added to provide that clean ballast also includes ballast water with an oil content of 15 p.p.m. or less, as verified by an approved cargo monitor and control system.

7. *Section 157.03(hh).* This change was not in the NPRM. It revises the existing definition of "MARPOL Protocol" by adopting the definition of the term provided in 33 U.S.C. 1901(1).

8. *Section 157.08(b).* This change was not in the NPRM. Section 157.08(b) exempts tank vessels that only carry asphalt from the piping, cargo monitor, and slop tank requirements in Part 157. As revised, this section also exempts vessels that only carry carbon black feed stock or other products with physical properties that inhibit effective product/water separation and monitoring. These products have (i) Densities greater than water, making normal slop tank practices ineffective, and (ii) adhesive and cohesive properties that do not permit proper monitoring.

9. *Section 157.08(i).* Two commenters recommended that vessels which are exempt under Subpart F or Part 157 from SBT, CBT, or COW requirements also be made exempt from the cargo monitor requirements. One of these comments was made at the 1980 Coast Guard Tanker Seminar. This recommendation has been adopted in § 157.08(i)(1) of the supplemental NPRM. Vessels exempt under Subpart F of Part 157 are prohibited by § 157.310 from discharging cargo residues and ballast other than segregated ballast and, as provided in § 157.43(b), use of a cargo monitor is not required for discharges of segregated ballast. An additional exemption from the cargo monitor requirements has also been added in § 157.08(i)(2) for vessels engaged solely in voyages that are: (1) Between ports or places within the United States, its territories or possessions, and (2) of less than 72 hours and at all times within 50 miles of the nearest land. Regulation 15(5) of Annex I to the MARPOL Protocol specifically allows this exemption.

10. *Sections 157.11(a) and 157.12.* Two commenters asked whether product carriers that have several independent piping arrangements for product segregation would be required to provide separate monitors for each arrangement. For the purpose of § 157.11, independent piping arrangements may collectively form the fixed piping system required by that section and one monitor could be provided for the collective system. Section 157.11(a) has been clarified in accordance with these commenters' question by adding a sentence stating that independent piping arrangements collectively form the fixed piping system required by that section.

As explained previously in paragraph 4, the specific requirements for cargo monitors have been transferred to § 157.12. Section 157.12(a) in this supplemental NPRM and Appendix F, as incorporated into § 157.12, require at least one monitor and provide for additional owner/operator options that, if selected, would necessitate the installation of additional sampling points, monitors, or flow meters, depending upon the requirements relating to the option.

11. *Section 157.11 (b) and (c).* The NPRM required each discharge point through which oily mixtures are discharged to the sea from a slop tank, cargo tank, or cargo pumproom bilge to be located above the waterline when the vessel is in its deepest ballast condition. Two commenters interpreted this provision to mean that all of a vessel's discharge points capable of discharging oily mixtures have to be above the waterline. They recommended that this requirement apply only to vessels constructed after these regulations become effective. The discharge points on many existing vessels are below the waterline and the commenters stated that the relocation of discharge piping to provide above the waterline discharge points would be both impracticable and beyond the scope of MARPOL 73. To the extent allowed by the MARPOL Protocol, the commenters' recommendation has been adopted. Section 157.11(b)(2), as revised in the supplemental NPRM, only requires one of the overboard discharge points to be above the waterline. The MARPOL Protocol contains essentially the same requirement. Also, a new provision has been added in § 157.11(c) to allow "existing vessels" to have a "part flow" system meeting IMO requirements in proposed Appendix E to Part 157 in lieu of an above waterline discharge point. It should be noted that the terms "new vessel" and "existing vessel" are defined in §§ 157.03 (ii) and (jj). The term "new vessel" includes, in addition to vessels built in future years, certain vessels that are currently in existence, but that were contracted for, delivered, or subjected to a major conversion after specific dates prescribed in the definition. The term "existing vessel"

means any vessel that is not a "new vessel".

12. *Section 157.11 (b)(2)(iii).* The NPRM required each point through which oily mixtures are discharged overboard to have a stop valve actuated by the system's cargo monitor. Three commenters objected to this requirement and recommended that pump shutdown, or other comparable methods, be accepted to stop overboard discharges. This recommendation has not been adopted. The MARPOL Protocol requires the monitor and control system to be capable of preventing oily discharges to the sea in concentrations that exceed those allowed by the Protocol. Stop valves are needed to ensure compliance with this requirement. Reliance on pump shutdown alone, or on other methods such as partial recirculation of the mixture to a cargo tank, would not always be effective. Much of the mixture in the discharge piping at the time of pump shutdown or other corrective action would in all probability be discharged overboard unless a stop valve were also actuated to retain the mixture. Accordingly, § 157.11 (b)(2)(iii) in the supplemental NPRM includes a stop valve requirement. The requirement has been modified, however, to allow manual valves on existing vessels and on new vessels that are less than 4,000 deadweight tons. IMO Resolution A.496 (XII), as set out in proposed Appendix F, allows manual valve closure on these vessels.

13. *Section 157.12(a).* No comments were received on this provision. It is being proposed again without substantive change.

14. *Section 157.12 (b).* This provision requires that (1) Monitors installed on U.S. vessels must be approved by the Coast Guard under 46 CFR 162.050 and (2) monitors installed or on foreign vessels must comply with either 46 CFR 162.050 or applicable IMO specifications. One commenter recommended that the Coast Guard allow the use of non-approved monitors if they are installed before the regulations require approved equipment. This recommendation has not been adopted. Most monitors currently being built, if they are not designed in accordance with Coast Guard or IMO specifications, are not sufficiently reliable or accurate for shipboard use. The IMO specifications are in IMO Resolution A.393 (X).

15. *Section 157.12(c).* The NPRM required both new and existing vessels to have a recording device that records the total amount of oil discharged in liters, the rate of discharge in liters per nautical mile, and the time and date of discharge. One commenter stated that this requirement should not apply to existing vessels since it would exceed MARPOL requirements. This section has been revised in accordance with the commenter's recommendation to incorporate the MARPOL Protocol requirements. The existing requirement for a recording device in 46 CFR 162.050–25 (j) will be deleted when the relaxed requirement in this section becomes effective.

16. *Section 157.12(c).* The NPRM required overboard discharge points for oily mixtures to have sampling points. Two commenters interpreted the rules to require sampling points also in piping used only for transfers within a vessel or for discharges to reception facilities. This interpretation is not correct. The monitoring requirements in IMO Resolution A.496(XII), as incorporated into § 157.12(c) and Appendix F to Part 157, apply only to discharge points used for overboard discharges, i.e. discharges into the sea.

17. *Section 157.12(c).* Three commenters recommended that the Coast Guard delete the requirement in the NPRM for sampling points to be located in vertical sections of piping, stating that existing installations which have sampling points in horizontal sections of piping have proven satisfactory. This comment has been adopted. The purpose of the NPRM requirement was to insure that samples would be taken from a piping section that has full flow. However, full flow can also be accomplished with other orientations of piping. IMO Resolution A. 496(XII), as incorporated into § 157.12(c) and Appendix F to Part 157, would allow any arrangement of piping that assures full flow through the sampling point during discharge operations.

18. *Sections 157.12 (d) and (e).* These provisions differ from those in the NPRM. They postpone the cargo monitor requirements to correspond with the dates specified by the MARPOL Protocol. The Protocol requires new vessels to comply with cargo monitoring requirements on and after the date the Protocol enters into force. Existing vessels, except those with dedicated clean ballast tanks, can delay installing a monitor for up to three years after that date (October 2, 1983). Existing vessels with dedicated clean ballast tanks are required to have an approved cargo monitor within three years after the MARPOL Protocol enters into force but, in any event, not later then the first scheduled shipyard visit after the entry into force of the Protocol.

19. *Section 157.19(b)(1).* There is a printing error in existing § 157.19(b)(1). The term "400 $\sqrt[3]{\text{DWT}}$ "should read "$400^3\sqrt{\text{DWT}}$" and is accordingly changed.

20. *Section 157.28.* Section 157.28 has a clerical error. The error occurred in publishing revisions to Part 157 in the December 13, 1976, issue of the **Federal Register** (41 FR 54180). In those revisions, the requirement in § 157.08(a)(2) was transferred to § 157.08(c) and the cross reference in §157.28 was inadvertently not changed at that time. The revision to § 157.28 in this document corrects that prior error.

21. *Section 157.37 (a) and (b).* Section 157.37 has been revised to incorporate various MARPOL provisions. Section 157.37(a)(5) (ii) and (iii) prescribe requirements for below the waterline discharges by gravity or through a part flow system. Section 157.37(a)(7) prohibits discharges in a "special areas" listed in the MARPOL Protocol, once the Protocol becomes effective. Section 157.37(b) has been revised to emphasize that residues of products with properties similar to asphalt must, like asphalt, be transferred to reception facilities.

22. *Section 157.37(d).* Three commenters recommended that the requirement in § 157.37(d) to retain cargo monitor discharge data on board for three years should be modified. One commenter recommended that discharge date be allowed to be kept ashore rather than on the vessel. Another recommended that the data be kept for only one year, and on shore rather than on the vessel. The third recommended that the data be kept on board for one year and then ashore for two additional years. The purpose of this requirement is to provide verification of compliance with § 157.37(a). The need for verification is substantially less after the first year. The MARPOL Protocol requires that the data be kept for three years. Accordingly, § 157.37(d) has been modified to require discharge data to be kept on board for one year, when the potential need for it is the greatest, and to permit the owner to maintain it either on board or ashore for the second and third years.

23. *Section 157.43.* No comments were received on section 157.43, as proposed in the NPRM. However, this section has been revised in the supplemental NPRM to incorporate MARPOL provisions and interpretations for discharging clean and segregated ballast.

Paperwork Reduction Act

24. In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96–511), the recordkeeping provision in proposed § 157.37(d) is being submitted for

approval to the Office of Management and Budget.

25. The list of index terms for 33 CFR Part 157 is provided as follows:

List of Subjects in 33 CFR Part 157

Cargo vessels, Oil pollution, Tank vessels, Water pollution control.

In consideration of the foregoing, the Coast Guard proposes to amend Part 157 of Title 33, Code of Federal Regulations, as set forth below.

Dated: December 8, 1982.

Clyde T. Lusk, Jr.,

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

PART 157—[AMENDED]

1. The authority citation for Part 157 is revised to read as follows:

Authority: Sec. 4, Pub. L. 96–478, 94 Stat. 2298 (33 U.S.C. 1903); Sec. 5, Pub. L. 95–474, 92 Stat. 1480 (46 U.S.C. 391a); 49 CFR 1.46.

2. By revising § 157.03 (e) and (hh) to read as follows:

§ 157.03 Definitions.

* * * * *

(e) "Clean ballast" means ballast which—

(1) If discharged from a vessel that is stationary into clean, calm water on a clear day, would not—

(i) Produce visible traces of oil on the surface of the water or on adjoining shore lines, or

(ii) Cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shore lines; or

(2) If verified by an approved cargo monitor and control system, has an oil content that does not exceed 15 p.p.m.

* * * * *

(hh) * * * This Protocol incorporates and modifies the International Convention for the Prevention of Pollution from Ships, 1973, done at London on November 2, 1973.

* * * * *

3. By revising the introductory text of § 157.08 and paragraphs (b) and (c) and by adding new § 157.08(i) to read as follows:

§ 157.08 Applicability of Subpart B.

This subpart applies to vessels under this part that are seagoing and of 150 gross tons or more, except as follows:

* * * * *

(b) Section 157.11, 157.12, 157.13, and 157.15 do not apply to a tank vessel that carries only asphalt, carbon black feed stock, or other products with similar physical properties, such as specific gravity and cohesive and adhesive characteristics, that inhibit effective product/water separation and monitoring.

(c) Sections 157.11, 157.12, 157.13, 157.15, and 157.23 do not apply to a tank barge that cannot ballast cargo tanks or wash cargo tanks while proceeding en route.

* * * * *

(i) Section 157.12 does not apply to a U.S. vessel that—

(1) Is granted an exemption under Subpart F of this part; or

(2) Is engaged solely in voyages that are—

(i) Between ports or places within the United States, its territories or possessions;

(ii) Of less than 72 hours in length; and

(iii) At all times within 50 nautical miles of the nearest land.

4. By revising § 157.11 (a), (b), and (c) to read as follows:

§ 157.11 Pumping, piping and discharge arrangements.

(a) Each tank vessel must have a fixed piping system for transferring cargo residues and other oily mixtures for cargo tanks to slop tanks and for discharging oily mixtures to the sea and to reception facilities. On a vessel that has two or more independent piping arrangements, the arrangements collectively form the fixed piping system required by this paragraph.

(b) Each fixed piping system required by paragraph (a) of this section must have—

(1) At least two manifolds on the weather deck for transferring oily mixtures to reception facilities, one of which is on the port side of the vessel and one of which is on the starboard side; and

(2) Except as provided in paragraph (c) of this section, at least one discharge point that—

(i) Is used for discharges to the sea;

(ii) Is on a port or starboard weather dock or on the vessel's side above the waterline of its deepest ballast condition; and

(iii) Has an automatic stop valve that is actuated by a cargo monitor signal, except that manual valves may be provided on existing vessels and on new vessels of less than 4,000 deadweight tons.

(c) An above waterline discharge point is not required on an existing vessel if its fixed piping system meets Paragraphs 3 and 4 of Appendix E to this part.

* * * * *

5. By adding a new § 157.12 to read as follows:

§ 157.12 Cargo monitor and control system.

(a) Each vessel must have, for each type of cargo oil that it carries, at least one cargo monitor that is designed for use with that oil.

(b) Each monitor installed on a U.S. vessel must be approved under 46 CFR 162.050. Each monitor installed on a foreign vessel must be approved—

(1) Under 46 CFR 162.050; or

(2) As meeting IMO Resolution A.393(X) by a country that has ratified the MARPOL Protocol.

(c) Each monitor must be installed in accordance with Paragraphs 4, 5, and 6 of Appendix F to this part and be fitted with the control system prescribed by paragraphs 6.1.4.2 through 6.1.4.5.5 of that appendix.

(d) Except as provided in paragraph (e), this section becomes effective—

(1) For new vessels, on October 2, 1983; and

(2) For existing vessels, October 2, 1986.

(e) An existing vessel that has dedicated clean ballast tanks to meet the requirements in § 157.10a or § 157.10b must comply with paragraphs (a) and (b) of this section not later than the date in paragraph (d)(2) of this section or the end of the vessel's first scheduled shipyard visit after October 2, 1983, whichever is earlier.

6. By revising the introductory text of § 157.13 and paragraph (a) to read as follows:

§ 157.13 Designated observation area.

Each new vessel must have a designated observation area on the weather deck or above that is—

(a) Located where the effluent from each discharge point and manifold described in § 157.11 can be visually observed; and

* * * * *

§ 157.19 [Amended]

7. By striking the term "$400\sqrt[3]{DWT}$" in § 157.19(b)(1) and replacing it with the term "$400\sqrt[3]{DWT}$".

8. By revising § 157.19(d) to read as follows:

§ 157.19 Cargo tank arrangement and size.

* * * * *

(d) If a line of piping that runs through a cargo tank in a position less than t_c from the vessel's side or less than v_s from the vessel's bottom as defined in Appendix A of this part, has a branch, that branch must have a stop valve—

(1) Within each cargo tank into which the branch opens; or

(2) Outside each tank into which the branch opens in a location that is

immediately adjacent to the point at which the branch enters the tank.

* * * * *

9. By revising § 157.25 to read as follows:

§ 157.25 Exceptions to applicability.

(a) Sections 157.29, 157.31, 157.37(a)(5), 157.37(a)(6) and 157.43 apply to foreign vessels when they discharge into the navigable waters of the United States.

(b) Sections 157.35, 157.37, except paragraphs (a)(5) and (a)(6), 157.39, 157.45, and 157.47 do not apply to foreign vessels.

§ 157.28 [Amended]

10. By striking the citation "157.08(a)(2)" in § 157.28 and replacing it with the citation "157.08(c)".

11. In § 157.37, by revising the introductory text of paragraph (a), (a)(5), the introductory text of paragraph (a)(6), paragraphs (a)(6)(iv), and (b), and by adding paragraphs (a)(7) and (c) through (e) to read as follows:

§ 157.37 Discharge of cargo residue.

(a) A tank vessel may not discharge an oily mixture into the sea from a cargo tank, slop tank, or cargo pump room bilge unless the vessel—

* * * * *

(5) Discharges—

(i) Through the above waterline discharge point described in § 157.11(b)(2);

(ii) In accordance with paragraph 5 of Appendix E to this part, if the vessel is an existing vessel with a part Flow System meeting that appendix; or

(iii) Below the waterline in accordance with paragraph (e) of this section;

(6) Has in operation a cargo monitor and associated equipment required by § 157.12 that is designed for use with the oily mixture being discharged, except that the system may be operated manually if—

(i) * * *

(ii) * * *

(iii) * * *

(iv) The system is operated manually only until the ballast voyage is completed; and

(7) Is outside the "Special Areas" defined in Regulation 1 (10) of Annex I to the MARPOL Protocol after October 2, 1983.

(b) A seagoing tank vessel of 150 gross tons or more that carries asphalt or other products whose physical properties inhibit effective product/water separation and monitoring must transfer all residues and tank washings from such cargoes to a reception facility.

(c) Each cargo monitor must be maintained and operated in accordance with its instructions manual.

(d) All discharge data recorded by a cargo monitor must be retained for at least three years. The data for the most recent year must be retained on board the vessel.

(e) Ballast containing an oily mixture may be discharged below the waterline at sea by gravity if—

(1) The ballast is not from a slop tank;

(2) Examination with an oil-water interface detector shows that oil-water separation has taken place; and

(3) The oil layer is high enough in the tank so that it will not be discharged.

12. By revising § 157.39(b) to read as follows:

§ 157.39 Machinery space bilges.

* * * * *

(b) Each tank vessel must comply with the requirements in Part 155 of this Chapter concerning the use of oil-water separating and monitoring equipment in discharging to the sea oily mixtures that are not combined with cargo residues.

13. By revising § 157.43, including the heading, to read as follows:

§ 157.43 Discharges of clean and segregated ballast: Seagoing tank vessels of 150 gross tons or more.

(a) Clean ballast may not be discharged overboard unless the discharge is verified as clean ballast through use of an approved cargo monitor or, if discharged before the required cargo monitor installation date, by visual examination of the ballast contents immediately before discharge. This paragraph applies to discharges of clean ballast—

(1) From dedicated clean ballast tanks; and

(2) Into the navigable waters of the United States from any other tank.

(b) Segregated ballast may not be discharged overboard unless a visual examination, or a test of the ballast contents with an oil/water interface detector, immediately before the discharge shows that there is no oil mixture in the ballast. Use of a cargo monitor is not required. This paragraph applies to discharges of segregated ballast—

(1) Into the navigable waters of the United States; and

(2) Below the waterline at sea from an existing vessel that does not have an above the waterline discharge point for segregated ballast.

(c) All discharges of clean ballast and segregated ballast must be through an above the waterline discharge point described in § 157.11(b)(2), except that:

(1) A vessel may discharge clean ballast and segregated ballast below the waterline when in port or at an offshore terminal.

(2) A vessel may discharge clean ballast and segregated ballast at sea by gravity below the waterline.

(3) An existing vessel that does not have above waterline discharge points for dedicated clean ballast tanks may discharge clean ballast from those tanks below the waterline at sea.

(4) An existing vessel that does not have above waterline discharge points for segregated ballast tanks may discharge segregated ballast below the waterline at sea.

(d) This section applies only to seagoing tank vessels of 150 gross tons or more.

14. By adding new Appendices E and F at the end of Part 157 to read as follows:

Appendix E

Source: Appendix 5 to Annex 3 of the International Maritime Organization's (IMO's) Marine Environment Protection Committee document MEPC XV/16. Paragraphs 1 and 2 are printed for information. Paragraphs 3, 4, and 5 are referenced in §§ 157.11 and 157.37.

Note.—Information in square brackets has been added by the Coast Guard for clarity.

Specifications for the Design, Installation and Operation of a Part Flow System for Control of Overboard Discharges

1. Purpose.

The purpose of these Specifications is to provide specific design criteria and installation and operational requirements for the part flow system referred to in Regulation 18(6)(e) of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 relating thereto.

2. Application.

2.1 Existing oil tankers may, in accordance with Regulation 18(6)(e) of Annex I of MARPOL 73/78, discharge dirty ballast water and oil contaminated water from cargo tank areas below the waterline, provided part of the flow is led through permanent piping to a readily accessible location on the upper deck or above where it may be visually observed during the discharge operation and provided that the arrangements comply with the Requirements established by the Administration and which shall at least contain all the provisions of these Specifications.

2.2 The part flow concept is based on the principle that the observation of a representative part flow of the overboard effluent is equivalent to observing the entire effluent stream. These specifications provide the details of the design installation, and operation of a part flow system.

3. General Provisions.

3.1 The part flow system shall be so fitted that it can effectively provide a representative sample of the overboard effluent for visual display under all normal operating conditions.

3.2 The part flow system is in many respects similar to the sampling system for an oil discharge monitoring and control system but shall have pumping and piping arrangements separate from such a system, or combined equivalent arrangements acceptable to the Administration.

3.3 The display of the part flow shall be arranged in a sheltered and readily accessible location on the upper deck or above, approved by the Administration (e.g. the entrance to the pump room). Regard should be given to effective communication between the location of the part flow display and the discharge control position.

3.4 Samples shall be taken from relevant sections of the overboard discharge piping and be passed to the display arrangement through a permanent piping system.

3.5 The part flow system shall include the following components:

.1 Sampling probes;

.2 Sample water piping system;

.3 Sample feed pump(s);

.4 Display arrangement;

.5 Sample discharge arrangement; and, subject to the diameter of the sample piping;

.6 Flushing arrangement.

3.6 The part flow system shall comply with the applicable safety requirements.

4. System Arrangement

4.1 Sampling points:

4.1.1 Sampling point locations:

.1 Sampling points shall be so located that relevant samples can be obtained of the effluent being discharged through outlets below the waterline which are being used for operational discharges.

.2 Sampling points shall as far as practicable be located in pipe sections where a turbulent flow is normally encountered.

.3 Sampling points shall as far as practicable be arranged in accessible locations in vertical sections of the discharge piping.

4.1.2 Sampling probes:

.1 Sampling probes shall be arranged to protude into the pipe a distance of about one-fourth of the pipe diameter.

.2 Sampling probes shall be arranged for easy withdrawal for cleaning.

.3 The part flow system shall have a stop valve fitted adjacent to each probe, except that where the probe is mounted in a cargo line, two stop valves shall be fitted in series, in the sample line.

.4 Sampling probes should be of corrosion resistant and oil resistant material, of adequate strength, properly jointed and supported.

.5 Sampling probes shall have a shape that is not prone to becoming clogged by particle contaminants and should not generate high hydrodynamic pressures at the sampling probe tip. Figure 1 is an example of one suitable shape of a sampling probe.

.6 Sampling probes shall have the same nominal bore as the sample piping.

4.2 Sample piping:

.1 The sample piping shall be arranged as straight as possible between the sampling points and the display arrangement. Sharp bends and pockets where settled oil or sediment may accumulate should be avoided.

.2 The sample piping shall be so arranged that sample water is conveyed to the display arrangement within 20 seconds. The flow velocity in the piping should not be less than 2 metres per second.

.3 The diameter of the piping shall not be less than 40 millimetres if no fixed flushing arrangement is provided and shall not be less than 25 millimetres if a pressurized flushing arrangement as detailed in paragraph 4.4 is installed.

.4 The sample piping should be of corrosion-resistant and oil-resistant material, of adequate strength, properly jointed and supported.

.5 Where several sampling points are installed the piping shall be connected to a valve chest at the suction side of the sample feed pump.

4.3 Sample feed pump:

.1 The sample feed pump capacity shall be suitable to allow the flow rate of the sample water to comply with 4.2.2.

4.4 Flushing arrangement:

.1 If the diameter of sample piping is less than 40 millimetres, a fixed connexion from a pressurized sea or fresh water piping system shall be installed to enable flushing of the sample piping system.

4.5 Display arrangement:

.1 The display arrangement shall consist of a display chamber provided with a sight glass. The chamber should be of a size that will allow a free fall stream of the sample water to be clearly visible over a length of at least 200 millimetres. The Administration may approve equivalent arrangements.

.2 The display arrangement shall incorporate valves and piping in order to allow a part of the sample water to bypass the display chamber to obtain a laminar flow for display in the chamber.

.3 The display arrangement shall be designed to be easily opened and cleaned.

.4 The internal of the display chamber shall be white except for the background wall which shall be so coloured in order to facilitate the observation of any change in the quality of the sample water.

.5 The lower part of the display chamber shall be shaped as a funnel for collection of the sample water.

.6 A test cock for taking a grab sample shall be provided in order that a sample of the water can be examined independent of that in the chamber.

.7 The display arrangement shall be adequately lighted to facilitate visual observation of the sample water.

4.6 Sample discharge arrangement:

.1 The sample water leaving the display chamber shall be routed to the sea or to a slop tank through piping of adequate diameter.

5. Operation.

5.1 When a discharge of dirty ballast water or other oil contaminated water from the cargo tank area is taking place through an outlet below the waterline, the part flow system shall provide sample water from the relevant discharge outlet at all times.

5.2 The sample water should be observed particularly during those phases of the discharge operation when the greatest possibility of oil contamination occurs. The discharge shall be stopped whenever any traces of oil are visible in the flow and when the oil content meter reading indicates oil content exceeds permissible limits.

5.3 On those systems that are fitted with flushing arrangement, the sample piping should be flushed after contamination has been observed and additionally it is recommended that the sample piping be flushed after each period of usage.

5.4 The ship's cargo and ballast handling manuals and, where applicable, those manuals required for crude oil washing systems or dedicated clean ballast tanks operation shall clearly describe the use of the part flow system in conjunction with the ballast discharge and the slop tank decanting procedures.

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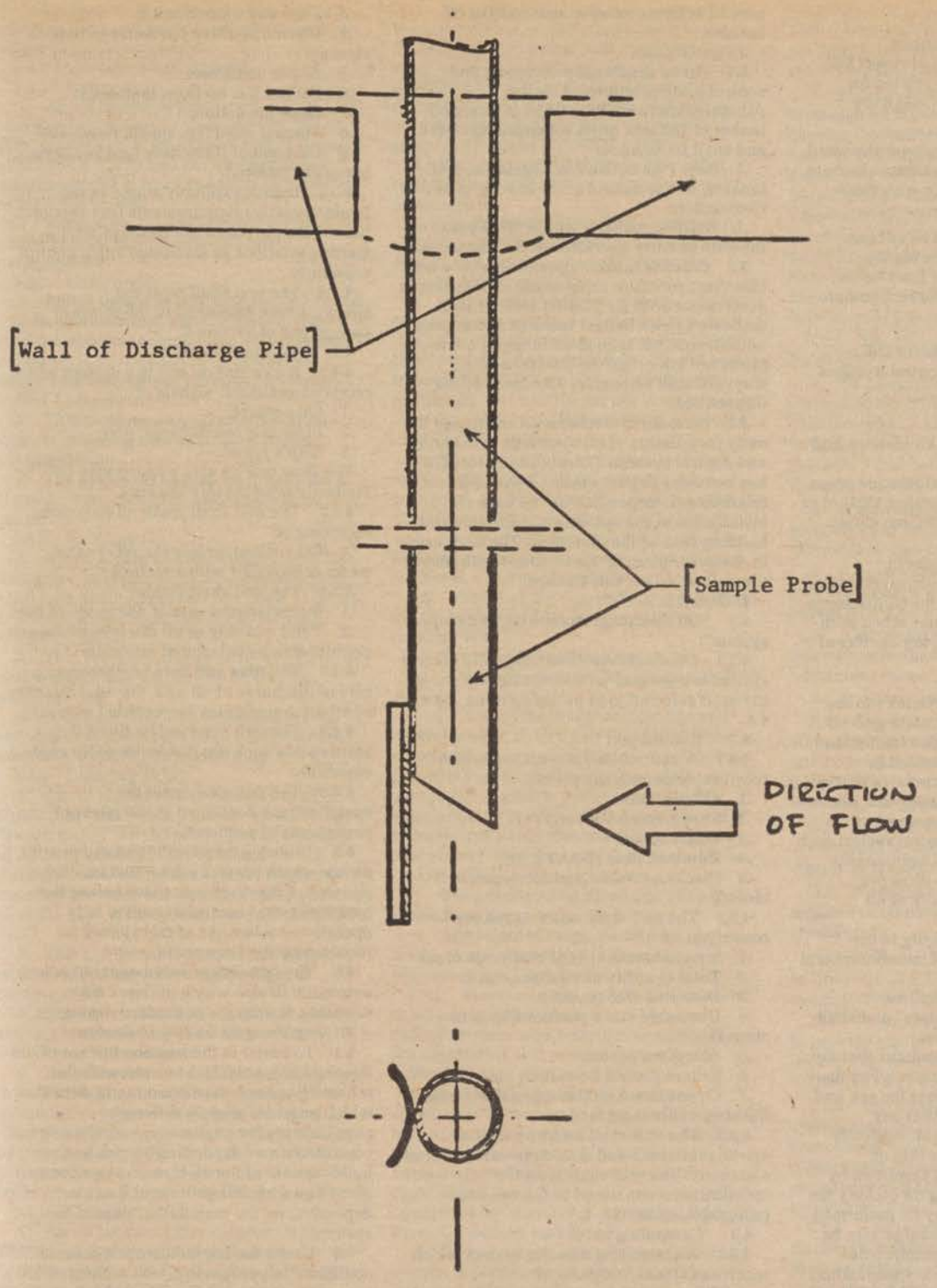


FIGURE 1

SAMPLING PROBE FOR A PART FLOW DISPLAY SYSTEM

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Appendix F

Source: International Maritime Organization (IMO) Resolution A.496(XII). Paragraphs 1, 2, 3, and 7 are printed for information. Paragraphs 4, 5, and 6 are referenced in §157.12.

Mandatory Language: Wherever the word "should" is used in this appendix, substitute the word "shall." Compliance with these provisions is mandatory.

Note: Numbered footnotes have been added by the Coast Guard for clarity. Footnotes in the original text have been inserted parenthetically in the text and are identified by an asterisk.

Guidelines and Specifications for Oil Discharge Monitoring and Control Systems for Tankers

1. *Purpose.*

1.1 The purpose of these Guidelines and Specifications is:

.1 To provide a uniformed interpretation of the requirements of Regulations 15(3)(a) of Annex I to the MARPOL 7378 Convention,[1] and

.2 To assist Administrations in determining appropriate design, construction and operational parameters for oil discharge monitoring and control systems when such systems are fitted in ships flying the flag of their State.

2. *Background.*

2.1 The requirements of Annex I to the MARPOL 73/78 Convention relating to oil content monitoring of oil tanker ballast and tank washing water are contained in Regulation 15(3)(a), which stipulates that oil tankers of 150 tons gross tonnage and above shall be equipped with an approved oil discharge monitoring and control system and that the system shall record continuously:

.1 The discharge of oil in litres per nautical mile and total quantity of oil discharge; or

.2 In lieu of the total quantity of oil discharged, the oil content of the effluent and rate of discharge.

In both cases the record shall be "identifiable as to time and date" and shall be kept for at least three years.

2.2 Regulation 15 also stipulates that the system shall come into operation when there is any discharge of effluent into the sea and shall be such as will ensure that any discharge of oily mixture is automatically stopped when the instaneous rate of discharge of oil exceeds that permitted by Regulation 9(1)(a). In existing oil tankers the stopping of the discharge may be performed manually and the rate of discharge may be estimated from the pump characteristics.

2.3 A test and performance specification for the basic oil content meter, indicating oil content in ppm, has been adopted by Resolution A.393(X).

2.4 Resolution A.445(XI) recognizes the need for early installation of oil discharge monitoring and control systems in order that operational experience can be gained. That resolution further invites the Marine Environmental Protection Committee (MEPC) to develop guidelines for the progressive installation of oil discharge monitoring and control systems for new and existing oil tankers.

3. *Application.*

3.1 An oil discharge monitoring and control system, approved by the Administration, shall be fitted in every oil tanker of 150 tons gross tonnage and above, and shall be fitted in:

.1 New (*as defined in Regulation 1(6))[2] tankers, on the date of entry into force of the Convention;

.2 Existing tankers, within three years of the date of entry into force of the Convention.

3.2 Existing tankers operating with a tank cleaning procedure using crude oil washing in accordance with Regulation 13(8) or with dedicated clean ballast tanks in accordance with Regulation 13(9) must fit an oil content meter not later than the first scheduled shipyard visit after entry into force of the Convention.

3.3 An incentive scheme to encourage the early installation of oil discharge monitoring and control systems (Resolution A.445(XI)) has been developed which allows different requirements depending on the date of installation of the systems and the size and building date of the oil tanker. The term used in the description of the various requirements are defined in section 4 below.

4. *Definitions.*

4.1 "Oil discharge monitoring and control system":

4.1.1 Oil discharge monitoring and control system is a general term covering any one of the units referred to in paragraphs 4.2, 4.3 and 4.4.

4.2 "Control unit":

4.2.1 A control unit is a system which receives automatic signals of:

.1 Oil content;
.2 Flow rate of discharge;
.3 Ship's speed;
.4 Date and time (G.M.T.); and
.5 Discharge valve position (open or closed).

4.2.2 The unit shall make automatic recordings of:

.1 Instantaneous rate of discharge of oil;
.2 Total quantity of oil discharged;
.3 Date and time (G.m.t.);
.4 Discharge valve position (open or closed);
.5 Alarm condition;
.6 Failure (i.e. no flow, fault etc.); and
.7 Override action (i.e. manual override, flushing, calibration etc.).

4.2.3 The unit shall be fitted with a starting interlock and discharge valve control capability. The unit shall meet the specifications contained in the relevant paragraphs of section 6.

4.3 "Computing unit":

4.3.1 A computing unit is a system which receives automatic signals of:

.1 Oil content;
.2 Date and time (G.m.t.);
.3 Discharge valve activation;
.4 Flow rate of discharge; and
.5 Ship's speed in knots.

The flow rate and ship's speed may be manually inserted into the unit.

4.3.2 The unit shall make automatic recordings of:

.1 Instantaneous rate of discharge of oil;
.2 Total quantity of oil discharged;
.3 Date and time (G.m.t.);
.4 Discharge valve position (open or closed);
.5 Alarm condition;
.6 Failure (i.e. no flow, fault etc.);
.7 Override action;
.8 Manual input (i.e. speed, flow); and
.9 Oil content if the flow rate has been manually inserted.

4.3.3 Unless explicitly stated in the Implementation Requirements (see section 5 below) the unit need not be fitted with a starting interlock or discharge valve control capability.

4.3.4 The unit shall meet the specifications contained in the relevant paragraphs of section 6.

4.4 "Calculating unit":

4.4.1 A calculating unit is a system which received automatic signals of:

.1 Oil content;
.2 Flow rate of discharge; and
.3 Ship's speed.

The flow rate an ship's speed may be manually inserted into the unit.

4.4.2 The unit shall make an automatic recording of:

.1 Oil content, unless the oil content meter is provided with a recorder.

4.4.3 The unit shall display:

.1 Instantaneous rate of discharge of oil;
.2 Total quantity of oil discharged, unless permitted to be calculated manually.

4.4.4 The time and date, instantaneous rate of discharge of oil and, the total quantity of oil discharged may be recorded manually.

4.4.5 The unit need not be fitted with a starting interlock nor discharge valve control capability.

4.4.6 The unit shall meet the specifications contained in the relevant paragraphs of section 6.

4.5 "Starting interlock" is an automatic device which prevents the initiation of the opening of the discharge valve before the monitoring and control system is fully operational when use of this system is required by the Convention.

4.6 The "discharge valve control" is an automatic device which initiates the sequence to stop the overboard discharge.

5. *Implementation Requirements.*

5.1 To assist in the implementation of Resolution A.445(XI), an implementation scheme has been developed by the MEPC which provides slightly different requirements for oil discharge monitoring and control systems depending on size and building date of the oil tanker. The scheme also allows for different requirements, depending on the installation date of the system.

5.2 Under the implementation scheme contained in paragraph 5.4 oil tankers of 150 tons gross tonnage and above have been arranged into five categories. Each category of oil tanker shall be fitted with an oil discharge monitoring and control system as set out below. The definitions given in section 4 should be consulted for a description of the different systems.

5.3 The implementation scheme set out in paragraph 5.4 give details, with reference to paragraph 4, of the minimum equipment required to comply with this scheme. Where

it is expedient to fit equipment of a higher category then required no objection shall be raised to this arrangement.

5.4 Implementation scheme:

5.4.1 Category I:

.1 An oil tanker of this category is of 4,000 tons deadweight and above and is a "new ship" as defined in Regulation 1(6) of Annex I of MARPOL 73/78 and the oil discharge monitoring and control system is installed on or after 1 June 1982.

.2 This category of ship shall be fitted with a control unit as defined under paragraph 4.2.

5.4.2 Category II:

.1 An oil tanker of this category is of 4,000 tons deadweight and above and is a "new ship" as defined in Regulation 1(6) of Annex I of MARPOL 73/78 and the oil discharge monitoring and control system is installed before 1 June 1982.

.2 This category of ship shall be fitted with a computing unit as defined under paragraph 4.3.

.3 The system shall also be fitted with a starting interlock and a discharge valve control.

5.4.3 Category III:

.1 An oil tanker of this category is of 150 tons gross tonnage and above, but less than 4,000 tons deadweight and is a "new ship" as defined in Regulation 1(6) of Annex I of MARPOL 73/78.

.2 This category of ship shall be fitted with a computing unit as defined under paragraph 4.3.

.3 No automatic devices are required to activate overboard discharge valve closure, neither is a starting interlock required.

5.4.4 Category IV(a):

.1 An oil tanker of this category is of 20,000 tons deadweight and above and is an "existing ship" as defined in Regulation 1(7) of Annex I of MARPOL 73/78 and the oil discharge monitoring and control system is installed between one year and three years after the date of entry into force of MARPOL 73/78.

.2 This category of ship shall be fitted with a computing unit as defined under paragraph 4.3.

.3 The system shall also be fitted with a starting interlock, but need not be fitted with a discharge valve control.

.4 For oil tankers within this category up to and including 100,000 tons deadweight, where the overboard discharge has local manual control or where control is provided by means of extension rods, Administrations may grant waivers or exemptions from the requirement to fit a starting interlock system.[3]

5.4.5 Category IV(b):

.1 An oil tanker of this category is of 20,000 tons deadweight and above and is an "existing ship" as defined in Regulation 1(7) of Annex I of MARPOL 73/78 and the oil discharge monitoring and control system is installed not later than one year after the date of entry into force of MARPOL 73/78.

.2 This category of ship shall be fitted with a computing unit as defined under paragraph 4.3.

.3 No automatic devices are required to activate overboard discharge valve closure, neither is a starting interlock required.

5.4.6 Category V(a):

.1 An oil tanker of this category is of 150 tons gross tonnage and above but less than 20,000 tons deadweight and is an "existing ship" as defined in Regulation 1(7) of Annex I of MARPOL 73/78 and the oil discharge monitoring and control system is installed between one year and three years after the entry into force of MARPOL 73/78.

.2 This category of ship shall be fitted with a calculating unit as defined under paragraph 4.4.

.3 No automatic devices are required to activate overboard discharge valve closure, neither is a starting interlock required.

5.4.7 Category V(b):

.1 An oil tanker of this category is of 150 tons gross tonnage and above but less than 20,000 tons deadweight and is an "existing ship" as defined in Regulation 1(7) of Annex I to MARPOL 73/78 and the oil discharge monitoring and control system is installed not later than one year after the entry into force of MARPOL 73/78.

.2 This category of ship shall be fitted with a calculating unit as defined under paragraph 4.4. However, the total quantity of oil discharged may be computed manually.

.3 No automatic devices are required to activate overboard discharge valve closure, neither is a starting interlock required.

5.5 Shown at the Appendix is a summary, in tabular form, of the implementation requirements.[4]

6. *Technical Specifications.*

6.1 Oil discharge monitoring and control system:

6.1.1 The oil discharge monitoring and control system shall be so fitted that it can effectively monitor and control the discharge of any effluent into the sea through those overboard discharge outlets permitted by Regulation 18(2) which in the opinion of the Administration are necessary for fulfill the operational requirements of the tanker.[5] The system should additional cover:

.1 The gravitational discharge of ballast water from cargo tanks; and

.2 The midship cargo manifold arrangement when used to meet the requirements of Regulation 18.

6.1.2 The discharge of dirty ballast water or oil contaminated water into the sea through outlets which are not controlled by the monitoring and control system is an infringement of the Convention.[6]

6.1.3 The system should function effectively, according to the criteria shown below, under all environmental conditions which vessels are normally assumed to encounter, and shall be designed and constructed to withstand the environmental conditions as specified in paragraph 6.1.6 of these Guidelines and Specifications:

.1 Except where manual operation of the system is permitted the system shall be so designed that no ballast discharge can take place unless the monitor is in the normal operating mode and the relevant sampling point has been connected to the monitor.

.2 Preferably the system should have a minimum number of discharge outlets and sampling points so arranged that discharge can take place via only one sampling point at a time.

.3 Where it is intended that more than one line is used for simultaneous discharge purposes, one oil content meter,[7] together with a flow meter, shall be installed per discharge line. These instruments shall be connected to a common processing unit.

.4 In order to avoid alarms due to short term high oil concentration signals (spikes) causing indications of high instantaneous rates of dischange, the short term high ppm signal may be suppressed for a maximum of 10 seconds by employing a delay relay. Alternatively, the instantaneous rate of discharge may be the average during the preceding 20 seconds or less as computed from instantaneous ppm values produced by the oil content meter with intervals of a maximum of 5 seconds.

6.1.4 The system should comprise the following:

.1 An oil content meter to measure the oil content of the effluent in parts per million. This meter shall be approved in accordance with the provisions contained in resolution A.393(X) [8] and certified to take into account the range of cargoes carried;

.2 A flow rate system to indicate the quantity of effluent being discharged in a unit of time (see also paragraphs 6.3.7 and 6.3.8);

.3 A vessel speed indicating device; to give the vessel's speed in knots (see also paragraphs 6.4.2 and 6.4.3);

.4 A sampling system to convey a representative sample of the effluent to the oil content meter;

.5 A control section which includes:

.5.1 A processor, which accepts signals of oil content, flow rate and the vessel's speed and converts them into litres per nautical mile and the total quantity of oil discharged (see also paragraph 6.5.3);

.5.2 A transmitting device to provide alarms and, where required, command signals to the discharge control arrangement;

.5.3 A recording device to provide, where required, a continuous record of the effluent discharged;

.5.4 A manual override system to be used in the event of failure of the monitoring and control system; and

.5.5 Where required a transmitting device to provide signals to a starting interlock preventing the discharge of effluent before the oil content meter is fully operative.

6.1.5 The electrical components of the system installed in a hazardous area of a vessel shall meet the appropriate safety requirements (*As contained in the provisions of IEC Publication 92 or its equivalent.) [9] provided for these areas.

6.1.6 The control section of an oil discharge monitoring and control system shall be capable of operating satisfactorily under the following environmental conditions:

.1 *Ambient air temperature:* 0°C to 55°C in enclosed spaces; −25°C to 55°C on open decks

.2 *Vibration:* 2.0 Hz to 13.2 Hz, with displacement amplitude of ±1.0 mm 13.2 Hz to 80.0 Hz, with an acceleration amplitude of ±0.7g

.3 *Voltage variations for alternating current:* permanent variation of ±10%

.4 *Inclination:* inclination at angles of up to 22.5° in any place from the normal operational position

6.2 Sampling system:

6.2.1 Sampling points should be so located that relevant samples can be obtained from those outlets that are used for operational discharges in accordance with paragraph 6.1.1. the sampling probes located in the overboard discharge lines and the piping system connecting the sampling probes to the oil content meter should meet the following requirements:

.1 The piping and probes shall be of corrosion-resistant and oil-resistant material, of adequate strength, properly jointed and supported;

.2 The system shall have a stop valve fitted adjacent to each probe, except that where the probe is mounted in a cargo line, e.g. to the midship cargo manifold arrangement, two stop valves shall be fitted, in series, in the sample line;

.3 Sampling probes should be arranged for easy withdrawal and should as far as practicable be mounted at an accessible location in a vertical section of the discharge line. If a sampling point has to be made in a horizontal section then suitable arrangements should be made to obtain representative samples. Sampling probes should normally penetrate inside the discharge pipe to a distance of one quarter the diameter of that pipe;

.4 Means shall be provided for cleaning the probes and piping system by the provision of permanent clean water flushing arrangements or some other equivalent method, especially in the case of probes mounted in a cargo line. The design of the probes and piping should be such as to minimize their clogging by oil, oily residue and other matter;

.5 The velocity of the fluid in the piping shall be such that, taking into consideration the length of the piping, the overall response time should be as short as possible between an alteration in the mixture being pumped and the alteration in the meter reading and in any case not more than 40 seconds;

.6 The location of sampling probes in relation to any point of flow diversion to a slop tank shall be selected with regard to the need for sampling the oily water the recirculation mode;

.7 The arrangements for driving the sampling pump or any other pumps such as those provided for washing windows shall have regard to the safety requirements of the space in which the pump is located;

.8 The flushing arrangements should be such that where necessary they can be utilized for stabilizing the oil content meter and for correcting zero setting;

.9 Sample water when returned to the slop tank shall be allowed to free fall into the tank.

6.3 Flow rate indicating system:

6.3.1 A flow meter for measuring the rate of discharge should be installed in a vertical section of a discharge line or in any other section of discharge line as appropriate, so as to be always filled with the liquid.

6.3.2 A flow meter should employ an operating principle which is suitable for shipboard use and, where relevant, can be used in large diameter pipes.

6.3.3 A flow meter should be suitable for the full range of flow rates that may be encountered during normal operation. Alternatively, arrangements such as the use of two flow meters of different ranges or a restriction of the operational flow rate range may be necessary to meet this requirement.

6.3.4 The flow meter, as installed, should have an accuracy of ±15 per cent, or better, of the instantaneous rate throughout the operating range.

6.3.5 Any component part of the flow meter in contact with the effluent discharge including associated piping, if fitted, shall be of corrosion-resistant and oil-resistant material of adequate strength.

6.3.6 The design of the flow metering arrangements shall have regard to the safety requirements of the space in which such metering arrangements are located.

6.3.7 In ships fitted with a computing unit the flow rate may be determined from the pump characteristics and the data manually inserted into the unit.

6.3.8 In ships fitted with a calculating unit the flow rate may be manually inserted into the unit. The flow rate is to be estimated from the best available source e.g. pump characteristics, speed of pump(s), ullages or knowledge of pumping rates for particular tanks on the ship.

6.3.9 In oil tankers where the gravitational discharges of ballast water from the cargo tanks is an established practice, in accordance with Regulation 18(6)(d), means, such as calibration curves, shall be provided to estimate the flow rate of discharge.

6.4 Vessel's speed indicating system:

6.4.1 The automatic speed signal required for the control unit shall be obtained from the vessel's speed indicating device (*See "Recommendation on Performance Standards for Devices to Indicate Speed and Distance (Annex to Resolution A.478(XII)).) by means of a repeater signal. This information shall be readily available in a form that can be accepted by a processor. The speed information used may be either speed over the ground or speed through the water depending upon the speed measuring equipment installed on board.

6.4.2 In ships where a computing unit is required the vessel's speed may be manually inserted into the unit. This data shall be obtained from the ship's log or from an indicating device which transmits signals which need not be in a form which can be accepted by a computer system.

6.4.3 The vessel's speed on ships required to install a calculating unit may be obtained from the ship's log or from the navigation charts and shall be estimated from the most reliable source.

6.5 Processor and transmitting device:

6.5.1 The processor should receive, at time intervals not exceeding 5 seconds, signals from the oil content meter, the flow rate measuring system, and the vessel's speed indicator and automatically compute the following:

.1 Instantaneous rate of discharge of oil in litres per nautical mile; and

.2 Total quantity of oil discharged per voyage in cubic meters or litres.

6.5.2 When the calculations of the processor exceed the limits imposed by Regulation 9(1) (iv) and (v) [10] the transmitting device will provide alarms and, in new ships, it will also provide command signals to the discharge valve control which will cause the discharge of effluent into the sea to stop.

6.5.3 In existing ships fitted with a calculating unit where the unit is installed early, the total quantity of oil discharged may be computed manually.

6.6 Recording devices:

6.6.1 Control Unit:

.1 The recording device for a control unit should include a digital printer or an analogue recorder or the combination of both or a recorded visible display. The record shall be identifiable as to the time and date and shall be kept for at least three years. [11]

.2 The data to be automatically recorded shall include at least the following items:

.2.1 Instantaneous rate of discharge of oil (litres per nautical mile);

.2.2 The total quantity of oil discharged (litres);

.2.3 Time and date (G.M.T.);

.2.4 The discharge valve position (open or closed);

.2.5 Alarm condition;

.2.6 Failure (i.e. no flow, fault, etc.); and

.2.7 Override action (i.e. manual override, flushing, calibrating, etc.).

6.6.2 Computing Unit:

.1 The recording device for a computing unit should include a digital printer or an analogue recorder or the combination of both or a recorded visible display. The record shall be identifiable as to the time and date and shall be kept for at least three years. [11] Manual input information should be identifiable on the record.

.2 The data to be automatically recorded shall include at least the following items:

.2.1 Instantaneous rate of discharge of oil (litres per nautical mile);

.2.2 The total quantity of oil discharged (litres);

.2.3 Time and date (G.M.T.);

.2.4 Manual input information;

.2.5 The valve position (open or closed);

.2.6 Alarm condition;

.2.7 Failure (i.e. no flow, fault, etc.);

.2.8 Override action (i.e. manual override, flushing, calibration, etc.); and

.2.9 Oil content if flow rated is manually inserted.

6.6.3 Calculating unit:

.1 An automatic recording device is not required for a calculating unit, but, where fitted, the recording device should include a digital printer or an analogue recorder or the combination of both or a recorded acceptable visible display. The record shall be identifiable as to time and date, which may be entered manually, and shall be kept for at least three years. [11]

.2 The data to be automatically recorded on the above-mentioned recording device shall include at least the following item:

Oil content in ppm, unless the oil content meter is provided with a recorder.

6.6.4 Recording for digital printers:

Occasions of recordings. Data required in paragraphs 6.6.1.2, 6.6.2.2, and 6.6.3.2 of these Specifications shall be printed out with the following minimum frequency:

.1 When the discharge is started;

.2 When the discharge is stopped;
.3 At intervals of not more than 10 minutes;
.4 When an alarm condition is developed;
.5 When normal conditions are restored;
.6 At the change of valve order or valve position;
.7 When introducing input data;
.8 Whenever the computed rate of discharge varies by 10 litres/nautical mile, unless an equivalent trend-indicating arrangement is provided;
.9 When selecting zero setting or calibration mode; and
.10 On manual command.

6.6.5 Recording for analogue recorders:

Data required in paragraphs 6.6.1.2, 6.6.2.2 and 6.6.3.2 of these Specifications should be continuously recorded in such a way as would satisfy the following requirements:

.1 The chart speed should be indicated. If the speed is controllable, the recorder shall be provided with a marker to identify the speed of the chart paper; and

.2 Means shall be provided to enable the chart paper to be interpreted as to time, date and readings after it has been removed from the recorder.

6.7 Data display:

6.7.1 The current data shall be visibly displayed.

6.7.2 The recording device and the data display should be located in a position easily accessible to the person in charge of the operation of discharging the effluent overboard.

6.8 Manually operated alternatives:

6.8.1 The alternative means and information for use in case of any one failure in the system should be as follows:

.1 Oil content meter: visual observation of the surface of the water; [12]

.2 Sampling pump: visual observation of the surface of the water;

.3 Flow meter: pump characteristics, etc.;

.4 Vessel's speed indicating device: main engine R.P.M., etc.;

.5 Processor: manual calculation and manual recording; and

.6 Discharge valve control: manual operation of pumps and valves.

6.9 Alarm conditions resulting in the stopping of discharge:

6.9.1 Audio-visual alarms shall be initiated for any of the following conditions:

.1 Whenever the instantaneous rate of discharge of oil exceeds 60 litres per nautical mile;

.2 When the total quantity of oil discharged reaches the allowable limit prescribed by the provisions of the relevant regulations;

.3 Failure of the system's operation, such as:

.3.1 Power failure;

.3.2 Loss of sample;

.3.3 Failure of the measuring or recording system; or

.3.4 When the input signal of the sensors exceeds the effective capacity of the system.

6.10 Location of alarm indicator:

6.10.1 The alarm indicator of the system shall be installed in the cargo control room where provided and/or other places where it will attract immediate attention and action.

7. Equipment, Operation and Maintenance Manuals.

7.1 Adminstrations shall ensure that approved equipment, operational and/or maintenance manuals for the various items comprising the oil discharge monitoring and control systems are on board the vessel. These manuals shall cover the oil content meter, control, computing or calculating unit, flow meter and ship's speed indicator, where required.

Footnotes

(Added by the U.S. Coast Guard for clarity.)

[1] The "MARPOL 73/78 Convention" is referred to as the MARPOL Protocol" in 33 CFR, Part 157.

[2] Also defined in § 157.03(i).

[3] The Coast Guard has determined that a starting interlock system is not required on Category IV(a) vessels that are 100,000 DWT or less.

[4] The Coast Guard is not publishing this Appendix.

[5] Section 157.11(b)(2) requires at least one discharge point.

[6] Section 157.37(a) requires all overboard discharges of oily mixtures to be monitored.

[7] The "oil content meter" is referred to as a "cargo monitor" in 33 CFR Part 157 and 46 CFR Subpart 162.050.

[8] Approval under 46 CFR Subpart 162.050 constitutes compliance with this resolution. Section 157.12(b) requires that monitors installed on U.S. vessels must be approved under 46 CFR Subpart 162.050.

[9] U.S. vessels are required to meet 46 CFR Parts 110–113, Electrical Engineering Regulations, which also constitutes compliance with IEC Publication 92.

[10] Sections 157.37(a)(3) and (4) impose the same limits. These limits relate to instantaneous rate and total quantity of oil discharged.

[11] Section 157.37(d) also requires that discharge data be kept for three years.

[12] Section 157.37(a)(6) also requires visual observation of the discharge if the system fails.

[FR Doc. 82-34219 Filed 12-17-82; 8:45 am]
BILLING CODE 4910-14-M

federal register

Monday
December 20, 1982

Part III

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Surface Coal Mining and Reclamation; Permanent Program; Federal Lands; State-Federal Cooperative Agreements; New Mexico

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 931

Surface Coal Mining and Reclamation; Permanent Program; Federal Lands; State-Federal Cooperative Agreements; New Mexico

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule.

SUMMARY: This final rule completes the administrative process for the adoption of a cooperative agreement between the Department of the Interior and the State of New Mexico for the regulation of surface coal mining and reclamation operations on Federal lands in New Mexico under the permanent regulatory program. Such a cooperative agreement is provided for by section 523(c) of the Surface Mining Control and Reclamation Act of 1977.

EFFECTIVE DATE: December 20, 1982.

ADDRESSES: Copies of the request by the State of New Mexico for the permanent program cooperative agreement, related information required under 30 CFR Part 745, and the complete administrative record of this rulemaking are available for public inspection Monday through Friday, 8:30 a.m. to 5:00 p.m., excluding holidays, at the following address: Administrative Record R&I–06, Office of Surface Mining, Room 5315, 1100 L Street, NW., Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: Andrew F. DeVito, Office of Surface Mining, South Interior Building, 1951 Constitution Avenue, NW., Washington, D.C. 20240, Phone: (202) 343–5866.

SUPPLEMENTARY INFORMATION: This preamble is divided into five parts in order to assist understanding of the process by which the Secretary decided to enter into a permanent program cooperative agreement with the Governor of the State of New Mexico. The notice is divided as follows:

I. Background.
II. Director's findings.
III. Approval of the cooperative agreement.
IV. Summary of the cooperative agreement and disposition of comments.
V. Procedural matters.

I. Background

A. The State of New Mexico's request

The purpose of this final rulemaking is to adopt a permanent program cooperative agreement between the Department of the Interior and the State of New Mexico which will give New Mexico primacy in the administration of its approved permanent regulatory program on Federal lands in New Mexico. The State of New Mexico requested the cooperative agreement on February 9, 1981. Section 523(c) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act), 30 U.S.C. 1201 *et seq.*, allows the State and the Secretary to enter into a permanent program cooperative agreement if the State has, as New Mexico does, an approved State program for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands. See 45 FR 86459, December 31, 1980.

Permanent program cooperative agreements are authorized by the first sentence of section 523(c) of the Act which provides that "[a]ny State *with an approved State program* may elect to enter into a cooperative agreement with the Secretary to provide for State regulation of surface coal mining and reclamation operations on Federal lands within the State, provided the Secretary determines in writing that such State has the necessary personnel and funding to fully implement such a cooperative agreement in accordance with the provisions of this Act." 30 U.S.C. 1273(c) (emphasis added). The procedures for States to elect to enter into permanent program cooperative agreements are found in 30 CFR Part 745.

The Secretary's regulations at 30 CFR 745.11(b) (1) through (8) require that certain information be submitted with a request for a permanent program cooperative agreement, if the information has not previously been submitted in the State program. The State of New Mexico submitted part of the supporting information required by 30 CFR 745.11(b) on May 13, 1981. The rest of the information relating to the budget, staffing, organization and duties of the State regulatory authority (the New Mexico Mining and Minerals Division (Mining and Minerals)), was listed as appearing in New Mexico's Proposed Permanent Coal Program Text. See 30 CFR 745.11(b) (1), (2), (3), (4), (5) and (6). In addition the State submitted a written certification from the General Counsel of the Mining and Minerals Division that no State statutory, regulatory or other legal constraint exists which would limit the capability of the State of New Mexico to fully comply with section 523(c) of the Act, as implemented by 30 CFR 745. See 30 CFR 745.11(b)(8).

B. Federal Rulemaking

On June 1, 1982, the Office of Surface Mining (OSM) published a notice of proposed rulemaking and public hearing (47 FR 23898) on the proposed cooperative agreement. A public hearing was held on July 20, 1982, in Santa Fe, New Mexico. Final revisions of the text based on comments received at the public hearing and on written comments received during the public comment period are discussed in Part IV, Summary of the Cooperative Agreement and Disposition of Comments.

II. Director's Findings

Under 30 CFR 745.11(f), the Director, OSM, must make the following three findings before recommending to the Secretary that the Department of the Interior enter into a cooperative agreement with a State.

Finding No. 1: The Director finds that the State of New Mexico has an approved State program which was conditionally approved by the Deputy Assistant Secretary for Energy and Minerals, on December 24, 1980. It became effective upon publication in the **Federal Register** on December 31, 1980, 45 FR 86459.

Finding No. 2: The Director finds that the State regulatory authority has sufficient budget, equipment and personnel to enforce fully the State's statutes and regulations for the regulation of surface coal mining and reclamation operations on Federal lands in New Mexico. The Director makes this finding based on information obtained in the processing of grants to the State of New Mexico.

Finding No. 3: The Director finds that the State of New Mexico has the legal authority to administer the cooperative agreement. This finding was made based on written certification from the General Counsel of the Mining and Minerals Division and conditional approval of the State's permanent regulatory program.

These findings were reported to the Secretary in a decision memorandum dated November 24, 1982, in which the Director, OSM, recommended approval of the cooperative agreement.

III. Approval of the Cooperative Agreement

Based upon the conditional approval of the New Mexico State program, the administrative record of this rulemaking, including written and oral comments and the public hearing, and the findings and recommendations of the Director, OSM, the Secretary decided to approve a permanent program cooperative agreement for the State of New Mexico. The cooperative agreement was signed on November 24, 1982, by the Secretary of the Interior and on December 7, 1982, by the Governor of the State of New Mexico. By its terms, the agreement

becomes effective upon publication as final rulemaking in the **Federal Register.**

IV. Summary of the Agreement and Disposition of Comments

Each article of the cooperative agreement is summarized below, along with the Department's disposition of any comments received. Unless indicated otherwise, the text is the same as that in the proposed rule except for minor editorial changes.

Article I: Introduction and Purpose

This Article sets forth the legal authority for the cooperative agreement which is contained in section 523 of the Act. The purposes of the cooperative agreement are also listed. No comments were received on this Article.

Article II: Effective Date

This Article provides that the cooperative agreement is effective following signing by the Secretary and the Governor, and upon publication as a final rule in the **Federal Register.** It will remain in effect until terminated as provided in Article XII. No comments were received concerning this Article.

In processing cooperative agreements with other States, OSM has been asked to clarify how pending permit applications will be processed on the date the cooperative agreement becomes effective. OSM has considered the matter and has concluded that the best solution is to have authority to process permit applications pass to the State on the effective date of the cooperative agreement. OSM will continue to assist in the processing of applications filed prior to the effective date of the cooperative agreement. This will allow for an orderly transition, assuring efficiency and economy in processing applications. The level of assistance necessary will be determined by the State and OSM.

Article III: Scope

Article III provides that the laws, regulations, terms and conditions of New Mexico's State program are applicable to Federal lands in New Mexico except as otherwise stated in the cooperative agreement, the Act, 30 CFR 745.13, or other applicable Federal laws. The effect of this provision is to adopt the New Mexico State program as substantive Federal law on Federal lands, enforceable by the State and the United States. This provision also specifically implements section 523(a) of the Act, which provides that "[w]here Federal lands in a State with an approved State program are involved, the Federal Lands Program shall, at a minimum, include the requirements of the approved State program." 30 U.S.C. 1273(a). Expressly excluded from the scope of the cooperative agreement are the authorities and responsibilities reserved for the Secretary pursuant to the Act and 30 CFR 745.13.

No comments were received concerning this Article. However, clarifying language has been added to Article III, paragraph 4, which specifies that appealable decisions and orders issued by Mining and Minerals are to be appealed to the State reviewing authority, which is the Coal Surface Mining Commission. Decisions and orders issued by non-secretarial officials of the Department are still appealable to the Department's Office of Hearing and Appeals.

Article IV: Responsibilities

This Article specifies that the responsible agency in the State of New Mexico for purposes of administering this cooperative agreement is the Mining and Minerals Division (Mining and Minerals), which has and must continue to have authority under State law to carry out this cooperative agreement.

This Article obligates the State to have the personnel necessary to implement the provisions of the cooperative agreement. It also specifies that the State will assume primary responsibility for the review and analysis of permit applications and applications for permit revisions or renewals. The term "permit application package," used throughout the cooperative agreement beginning in Article IV, is a new term. It constitutes the proposal to conduct surface coal mining and reclamation operations on Federal lands, including an application for a permit, permit revision or permit renewal, all the information required by the Act, 30 CFR Chapter VII, Subchapter D, the applicable State program, this cooperative agreement and all other applicable laws and regulations, including, with respect to leased Federal coal, the Mineral Leasing Act of 1920 (MLA), which is implemented by the 30 CFR 211 regulations of the Minerals Management Service (MMS). See the proposed Federal lands regulations published on June 9, 1982, for further explanation. 47 FR 25092.

At the public hearing held on July 20, 1982, clarification was requested concerning the sentence in paragraph 6 of this Article which states that "the State shall have the necessary personnel to fully implement this Agreement in accordance with the provisions of the Federal Act and the Program." This sentence was added to the cooperative agreement in order to comply with section 523(c) of the Federal Act. Section 523(c) requires that the Secretary determine in writing that the State has the necessary personnel and funding to fully implement a cooperative agreement in accordance with the provisions of the Act before entering into a cooperative agreement with the State. By signing the cooperative agreement the Secretary is agreeing to fund the State for the work that is contemplated by the cooperative agreement. This constitutes knowledge by the Secretary of sufficient funding and personnel as required by section 523 of the Act.

Article V: Funding

Article V provides that the State may be reimbursed pursuant to section 705(c) of the Act if the cooperative agreement has been implemented and if necessary funds have been appropriated to OSM by Congress. Section 705(c) of the Act provides that a State with a cooperative agreement may receive an increase in its annual grant for the development, administration and enforcement of a State program on Federal lands by an amount which the Secretary determines is approximately equal to the amount the Federal government would have expended to regulate surface coal mining and reclamation operations on the Federal lands within the State. See 30 U.S.C. 1295(c). The reference in section 705(c) to section 523(d) is obviously a typographical error. The correct reference is section 523(c). The regulations implementing section 705(c) appear at 30 CFR 735.16 through 735.26. If adequate funds have not been appropriated, OSM and Mining and Minerals will meet to decide on appropriate measures to insure that mining operations are regulated in accordance with the State program. Funds provided to the State are to be adjusted in accordance with Office of Management and Budget (OMB) Circular A–102 (Uniform Requirements For Assistance To State And Local Governments), Attachment E (Program Income). No comments were received on this Article.

Article VI: Reports, Fees and Equipment

The Article deals with reports, permit application fees, and the availability of equipment and laboratories. The proposed provisions are short and self-explanatory.

One comment was received concerning the submission of reports. The commenter suggested that where Article VI, paragraph 8, requires that Mining and Minerals make annual reports to OSM concerning its

compliance with the terms of the cooperative agreement, the phrase, " * * * and the surface managing agency" be added. Mining and Minerals would then be required to submit the annual report to the surface managing agency in addition to submitting it to OSM. OSM declined to adopt the suggestion because it would result in Mining and Minerals having to send duplicate reports to Federal agencies. OSM will, instead, send a copy of the report to the surface managing agency as appropriate.

Article VII: Permit Application Package

Under this Article, an operator on Federal lands will be required by Mining and Minerals and the Director of OSM to submit a permit application package or application for a permit revision or renewal in an appropriate number of copies to Mining and Minerals. The permit application package or application for a permit revision or renewal is to be in the form required by Mining and Minerals and contain any supplemental information which may be required by the Department of the Interior. At a minimum, the permit application package or application for a permit revision or renewal must include the information necessary for Mining and Minerals and the Department to make a determination of compliance with the State program, applicable terms and conditions of the Federal coal lease, if any, and applicable requirements of other Federal laws and regulations.

Article VII also describes the procedures for the cooperative review and analysis of permit applications or applications for permit revisions or renewals on Federal land. The cooperative agreement identifies Mining and Minerals as having the primary responsibility for the analysis and review of the permit application or application for a permit revision or renewal. OSM will assist the State in carrying out the State's analysis and review. However, this does not preclude an independent determination by the Department of the Interior with respect to those statutory requirements and decisions which the Secretary cannot delegate to the State. In assuming primary responsibility for review and analysis of a permit application or application for a permit revision or renewal, Mining and Minerals will also be the primary point of contact for operators on behalf of both the State and the Department. All joint State-Federal determinations are to be channeled to the operator through Mining and Minerals. However, the Secretary may contact the operator independently of the State to carry out his statutory responsibilities. Copies of any correspondence with the applicant as well as any information OSM receives from an applicant will be provided to Mining and Minerals.

In addition, this Article refers to Appendix B, which appears at the end of the rule. The exact procedures to be followed in processing the permit application package or application for a permit revision or renewal are listed in Appendix B. Because these procedures are an extension of the review provisions of Article VII, they are summarized here with the provisions of Article VII. Comments received on Appendix B will also be discussed here.

A. Mining and Minerals will be the primary point of contact and will coordinate communications with the applicant. Mining and Minerals will receive the permit application package or the application for a permit revision or renewal in an appropriate number of copies. Mining and Minerals will be required to transmit an appropriate number of copies to the Federal land management agency (FLMA), OSM, MMS and other appropriate Federal agencies specified by the Secretary for their review. It should be noted that this cooperative agreement cannot and does not purport to bind Federal agencies outside of the Department of the Interior such as the Forest Service. The Department is presently preparing a memorandum of understanding with the Forest Service which will deal with review procedures under the cooperative agreement. Mining and Minerals will coordinate with all appropriate Federal agencies to ensure timely funneling of analyses and conclusions.

Mining and Minerals will determine the completeness of the permit application package or application for a permit revision or renewal, coordinate the technical review of the application by Federal agencies to ensure timely funneling of analyses and conclusions, help OSM develop the decision document, and issue the permit, permit revision, or permit renewal for surface coal mining and reclamation operations. The Secretary will review and approve the elements of the permit application package relating to the MLA and other requirements of the permit application package, such as cultural resources and post-mining land use, which are required by Federal law and the responsibility for which cannot be delegated to the State. Even though the permit is issued by the State, mining may not commence on Federal lands until the Secretary approves the mining plan pursuant to the requirements of the MLA and complies with the requirements of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et seq.*, and other applicable Federal laws, responsibility for which cannot be delegated to the State. Because of the timing requirements of NEPA, it is possible that the permit will be issued before the mining plan is approved by the Secretary.

B. OSM, at the request of Mining and Minerals, will assist as possible in the review of the permit application package or application for a permit revision or renewal and provide technical assistance to Mining and Minerals. OSM also will prepare the decision document and incorporate NEPA requirements when necessary. Responsibility for compliance with NEPA remains with OSM.

C. MMS will assist Mining and Minerals as arranged and will be the point of contact with the applicant on issues concerned exclusively with its regulations codified at 30 CFR Part 211.

D. The FLMA will assist Mining and Minerals as arranged and will determine whether the permit application or application for a permit revision or renewal provides for post-mining land use consistent with FLMA's land use plan and whether it provides sufficient protection for resources not covered by the Federal coal lease.

E. Other agencies specified by the Secretary will review the permit application package or application for a permit revision or renewal in regard to their responsibilities under Federal law.

As originally proposed in the **Federal Register**, Article VII referred to permit application packages and applications for permit revisions. OSM has modified this Article to include permit renewals. This modification was made as a logical addition to permit application packages or applications for a permit revision because section 506(d) of the Act and 30 CFR 741.23 specify that a validly issued permit shall carry with it the right of successive renewal upon expiration.

OSM has also modified Article VII to indicate that OSM, with the assistance of Mining and Minerals, will prepare the decision document for the Secretary. As originally proposed, Mining and Minerals was to have prepared a draft decision document, circulated it to appropriate Federal agencies for comment, and then prepared the final decision document after reviewing any comments received. The procedure was modified so that it is in accord with OSM policy as enunciated in the proposed revisions to the Federal lands regulations published on June 9, 1982 (47 FR 25092). This will result in a uniform

system for decision document preparation in all States with cooperative agreements. OSM preparation of the decision document will essentially consist of incorporating the NEPA compliance document with documents prepared by other Federal agencies and by Mining and Minerals.

At the public hearing held on June 20, 1982, OSM was asked to clarify actual responsibility for mining plan approval, permit approval and the relationship between the two. As was explained above, the State will approve the permit while the Secretary (whose authority for mining plan approval is delegated to the Assistant Secretary for Energy and Minerals) will approve the mining plan. The permit and the mining plan are distinct although they are based on some common elements. The approval of the permit by Mining and Minerals is based on Mining and Minerals' review of those elements of the permit application package required by the approved State program. The approval of the mining plan will be based on the decision document prepared by OSM with the assistance of Mining and Minerals. The decision document will include a technical analysis of the proposed mining operation, prepared by the State, and all other written findings required by the approved State program; a NEPA compliance document; concurrences from appropriate Federal agencies; and a brief, but comprehensive discussion of the need for the proposal and alternatives to the proposal. Under the cooperative agreement, it is no longer necessary for OSM to concur in approval of the permit as is generally required by the Federal lands regulations. Since the cooperative agreement was promulgated in accordance with the Administrative Procedure Act, 5 U.S.C. 551 *et seq.*, it supersedes in New Mexico the Federal lands regulations in 30 CFR 740–745 to the extent that those regulations are inconsistent. See 47 FR 25091, June 9, 1982, for proposed revisions of 30 CFR Parts 740–745.

At the public hearing, one commenter pointed out that, as proposed, the cooperative agreement specifies that OSM will assist Mining and Mineral in the review of the permit application package or application for permit revision or renewal "at the request" of Mining and Minerals. The commenter asked how OSM and the Department could perform their responsibilities under the cooperative agreement if Mining and Minerals fails to request assistance in the review.

The provision in question pertains to the review of the permit application package or application for permit revision or renewal. This review is the responsibility of Mining and Minerals and it is the responsibility of Mining and Minerals to request any assistance it may require. This provision, however, cannot and does not purport to prohibit OSM or the Department from reviewing the permit application package or application for a permit revision or renewal as necessary to fulfill their responsibilities under the cooperative agreement.

One commenter felt that the provisions allowing Mining and Minerals to determine the completeness of the permit application package or application for a permit revision or renewal, coordinate the technical review of the application by Federal agencies, help OSM develop the decision document, and issue the permit, permit revision, or permit renewal for surface coal mining and reclamation operations combined with the provisions to avoid duplication resulted in so much authority being delegated to the State that the provision of section 523(c) of the Act, reserving to the Secretary the authority to approve mining plans, had been violated. The Department disagrees. The cooperative agreement clearly reserves to the Secretary the review and approval authority over mining plans. Much of the data needed for the mining plan will be the same as required in the permit application and to that extent the Department will avoid duplicative efforts. If additional information is needed the Department will arrange with the appropriate State or Federal agency such as the MMS, to obtain the information.

Another commenter questioned whether Congress actually intended to delegate to the States authority to approve surface coal mining permits on Federal lands and suggested that Congress perhaps intended to delegate authority for other types of permits instead, such as exploration permits.

Both the Act and its legislative history clearly indicate that Congress intended that the authority to approve surface coal mining permits for Federal lands could be delegated in a cooperative agreement to the States with approved State programs.

Article VIII: Inspections

This Article specifies that Mining and Minerals must conduct inspections of Federal lands and prepare and file inspection reports in accordance with its approved State program.

Administrative provisions of this Article include designation of Mining and Minerals as the primary point of contact with the operator and a provisions for reasonable notice to the State prior to a Federal inspection.

The right of Federal and State agencies to conduct inspections for purposes outside the scope of the proposed cooperative agreement is not affected. In particular, this Article preserves the Department's obligation and authority to conduct inspections pursuant to 30 CFR Parts 743 and 842. The Article also expressly reserves the Secretary's right to conduct inspections without prior notice to the State to carry out his responsibilities under the Federal Act.

On general comment was received at the public hearing concerning Article VIII. The commenter stated that the Article appeared unwieldy, although he approved of the fact that OSM retains the right to make inspections when necessary.

OSM has reviewed the language in Article VIII and believes it is as simple as possible given the need to retain certain authority for the Secretary, while delegating the primary responsibility for inspections on Federal lands to Mining and Minerals.

One comment was received concerning the provision requiring Mining and Minerals to file inspection reports with OSM. The commenter suggested that Mining and Minerals also file inspection reports with the surface managing agency.

OSM declined to adopt the suggestion because it would result in Mining and Minerals having to send duplicate reports to Federal agencies. OSM will, instead, send copies of reports to the surface managing agency as appropriate.

Article IX: Enforcement

Article IX sets forth the enforcement obligations and authorities of OSM and Mining and Minerals. Mining and Minerals has primary enforcement authority on Federal lands in accordance with the requirements of the cooperative agreement and the approved State program.

This Article also specifies that the parties will consult prior to revoking or suspending a permit. The Secretary's obligation to enforce violations of Federal law other than the Act is preserved, as is OSM's authority to take enforcement action to comply with 30 CFR Parts 843 and 845. In taking such action, OSM will apply the performance standards contained in the approved State program, but will use the Federal procedures and penalty system. Federal procedures must be used because enforcement by OSM would be a Federal action and the Act provides for

specific procedures to be followed when OSM is the enforcement agency. These procedures must be followed to ensure that the rights of all parties are protected during the Federal enforcement proceedings.

One comment was received concerning the provision requiring Mining and Minerals to notify OSM of violations. The commenter suggested that Mining and Minerals also notify the surface managing agency. OSM declined to adopt the suggestion because it would result in duplicate reporting to Federal agencies. OSM will notify the surface managing agency of any violations as appropriate.

Article X: Bonds

Under this Article, Mining and Minerals will require each operator to submit a single performance bond to meet Federal and State requirements. The bond will be payable to the State and, if required by Federal regulations in Subchapter D, the United States. Mining and Minerals is required to obtain the consent of the Department prior to releasing or forfeiting an operator's performance bond. In addition to a performance bond, an operator still will be required to furnish a lease bond and a lessee protection bond. Bonding requirements of the MLA and other Federal laws appear at 30 CFR Part 742 and 43 CFR Subpart 3474.

No comments were received concerning this Article. However, OSM has modified the sentence in paragraph 23 which states that if the cooperative agreement is terminated, the bonds will revert to being payable only to the United States. OSM has added the phrase "to the extent that Federal lands are involved." The sentence now reads as follows: "If the cooperative agreement is terminated, the bonds will revert to being payable only to the United States to the extent that Federal lands are involved." This will insure that there is bond coverage for both State and private lands as well as Federal lands if the cooperative agreement should terminate and a single performance bond has been filed for an entire operation covering both Federal and non-Federal lands.

Article XI: Designation of Lands as Unsuitable

This Article describes the roles of Mining and Minerals and OSM in the review and processing of petitions to designate lands as unsuitable for surface coal mining operations on adjacent Federal and non-Federal lands. The authority to designate Federal lands as unsuitable is reserved to the Secretary or his designated representative. See 30 CFR 745.13. Petitions for designation on Federal lands must be filed in accordance with 30 CFR Part 769.

At the public hearing, a commenter asked if the Secretary actually makes the determinations on whether or not to designate Federal lands as unsuitable for surface coal mining pursuant to petition.

Actual determinations are made by the Director of OSM unless the Secretary specifically chooses to assume jurisdiction. Both the Act and the legislative history clearly state that the authority to designate Federal lands as unsuitable is reserved to the Secretary and cannot be delegated to the State. Decisions on petitions to designate Federal lands in New Mexico as unsuitable for surface coal mining will therefore be made by the Secretary or his designated representative within the Department and not by Mining and Minerals.

One comment was received concerning the provisions in paragraph 30 requiring Mining and Minerals to notify OSM of the receipt of a petition to designate non-Federal lands as unsuitable for mining when the designation could impact adjacent Federal lands. The commenter suggested that Mining and Minerals should also notify the Federal surface managing agency.

OSM declined to adopt the suggestion because it would result in an unnecessary duplication of effort for Mining and Minerals. Instead, OSM will notify the surface managing agency of any petitions that are received.

Article XII: Termination of Cooperative Agreement

Article XII provides for termination of the cooperative agreement in accordance with 30 CFR 745.15. No comments were received on this Article.

Article XIII: Reinstatement of Cooperative Agreement

Article XIII provides for reinstatement of the cooperative agreement under 30 CFR 745.16. No comments were received on this Article.

Article XIV: Amendment of Cooperative Agreement

Article XIV provides that the cooperative agreement may be amended by mutual agreement of the Governor and Secretary in accordance with 30 CFR 745.14. No comments were received on this Article.

Article XV: Change in State or Federal Standards

This Article recognizes that the Secretary or the State may from time to time promulgate new or revised performance or reclamation requirements, or enforcement and administration procedures, necessitating corresponding changes to the cooperative agreement. Changes made by the State would be made in accordance with 30 CFR Part 732 in order to be consistent with State program regulations. Changes made by the Secretary would be made in accordance with section 501 of the Act. No comments were received on this Article.

Article XVI: Changes in Personnel and Organization

As required by 30 CFR 745.12, this Article specifies that the State and the Department must advise each other of changes in the organization, structure, functions, duties and funds of the offices, departments, divisions, and persons within their organizations which could affect administration or enforcement of the cooperative agreement. No comments were received on this Article.

Article XVII: Definitions

This Article specifies which definitions apply. Basically, it adopts the definitions presently in force in the Act, OSM's permanent regulatory program and the State program. In the case of conflict, the State definition applies except in the case of a term which defines the Secretary's remaining responsibilities under the Act and other laws. No comments were received on this Article.

Article XVIII: Reservation of Rights

Article XVIII recognizes that the Act, 30 CFR 745.13 and other authorities prohibit the Secretary from delegating certain authorities to the State. Article XVIII states that the cooperative agreement shall not be construed as waiving or preventing the assertion of any rights not expressly addressed in the cooperative agreement or available to the parties under the authorities cited in Appendix A.

Pursuant to 30 CFR 745.13 and the terms of this Article, the Secretary reserves authority and responsibility for several MLA functions (e.g., release of lease bonds). Section 745.13 lists other specific responsibilities reserved to the Secretary. Among these responsibilities are the designation of Federal lands as unsuitable for surface coal mining operations and the termination of such

designations. Under section 523 of the Act and 30 CFR 745.13, the Secretary must retain authority to approve mining plans or significant modifications thereto on Federal lands. No comments were received on this Article.

The Department of the Interior also reserves the authority and responsibility for several specific functions which are an integral part of the permit application review procedures discussed earlier. These items include, but are not limited to, the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et seq.*; consultation requirements of the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531, *et seq.*; and section 106 of the National Historic Preservation Act of 1966, 16 U.S.C. 470f.

Compliance With NEPA

The Department and its member offices and bureaus must comply with NEPA, its implementing regulations, and the Department's own guidelines. See 40 CFR Part 1500, *et seq.* (regulations of the Council on Environmental Quality) and 45 FR 27541 (April 23, 1980) (Department of the Interior Notice of Final Revised Procedures). See also 45 FR 10043 (February 14, 1980) (Notice of Proposed Revised Instructions for the Office of Surface Mining). These authorities require the Department, prior to a decision on a permit application package on Federal lands, to prepare an environmental assessment or environmental impact statement. The current regulations at 30 CFR 745.13(b) do not allow the Secretary to delegate his NEPA duties to the States. However, the Secretary believes that this regulation does allow States to assist in preparation of NEPA documents (see 40 CFR 1506.3), with final action reserved to the Secretary so long as the Department is sufficently involved in the preparation of the NEPA document to form an independent judgment of the environmental impacts of the proposed action.

Endangered Species Act (16 U.S.C. 1536)

This Federal law requires that the Department take such steps as are necessary to insure that actions authorized, funded, or carried out by Federal departments and agencies do not jeopardize the continued existence of an endangered species, or result in the destruction or modification of a species' critical habitat. 16 U.S.C. 1536. See 50 CFR 402 (regulations on inter-agency cooperation under the Endangered Species Act). OSM's regulations at 30 CFR 745.13(m) provide that the Secretary's obligation to consult under section 7(a) of the Endangered Species Act regarding actions on Federal lands may not be delegated to a State.

National Historic Preservation Act (16 U.S.C. 470f)

Compliance with section 106 of the National Historic Preservation Act and its implementing regulations (36 CFR Part 800) is mandatory where the approval of mining on Federal lands may adversely affect sites, buildings, objects or districts which are listed on, or eligible for listing on, the National Register of Historic Places. Compliance is achieved through early consultation with and involvement of State Historic Preservation Officers and, in some cases, consultation with the Advisory Council on Historic Preservation.

OSM and the Department must also comply with Executive Order 11593, "Protection and Enhancement of the Cultural Environment" (May 13, 1971). Executive Order 11593 contains two principal requirements. First, with respect to properties not owned by the Federal government, agencies and departments must establish procedures for consultation with the Advisory Council on Historic Preservation on any Federal plans and programs affecting such properties. Second, the Order requires all Federal agencies and departments to inventory and nominate historic sites, buildings, districts and objects that are on Federal property and that may be eligible for inclusion on the National Register of Historic Places. Participation by all Federal agencies and departments insures that their areas of expertise are utilized.

Federal agencies must take measures to insure that proposed undertakings fulfill their responsibilities under section 106 of the National Historic Preservation Act of 1974, and that the Advisory Council on Historic Preservation is given an opportunity to comment on proposed treatment plans.

These responsibilities would be reserved to the Secretary under the cooperative agreement since they are not "expressly addressed" (Article XVI).

Floodplain Management and Wetland Protection

The Office of Surface Mining has published a general statement of policy which describes the existing procedural mechanisms for compliance with Executive Order 11988, Floodplain Management (May 24, 1977) and Executive Order 11990, Protection of Wetlands (May 24, 1977). See 45 FR 49872 (July 25, 1980). Secretarial approval of surface coal mining operations on Federal lands is discussed in that **Federal Register** notice at 45 FR 49872–73. As noted therein, the method and responsibility for compliance with these two Orders is to be a subject of the permanent program cooperative agreements under 30 CFR Part 745.

Since the cooperative agreement with New Mexico does not directly discuss compliance with these Orders, the obligation for compliance with them will remain with the Secretary and will not be delegated to New Mexico.

V. Procedural Matters Required for Promulgation of This Rule

1. Executive Order 12291 and Regulatory Flexibility Act

The Department has determined that this document is not a major rule and does not require a regulatory impact analysis under Executive Order 12291 because promulgation of a State-Federal cooperative agreement between the Department of the Interior and the State of New Mexico will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. The cooperative agreement should result in cost savings to the mining industry and lessen the burden of regulatory compliance. Further, the cooperative agreement will not result in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based interprises in domestic or export markets. The Department certifies that this document will not have a significant economic effect on a substantial number of small entities and therefore does not require a regulatory flexibility analysis under the Regulatory Flexibility Act, 5 U.S.C. 605(b). This certification was made based on an assessment of the probable impact of the cooperative agreement on small entities within the State. The Director has concluded that the effect of the cooperative agreement would be to reduce the cost and burden of complying with the Federal Lands Program found in 30 CFR Chapter VII, Subchapter D. The above findings were made by the Director, OSM and approved by the Assistant Secretary for Energy and Minerals. A copy is on file in the OSM Administrative Record Room, Room 5315, 1100 L Street, Washington, D.C. 20005.

2. Recordkeeping and Reporting Requirements

There are recordkeeping and reporting requirements in this rule which are the same as and required by the permanent

program regulations. Those regulations received clearance from the Office of Management and Budget under 44 U.S.C. 3507 and were assigned the following clearance numbers:

Location of Requirements and OMB Clearance Number

Article VI.9 (Required by 30 CFR Part 735), 1029–0013
Article VII.11 (Required by 30 CFR Part 741), 1029–0026
Article VII.14 (Required by 30 CFR Part 786), 1029–0041
Article VIII.18 (Required by 30 CFR Part 840), 1029–0051
Article X.27 (Required by 30 CFR Part 800), 1029–0043

3. National Environmental Policy Act

Proceedings relating to adoption of a permanent program cooperative agreement are part of the Secretary's implementation of the Federal Lands Program pursuant to section 523 of the Act. Such proceedings are, therefore, exempt under section 702(d) of the Act from the requirements to prepare an Environmental Impact Statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

4. Justification for Immediate Effective Date

The Department of the Interior finds, in accordance with section 553(d)(3) of the Administrative Procedure Act (5 U.S.C. 551 *et seq.)*, that good cause exists to make this final rule effective upon publication. Immediate implementation will result in the immediate elimination of dual administration of surface coal mining in New Mexico, resulting in efficiency and economy both to the State and the Federal government as well as to operators. Article II of the proposed cooperative agreement with New Mexico stated that the cooperative agreement would become effective upon publication in the **Federal Register** as a final rule. No comments were received on this provision and it has been adopted as proposed.

5. Indexing Requirements

List of Subjects in 30 CFR Part 931

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Accordingly, Part 931 of Chapter VII, Title 30 is amended as set forth herein.

Dated: November 24, 1982.

Daniel N. Miller Jr.,

Assistant Secretary for Energy and Minerals.

PART 931—[AMENDED]

1. Section 931.30 is added to read as follows:

§ 931.30 State-Federal cooperative agreement.

The State of New Mexico (State) acting through the Governor and the Department of the Interior (Department) acting through the Secretary enter into a Cooperative Agreement (Agreement) to read as follows:

Article I: Introduction and Purpose

1. This Agreement is authorized by section 523(c) of the Surface Mining Control and Reclamation Act (Federal Act), 30 U.S.C. 1273(c), which allows a State with a permanent regulatory program approved under 30 U.S.C. 1253 to elect to enter into an agreement with the Secretary for the regulation and control of surface coal mining and reclamation operations on Federal lands and by section 69–25A–27 NMSA 1978 of the Surface Mining Act (State Act).

The Agreement provides for State regulation of surface coal mining and reclamation operations on Federal lands within the State consistent with the State and Federal Acts, the State program (Program) (30 CFR Part 931) and the Federal Lands Program (30 CFR Parts 740–745). The term "Federal lands" is defined in the Federal Act and State and Federal regulations.

2. The purpose of this Agreement is to (a) foster State-Federal cooperation in the regulation of surface coal mining and reclamation operations; (b) eliminate intergovernmental overlap and duplication; and (c) provide uniformity by effective application of the State program to Federal lands in New Mexico.

Article II: Effective Date

3. This Cooperative Agreement is effective following signing by the Secretary and the Governor, and upon publication as a final rule in the **Federal Register.** This Agreement shall remain in effect until terminated as provided in Article XII.

Article III: Scope

4. This Agreement makes the laws, regulations, terms and conditions of the Program conditionally approved effective December 31, 1980 (30 CFR Part 931), or as hereinafter amended in accordance with 30 CFR 732.17, applicable to Federal lands within the State except as otherwise stated in this Agreement, the Federal Act, 30 CFR Part 745 or other applicable Federal laws. Orders and decisions issued in accordance with the Program by the Mining and Minerals Division (Mining and Minerals) of the New Mexico Energy and Minerals Department that are appealable shall be appealed to the State reviewing authority. Orders and decisions issued by the Department that are appealable shall be appealed to the Department of the Interior's Office of Hearings and Appeals.

Article IV: Responsibilities

5. Mining and Minerals is and shall continue to be the sole agency responsible for administering this cooperative agreement on behalf of the Governor on Federal lands throughout the State. Mining and Minerals has and shall continue to have authority under State law to carry out this Agreement. The Office of Surface Mining (OSM) of the Department of the Interior shall administer this Agreement of behalf of the Secretary in accordance with the regulations in 30 CFR Chapter VII.

6. To eliminate duplication and overlap, the State will assume the primary responsibility for the review and analysis of permit applications and applications for permit revisions or renewals, subject to legal restrictions, including those limitations in 30 U.S.C. 1272(b) and 1273 and in 42 U.S.C. 4321–4335. The State shall have the necessary personnel to fully implement this Agreement in accordance with the provisions of the Federal Act and the Program.

Article V: Funding

7. The State will devote adequate funds to the administration and enforcement of this Agreement of Federal lands within the State. If this Agreement has been carried out, and subject to appropriations, the Department shall provide the State with funds to defay the costs associated with carrying out responsibilities under this Agreement, as provided in 30 U.S.C. 1295(c) and 30 CFR 735.16. Reimbursement shall be in the form of annual grants, and applications for said grants shall be processed and awarded in a timely and prompt manner.

If sufficient funds have not been appropriated to OSM, OSM and Mining and Minerals shall promptly meet to decide on appropriate measures that will insure that mining operations are regulated in accordance with the Program.

Funds provided to the State shall be adjusted in accordance with Office of Management and Budget (OMB) Circular A–102, Attachment E.

Article VI: Reports, Fees and Equipment

8. Mining and Minerals shall make annual reports to OSM containing information respecting its compliance with the terms of this Agreement pursuant to 30 CFR 745.12(c). The State and OSM shall exchange, upon request, except where prohibited by Federal law, information developed under this Agreement. OSM shall provide Mining and Minerals with a copy of any final evaluation report prepared concerning State administration and enforcement of this Agreement.

9. The amount of the fee accompanying an application for a permit shall be determined in accordance with New Mexico Coal Surface Mining Commission Rule 80–1, Part 5–25. All permit fees shall be retained by the State and deposited with the State Treasurer in the Oil and Gas Conservation Fund. The Financial Status Report submitted pursuant to 30 CFR 735.26 shall include a report of the amount of fees collected during the prior State fiscal year.

10. Mining and Minerals will assure itself access to equipment, laboratories and facilities with which all inspections, investigations, studies, tests and analyses can be performed, and which are necessary to carry out the requirements of this Agreement.

Article VII: Permit Application Package

11. Mining and Minerals and OSM shall require an operator on Federal lands to submit a permit application package or an application for a permit revision or renewal in an appropriate number of copies to Mining and Minerals. Any documentation or information submitted by the operator for the sole purpose of complying with the 3-year requirement of section 7(c) of the Mineral Leasing Act of 1920, 30 U.S.C. 181 *et seq.*, will be forwarded to the Minerals Management Service (MMS). If such documentation is submitted as part of a permit application package, a copy of the entire package will be forwarded to MMS.

The permit application package or application for a permit revision or renewal shall be in the form required by Mining and Minerals, shall satisfy the requirements of 30 CFR 741.12(b) and 30 CFR 741.13, and shall include the information required by, or necessary for, Mining and Minerals and the Secretary to make a determination of compliance with:

(a) Section 69-25A-1, *et seq.*, NMSA 1978;

(b) New Mexico Coal Surface Mining Commission Rule 80-1;

(c) Applicable terms and conditions of the Federal coal lease;

(d) Applicable requirements of the 30 CFR Part 211 regulations pertaining to the Mineral Leasing Act requirements; and

(e) Applicable requirements of the approved Program and other Federal laws including, but not limited to, those identified in 30 CFR Chapter VII, Subchapter D and Appendix A of this Agreement.

12. Mining and Minerals shall assume the primary authority pursuant to sections 510(a) and 523(c) of the Federal Act for the analysis, review, and approval of the permit application or application for a permit revision or renewal according to the standards of the Program. OSM shall assist Mining and Minerals in the analysis of the permit application or application for a permit revision or renewal according to the procedures set forth in Appendix B. The Department shall concurrently carry out its responsibilities under the Mineral Leasing Act, as amended (MLA), the National Environmental Policy Act (NEPA), and other public laws (including but not limited to those in Appendix A) that cannot, under the Federal Act, be delegated to the State. The Department shall carry out these responsibilities according to the procedures set forth in Appendix B so as to avoid, to the maximum extent possible, duplication of the responsibilities of the State set forth in this Agreement and the State Program. The Secretary will consider the information in the permit application package and, where appropriate, make the decisions required by the Federal Act, MLA, NEPA and other public laws listed above.

13. Mining and Minerals shall be the primary point of contact with the operator. The Department will independently initiate contacts with the applicant regarding permit application packages or applications for a permit revision or renewal only where necessary to carry out its statutory responsibilities. When such action may generate correspondence with the applicant, a copy of all correspondence with the applicant that may have a bearing on decisions regarding the mining operation shall be sent to Mining and Minerals.

14. Mining and Minerals shall maintain a file of all original correspondence with the applicant and any information received from the applicant which may have a bearing on decisions regarding the permit application package or application for a permit revision or renewal. At the request of the Secretary or his designated agents, Mining and Minerals shall make available the Mining and Minerals files and send copies of such correspondence and information when requested to do so.

15. To the fullest extent allowed by State and Federal law, OSM and Mining and Minerals shall cooperate so that duplication will be eliminated in conducting the review and analysis of the permit application package or application for a permit revision or renewal.

16. Mining and Minerals will review the permit application or application for a permit revision or renewal under sections 11-11 through 11-29 of the New Mexico Coal Surface Mining Commission Rule 80-1.

Article VIII: Inspections

17. Mining and Minerals shall conduct inspections on Federal lands and prepare and file inspection reports in accordance with its Program.

18. Mining and Minerals shall, subsequent to conducting any inspection on Federal lands, file with OSM on a timely basis, an inspection report adequately describing (1) the general conditions of the lands; (2) the manner in which the operations are being conducted; and (3) whether the operator is complying with applicable performance and reclamation requirements.

19. Mining and Minerals will be the point of contact and primary inspection authority in dealing with the operator concerning operations and compliance with the requirements covered by this Agreement, except as described hereinafter. Nothing in this Agreement shall prevent inspections by authorized Federal agencies for purposes other than those covered by this Agreement.

20. The Department may conduct any inspections necessary to comply with 30 CFR Parts 842 and 743.

21. Except as provided below, the Secretary shall give Mining and Minerals reasonable notice of his intent to conduct an inspection in order to provide State inspectors an opportunity to join in the inspection. The Secretary reserves the right to conduct inspections without prior notice to Mining and Minerals to carry out his responsibilities under the Federal Act.

Article IX: Enforcement

22. Mining and Minerals shall be the primary enforcement authority under the Federal Act concerning compliance with the requirements of this Agreement and the Program. Enforcement authority of the Secretary under other laws and orders including, but not limited to, those listed in Appendix A is reserved to the Secretary.

23. During any joint inspection by OSM and Mining and Minerals, Mining and Minerals shall have primary responsibility for enforcement procedures, including issuance of orders of cessation, notices of violation and assessment of penalties. OSM and Mining and Minerals shall consult prior to issuance of any decision to suspend or revoke a permit.

24. Mining and Minerals and OSM shall promptly notify each other of all violations of applicable laws, regulations, orders, approved mining plans and permits subject to this Agreement and of all actions taken with respect to such violations.

25. During any inspection made solely by OSM or any joint inspection where Mining and Minerals and OSM fail to agree regarding the propriety of any particular enforcement action, OSM may take any enforcement action necessary to comply with 30 CFR Parts 843 and 845.

Such enforcement action shall be based on the performance standards included in the regulations of the Program, and the procedures and penalty system contained in 30 CFR Parts 843 and 845. This Agreement does not limit the Department's authority to enforce violations of standards and requirements of Federal laws other than the Federal Act.

26. Personnel of the State and the Department shall be mutually available to serve as witnesses in enforcement actions taken by either party.

Article X: Bonds

27. For all surface coal mines on Federal lands, Mining and Minerals and the Secretary shall require all operators to submit a single performance bond to cover the operator's responsibilities under the Federal Act and the Program, payable to the State, and if required by Federal regulations in Subchapter D, the United States. The performance bond shall be of sufficient amount to comply with the requirements of both State and Federal law and release of the bond shall be conditioned upon compliance with all applicable State and Federal requirements. If the cooperative agreement is terminated, the bonds will revert to being payable only to the United States to the extent that Federal lands are involved. Submission of a performance bond does not satisfy the requirements for a Federal lease bond required by 43 CFR 3474 or a lessee protection bond required in addition to a performance bond, in certain circumstances, by section 715 of the Federal Act.

28. Prior to releasing the operator from an obligation under the performance bond required by the Program for any Federal lands, Mining and Minerals shall obtain the consent of OSM. Mining and Minerals shall also advise OSM of adjustments to the performance bond.

29. The operator's performance bond shall be subject to forfeiture with the consent of the Department, in accordance with the procedures and requirements of the Program.

Article XI: Designating Land Areas Unsuitable for All or Certain Types of Surface Coal Mining

30. Mining and Minerals and the Director shall cooperate with each other in the review and processing of petitions to designate lands as unsuitable for surface coal mining operations. When either agency receives a petition that could impact adjacent Federal or non-Federal lands, the agency receiving the petition shall (1) notify the other of receipt and of the anticipated scheduled for reaching a decision; and (2) request and fully consider data, information and the views of the other.

The authority to designate State and private lands as unsuitable for mining is reserved to the State. The authority to designate Federal lands as unsuitable for mining is reserved to the Secretary or his designated representative.

Article XII: Termination of Cooperative Agreement

31. This Agreement may be terminated by the State or the Department under the provisions of 30 CFR 745.15.

Article XIII: Reinstatement of Cooperative Agreement

32. If this Agreement has been terminated in whole or in part it may be reinstated under the provisions of 30 CFR 745.16.

Article XIV: Amendments of Cooperative Agreement

33. This Agreement may be amended by mutual agreement of the State and the Department. An amendment proposed by one party shall be submitted to the other with a statement of the reasons for such proposed amendment. The amendment shall be adopted after Federal rulemaking in accordance with 30 CFR 745.11. The party to whom the proposed amendment is submitted shall signify its acceptance or rejection of the proposed amendment, and if rejected shall state the reasons for rejection.

Article XV: Changes in State or Federal Standards

34. The Department or the State may from time to time promulgate new or revised performance or reclamation requirements or enforcement and administration procedures. Each party shall, it it determines it to be necessary to keep this Agreement in force, change or revise its regulations and request necessary legislative action. Such changes shall be made under the procedures of 30 CFR Part 732 for changes to the State Program, and under the procedures of section 501 of the Federal Act for changes to the Federal Lands Program.

35. The State and the Department shall provide each other with copies of any changes to their respective laws, rules, regulations and standards pertaining to the enforcement and administration of this Agreement.

Article XVI: Changes in Personnel and Organization

36. The State and the Department shall, consistent with 30 CFR 745.12, advise each other of changes in the organization, structure, functions, duties and funds of the offices, departments, divisions and persons within their organizations. Each shall promptly advise the other in writing of changes in key personnel, including the head of a department or division, or changes in the functions or duties of persons occupying the principal offices within the structure of the Program. The State and the Department shall advise each other in writing of changes in the location of offices, addresses, telephone numbers and changes in the names, locations and telephone numbers of their respective mine inspectors and the area within the State for which such inspectors are responsible.

Article XVII: Definitions

37. Terms and phrases used in this Agreement which are defined in the Federal Act, 30 CFR 700, 701, and 740, and defined in the New Mexico Surface Mining Act (69-25A-1, *et seq.*, NMSA 1978) and the rules and regulations promulgated pursuant to that Act, shall be given the meanings set forth in said definitions. Where there is a conflict between the above referenced State and Federal definitions, the definitions used in the approved Program will apply, except in the case of a term which defines the Secretary's remaining responsibilities under the Federal Act and other laws.

Article XVIII. Reservation of Rights

38. In accordance with 30 CFR 745.13, this Agreement shall not be construed as waiving or preventing the assertion of any rights that have not been expressly addressed in this Agreement that the State or the Secretary may have under other laws or regulations, including but not limited to those listed in Appendix A.

Dated: December 7, 1982.

Bruce King,

Governor of New Mexico.

Dated: November 24, 1982.

James G. Watt,

Secretary of the Interior.

Appendix A

1. The Federal Land Policy and Management Act, 43 U.S.C. 1701, *et seq.*, and implementing regulations.

2. The Mineral Leasing Act of 1920, 30 U.S.C. 181, *et seq.*, and implementing regulations including 30 CFR Part 211.

3. The National Environmental Policy Act of 1969, 42 U.S.C. 4321, *et seq.*, and implementing regulations including 40 CFR Part 1500 *et seq.*

4. The Endangered Species Act, 16 U.S.C. 1531 *et seq.*, and implementing regulations including 50 CFR Part 402.

5. The National Historic Preservation Act of 1966, 16 U.S.C. 470 *et seq.*, and implementing regulations including 36 CFR Part 800.

6. The Clean Air Act, 42 U.S.C. 7401, *et seq.*, and implementing regulations.

7. The Federal Water Pollution Control Act, 33 U.S.C. 1251, *et seq.*, and implementing regulations.

8. The Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 *et seq.*, and implementing regulations.

9. The Reservoir Salvage Act of 1960, as amended by the Preservation of Historical and Archaeological Data Act of 1974, 16 U.S.C. 469 *et seq.*

10. Executive Order 11593, Cultural Resource Inventories on Federal Lands.

11. Executive Order 11988 for Flood Plain Protection. Executive Order 11990 for Wetlands Protection.

12. The Mineral Leasing Act for Acquired Lands, 30 U.S.C. 351, *et seq.*, and the implementing regulations.

13. The Stock Raising Homestead Act of 1916, 43 U.S.C. 291, *et seq.*

14. The Constitution of the United States.

15. The Constitution of the State and State law.

Appendix B—Procedure for Cooperative Review of Permit Application Packages and Applications for Permit Revisions or Renewals for Federal Coal Mines in New Mexico

I: Point of Contact and Coordination During the Review of Permit Application Packages and Applications for Permit Revisions and Renewals

A. The New Mexico Mining and Minerals Division (Mining and Minerals) will:

1. Be the point of contact and coordinate communications with the applicant on issues concerned with the development, review and approval of permit application packages or applications for permit revisions or renewals, except on issues concerned with the requirements of the Mineral Leasing Act of 1920 (MLA), 30 U.S.C. 181, *et seq.*, or National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, and the requirements of other Federal laws not addressed in the applications.

2. Communicate with the applicant on issues of concern to the appropriate Federal land management agency (FLMA) and immediately advise FLMA and OSM of such issues and communication.

3. Communicate with the applicant on issues of concern to the Office of Surface Mining (OSM), and immediately advise OSM of such issues and communications.

4. Communicate with the applicant on issues of concern to the Minerals Management Service (MMS) and immediately advise MMS and OSM of such issues and communications as they pertain to the application.

5. Communicate with the applicant on issues of concern to other agencies within the Department of the Interior, as appropriate, and immediately advise such agencies of such issues and communications.

6. Provide OSM with a copy of each apparent completeness review upon completion.

B. MMS will:

1. Receive any documentation required by the 30 CFR Part 211 regulations.

2. Be the point of contact with the applicant on issues concerned exclusively with the 30 CFR Part 211 regulations.

3. Provide Mining and Minerals and OSM with copies of pertinent correspondence.

C. OSM will: Be responsible for ensuring that any information OSM receives which has a bearing on decisions regarding the permit application package or application for

a permit revision or renewal is sent promptly to Mining and Minerals.

II: Receipt and Distribution of Permit Application Packages and Applications for Permit Revisions and Renewals

A. Mining and Minerals will:

1. Receive the permit application package, the application for a permit revision or renewal or the correspondence from the applicant and transmit an appropriate number of copies to FLMA, MMS, OSM and other agencies specified by the Secretary after the application has been filed. Such transmittal will include a request for a conference on the submissions, as needed.

2. Identify an application manger responsible for coordinating the review and notify OSM, MMS and FLMA as necessary.

3. Upon receipt of an application, meet with OSM to discuss the application and agree upon a schedule, and, when Mining and Minerals requests assistance, agree upon a work plan with OSM.

B. OSM, MMS and FLMA will: Identify an application manager upon receipt of the application and notify Mining and Minerals of the identity of the application manager.

III: Determination of Completeness

Mining and Minerals will:

1. Determine the completeness of a permit application package or application for a permit revision or renewal.

2. Issue public notice of the availability of complete applications for the public to review in accordance with the public review procedure set forth in New Mexico Coal Surface Mining Commission Rule 80–1, Part 11.

IV: Determination of Preliminary Findings of Substantive Adequacy

A. Mining and Minerals will:

1. Consult with MMS, FLMA, OSM, and other Federal agencies specified by the Secretary to review the filed application for preliminary findings of substantive adequacy (henceforth "preliminary findings") and to assess the need for additional data requirements in their respective areas of responsibility.

2. Arrange meetings and field examinations with the interested parties as necessary to determine the preliminary findings.

3. Advise the applicant of the preliminary findings upon the advice and consent of FLMA, MMS, OSM and other Federal agencies specified by the Secretary.

4. Transmit the letter(s) informing the applicant of the preliminary findings, with copies to FLMA, OSM, MMS and other agencies specified by the Secretary.

5. When requested, furnish the Director with copies of correspondence with the applicant and all information received from the applicant.

B. OSM will:

1. Review the permit application package or application for a permit revision or renewal for preliminary findings and, at the request of Mining and Minerals, provide technical assistance as possible.

2. Furnish Mining and Minerals with preliminary findings within 45 calendar days of receipt of the permit application package or application for a permit revision or renewal and specify any requirements for additional data.

3. No later then 30 days from notification of completeness, initiate NEPA compliance procedures and determine the need for an Environmental Assessment or an Environmental Impact Statement.

4. Publish notices of NEPA documents as required by Federal law and regulations.

5. Participate, as arranged, in meetings and field examinations.

C. FLMA will:

1. Review the permit application package or application for permit revision or renewal for preliminary findings as to whether the applicant's proposed postmining land use is consistent with FLMA's land use plan, and the adequacy of measures to protect Federal resources not covered by the rights granted by the Federal coal lease.

2. Furnish Mining and Minerals with preliminary findings within 45 calendar days of receipt of the permit application package or application for a permit revision or renewal and specify any requirements for additional data.

3. Participate, as arranged, in meetings and field examinations.

D. MMS will:

1. Review the permit application package or application for a permit revision or renewal in regard to MLA requirements.

2. Furnish Mining and Minerals with the preliminary findings within 45 calendar days of receipt of the permit application package or application for a permit revision or renewal and specify any requirements for additional data.

3. Participate, as arranged, in meetings and field examinations.

E. Other agencies specified by the Secretary will:

1. Review the permit application package or application for a permit revision or renewal for preliminary findings in regard to their responsibilities under law.

2. Furnish Mining and Minerals with preliminary findings within 45 calendar days of receipt of the application and specify any requirements for additional data.

3. Participate, as arranged, in meetings and field examinations.

V: Findings of Technical Adequacy and NEPA Compliance

A. Mining and Minerals will:

1. Develop and coordinate the technical review of permit application packages or applications for a permit revision or renewal. The review will include representatives of Mining and Minerals, MMS, FLMA, OSM and other Federal agencies specified by the Secretary as appropriate.

2. Coordinate with OSM, for the purpose of eliminating duplication, and provide to OSM a complete technical analysis of the permit application or application for permit revision or renewal pursuant to the Federal Act and the Program that will serve as the technical base for an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) as may be required by NEPA for each permit application package or application for a permit revision or renewal.

3. Coordinate with MMS, for the purpose of eliminating duplication, to conduct a technical analysis that will assist MMS in making findings as may be necessary to determine compliance with the MLA.

4. Coordinate with FLMA, for the purpose of eliminating duplication, to conduct a technical analysis of issues regarding postmining land use and the adequacy of measures to protect Federal resources not covered by the rights granted by the Federal coal lease.

5. Coordinate with other agencies specified by the Secretary, for the purpose of eliminating duplication, to conduct technical analyses of issues within their jurisdiction.

B. OSM will:

1. At the request of Mining and Minerals, assist as possible in the review of the permit application package or application for a permit revision or renewal for technical adequacy in a timely manner as set forth by a schedule developed by Mining and Minerals in cooperation with OSM.

2. Take the leadership role for the development of the EA and/or EIS.

C. MMS will:

1. Review the permit application package or application for a permit revision or renewal for compliance with 30 CFR Part 211.

2. Furnish Mining and Minerals, through OSM, findings on compliance with 30 CFR Part 211 in a timely manner as set forth by a schedule developed by Mining and Minerals in cooperation with MMS.

3. Participate, as arranged, in meetings and field examinations.

D. FLMA will:

1. Determine whether the permit application package or application for a permit revision or renewal provides for postmining land use consistent with FLMA's land use plan and determine the adequacy of measures to protect Federal resources not covered by the rights granted by the Federal coal lease.

2. Furnish Mining and Minerals, through OSM, its determination on the technical adequacy in a timely manner as set forth by a schedule developed by Mining and Minerals in cooperation with FLMA.

3. Participate, as arranged, in meetings and field examinations.

E. Other agencies specified by the Secretary will:

1. Review the permit application package or application for a permit revision or renewal in regard to their responsibilities under law.

2. Furnish Mining and Minerals, through OSM, findings on compliance with other applicable Federal laws and regulations in a timely manner as set forth by a schedule developed in cooperation with Mining and Minerals.

3. Participate, as arranged, in meetings and field examinations.

VI: Preparation and Transmittal of the Decision Document

A. Mining and Minerals will:

1. Assist OSM in the preparation of the decision document for the permit application package or application for a permit revision or renewal, unless the work plan and schedule agreed upon provide otherwise. Mining and Minerals will provide OSM with:

a. A recommendation on the proposal;

b. A finding of compliance with the Program as approved by the Secretary and the regulations promulgated thereunder, which will consist of an analysis of critical issues raised during the course of the review and the resolution of those issues; and

c. All other specific written findings required under section 69–25A–14, NMSA 1978.

2. Consider the comments of OSM, MMS and FLMA and other appropriate Federal agencies when assisting in the preparation of the decision document.

B. OSM will:

1. Prepare the approved NEPA compliance document.

2. Prepare the decision document with the assistance of Mining and Minerals unless the work plan and schedule agreed upon provide otherwise. The decision document shall contain the following:

a. An analysis of the enviromental impacts of the proposal and alternatives to the proposal, prepared in compliance with NEPA, the Council on Environmental Quality regulations and OSM's NEPA compliance handbook;

b. The determinations and recommendations of FLMA;

c. The memorandum of recommendation from the MMS to the Assistant Secretary of the Interior for Energy and Minerals, with regard to MLA requirements;

d. The incorporation of the comments of other agencies specified by the Secretary, as appropriate; and

e. The relevant information submitted by Mining and Minerals as specified by A.1 of this Article.

3. Transmit the decision document to the Secretary.

C. FLMA will: Provide written concurrence on the final decision document to OSM with regard to postmining land use and the adequacy of measures to protect Federal resources not covered by rights granted by any Federal coal lease.

D. MMS will: Provide written concurrence on the final decision document to OSM with regard to its responsibilities.

E. Other agencies will: Provide written concurrence on the final decision document to OSM with regard to their responsibilities.

VII: Decision and Permit Issuance

A. The Secretary will:

1. Evaluate the analysis, conclusions, and recommendations in the decision document as necessary to determine whether he approves or disapproves.

2. Inform Mining and Minerals immediately of his decision. Where the Secretary decides not to approve, the reasons for not approving, and recommendations for remedy shall be specified.

B. Mining and Minerals will:

1. Issue the permit, revised permit, or permit renewal for surface coal mining and reclamation operations after making a finding of compliance with the approved Program in the manner set forth in this Agreement.

2. Advise the operator, in the permit, of the necessity of obtaining Secretarial approval for those statutory requirements which have not been delegated to the State prior to directly affecting Federal lands and, if necessary, prohibit the operator from directly affecting Federal lands under the permit, revised permit, or permit renewal until after the Secretary's approval of the mining plan has been received.

3. Reserve the right to modify the permit, revised permit or permit renewal to conform with the Secretary's decision if a permit, revised permit, or permit renewal has been issued prior to receipt of the Secretary's decision.

VIII: Resolution of Conflict

A. Every effort will be made to resolve errors, omissions and conflicts on data and data analysis at the State and field level.

B. Areas of disagreement between the State and the Department shall be referred to the Governor and the Secretary for resolution.

(Sec. 523(c) of the Surface Mining Control and Reclamation Act of 1977; Pub. L. 95–87; (30 U.S.C. 1273(c)))

[FR Doc. 82–34325 Filed 12–17–82; 8:45 am]

BILLING CODE 4310–05–M

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

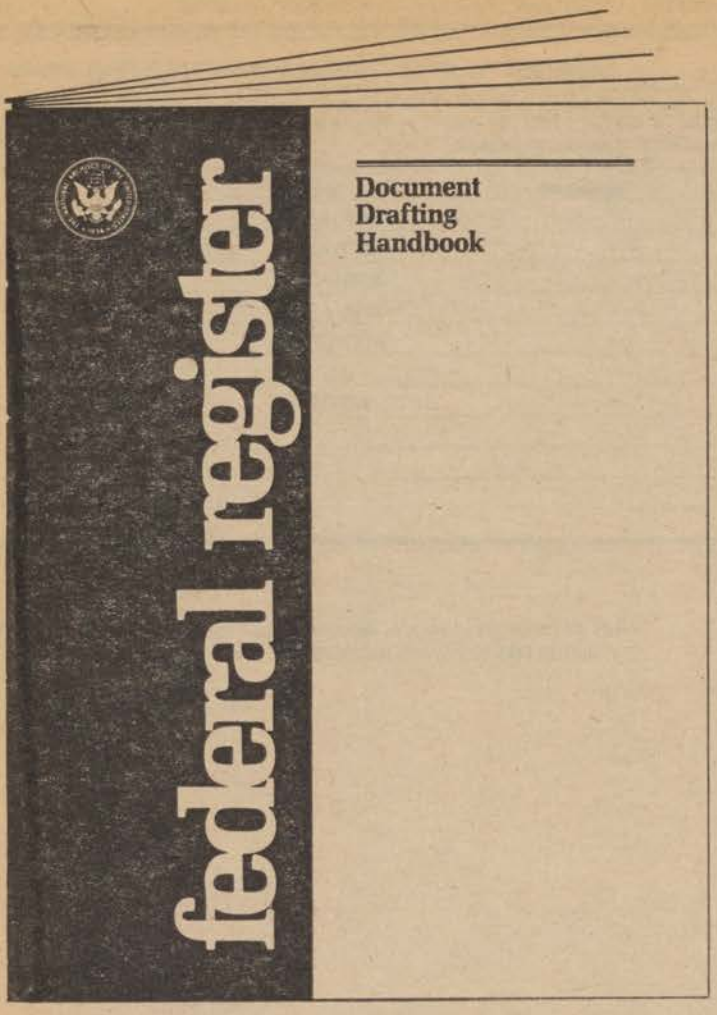
The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

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



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